

ŽENA ZA S ŽENAMA

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udruženje
banjaluka, BiH

UZ PODRŠKU KVINNA TILL KVINNA FONDACIJE ŠVEDSKA

ŽENA DANAS

9. CIKLUS

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Banja Luka, Januar 2006.



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Lidija Živanović



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UVOD

Pred vama je još jedna publikacija koja sadrži pregled svih aktivnosti koje su tokom 2005. u okviru projekta "Žena danas" realizovali aktivisti i aktivistkinje nevladinih organizacija "Udružene žene" i "Helsinški parlament građana" iz Banjaluke.

Cilj projekta je eliminacija svih oblika diskriminacije žena i stvaranje okruženja u kojem će žene i muškarci imati iste mogućnosti.

Projekat realizujemo već devet godina zahvaljujući podršci Fondacije Kvinna till Kvinna.

U ovoj publikaciji objavljujemo tekstove uvodnih izlaganja sa tribina i regionalne konferencije, održanih tokom 2005. godine. Na ovim skupovima tretirane su različite teme od životne važnosti za demokratizaciju našeg društva, te za jačanje društvene uloge žena. U okviru ciklusa tribina pod nazivom "Aktuelni trenutak" obrađene su teme o politikama u Bosni i Hercegovini – uticajima i odgovornostima, problemima uvođenja poreza na dodanu vrijednost, analizirali Izborni zakon u svjetlu Zakona o ravnopravnosti polova, ustavne promjene u BiH u svjetlu evropskih integracija, razgovarali o problemu nasilja u porodici.

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JAVNE TRIBINE

AKTUELNI TRENUTAK

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POLITIKE U BIH – UTICAJI I ODGOVORNOSTI

UVOD: TEORIJSKA RAZMATRANJA

Iako je tema ovog izlaganja izuzetno precizna (ali i sveobuhvatna): Politike u BiH – uticaji i odgovornosti, ne mogu, a da ne skrenem pažnju na nekoliko opštih mjesta, koja se meni čine bitnima, a koja naravno mogu doprinijeti boljem razumijevanju politika u nas.

Na ovom mjestu poslužiću se citatom poznatog beogradskog profesora Đure Šušnjića, koji je, pišući o knjizi sociologa Čedomira Čupića, napisao sljedeće: "Platon je bio prvi, a čini se i posljednji, koji je zahtevao da umni vladaju svetom: po tome se vidi da je on bio idealista. Jer u njegovo vreme baviti se politikom i činiti dobro bilo je isto. Istinska politika moguća je tamo gde joj u temelju leži etika. Ovaj stari pojam politike važio je do prošlog veka, a onda je zamenjen novim: suština politike je nemilosrdna borba oko raspodele i kontrole društvene moći! Baviti se politikom i činiti zlo – isto je. Odvajanje politike od etike tragično je: sada politika stvarno deluje kao da etička načela i ne postoje. Tako je politički život u stvari obesmišljen. Možda je danas politički život jedini koji čoveka moralno unakažava i duhovno siromaši: lepa ličnost i uzvišena misao ne mogu se ovde sresti".¹ Naravno da mi nije namjera nekome ogaditi politiku, ali bojim se da živimo u zajednici u kojoj je očigledna zloupotreba politike. Sociolozi za takve zajednice kažu da se politike upotrebljavaju za manipulisanje i iznerviranje. "Većina u takvim političkim zajednicama upada u duboku apatiju i rezigniranost, a manjina na vlasti se učvršćuje, stabilizuje, žoperiše i teroriše".²

Često čujemo zamjerku, čak i od strane politike, da je naša javnost apatična i letargična, te da se ponaša kao da se sve to njoj ne dešava, a možda baš taj razlog rezigniranosti leži u zloupotrebi od strane politike. Zašto ovdje uvodim javnost? Zbog toga što je demokratska politika javna politika. Barem bi trebalo da bude. "Javnost u demokratskoj politici podrazumijeva slobodu, otvorenost, trezvenost, toleranciju, kritičko preispitivanje, saglasnost u zajedničkim odlukama i akcijama. To nije samo javnost većine već, pre svega, javnost različitosti. U takvom konceptu javnost ne teroriše nikoga – pa ni manjinu".³

"Niti sloboda može bez javnosti, niti javnost bez slobode. I za jednu i za drugu potreban je govor i um". Tako su govor i um⁴, sloboda i javnost "uzajamno upućeni jedni na druge". A "njihov politički prostor je demokratija".⁵

O javnosti kod nas pisao je Enes Osmančević, koji kaže da javnost u BiH postoji tek u

1 Đuro Šušnjić u knjizi "Politika i zlo" Čedomira Čupića, "Čigoja štampa" Fakultet političkih nauka Beograd

2 Čedomir Čupić, "Politika i zlo", "Čigoja štampa" Fakultet političkih nauka Beograd, 1997., str. 23

3 Čedomir Čupić, "Politika i zlo", "Čigoja štampa" Fakultet političkih nauka Beograd, 1997., str. 29

4 vidjeti pojašnjenje na kraju teksta

5 Ljubomir Tadić, "Ogled u javnosti", Univerzitetska riječ, Nikšić 1987, str. 28



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svom embrionalnom obliku kao neka latentna javnost, koja se u svom samorazvitku oslanja na tradicionalne medije.⁶

"Dodatni problem u Bosni i Hercegovini je šematizirana i tipizirana podjela inače slabo razvijene tradicionalne javnosti u tri nacionalno determinirane javnosti, između kojih postoji malo interakcije. Svaka od ovih javnosti struktura se, konfrontira i postaje saglasna unutar sebe same".⁷

Zapravo, u ovom uvodnom i opštem (više teoretskom dijelu) želim ukazati na svojevrstan paradoks politike. Istorija nam pokazuje da je politika nanijela više zla nego dobra ljudima. Ali, isto tako ne smijemo zaboraviti ni činjenicu da je upravo politika ljudima omogućavala da odrastaju, postanu otporniji prema životnim nedaćama. Ona je omogućila stvaranje određenih pravila, kontrolnih mehanizama i instrumenata kako bi se ljudi odbranili od zla. Šta mi kao pojedinci možemo uraditi? Često čujemo kako su pojedinci kao takvi nemoćni i da im se teško suprotstaviti svakodnevnom zlu, pogotovo onome u politici. Ne znam i nemam recept. Možda ću se zakloniti iza Leška Kolakovskog koji preporučuje da svako od nas obuzda zlo u sebi, jer na taj način pridonosi njegovom obuzdavanju u zajednici. Ne mislim da ćemo time riješiti problem, ali ćemo svakako učiniti jedan korak ka podnošljivijem životu.

Sama riječ politika je grčkog porijekla. Izvodi se iz riječi polis koja označava grad-državu. Kasnije su iz te riječi izvedeni izrazi "politeia", "politika", "politike".

Antičko značenje politike – politički život antičkih Grka, javni život i sloboda antičkog čovjeka odvijali su se u polisu. Za antičke Grke politički život bio je javni, djelatni, praktični život. "Djelatno živeti značilo je tragati za onim što je dobro, pravedno i korisno za celu zajednicu. Pošto je ovo traganje stvar svih članova zajednice, tačnije svih (slobodnih) građana – opšta stvar – ono nije moguće bez jedne posebne veze među njima. Ta veza data je u govoru ('logos'). Tako su praxis i logos neposredno upućeni jedan na drugog: nema dela bez reči. Govor je, prema tome, sredstvo međusobnog uticaja, saobraćanja i sporazumevanja. Za stare narode nije bilo politike u pravom smislu koja nije posredovana govorom, razgovorom ili dogovorom. Zato je razgovor ('dijalog') pravi oblik političkog mišljenja i pravi način političkog opštenja. Biti u polisu i delovati u njemu značilo je, prema tome, putem razgovora i dogovora urediti sve zajedničke poslove, i to ne samo bez upotrebe materijala i stvari, nego i bez upotrebe prinude i nasilja. Stari Grci su smatrali da je sila nema, te je, kao način ophođenja među ljudima, ispod nivoa politike".⁸

Politika je za antičke Grke bila pojam za organizovani javni život ljudi, njen cilj opšte dobro, pravda, korist i odgajanje karaktera slobodnih ljudi.

Novovjekovno značenje politike – Za razliku od antičkog (vrednosnog) određenja politike u novovjekovnom ono je tehničko, kalkulatивно: "Politika se počela baviti pitanjem korektno izračunatih pravila, odnosa i ustanova, tj. problemima jednog mehanizma kojim se moglo instrumentalno ovladati, tj. postići optimalno efikasne rezultate u vršenju političkog zanata ili majstorije upravljanja ljudima kao stvarima".⁹

6 Enes Osmančević, Historijat i osobnosti javnosti u BiH, Pogledi, broj 8, Tuzla Juli 2001., str.1

7 Enes Osmančević, Internet, tradicionalna i virtualna javnost, magistrat, Sarajevo 2003., University Press str. 2

8 Ljubomir Tadić, Nauka o politici, Rad, Beograd 1988., str. 18–19

9 Ljubomir Tadić, Poredak i sloboda, Kultura, Beograd 1967, str. 26



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Zapravo, na istoj liniji je i razmišljanje po kojem je "političar postao računčija a politika račun", čime je utjelovljen "novi duh racionalnosti". I ovaj teoretski dio zaokružiću Maxom Weberom, koji je dao i najprodubljenije i najrazrađenije novovjekovno značenje politike. On je politiku odredio kao "težnju ka učestvovanjem u moći ili ka uticaju na raspodjelu moći bilo između država ili između grupa ljudi u državi u kojoj žive".¹⁰ Po Weberu svi koji se bave politikom teže moći.

II POLITIKE U BIH: UTICAJI I ODGOVORNOST

Možda je za razumijevanje naših politika bitno ne zaboraviti da na ovim prostorima nije bila prisutna politička kultura participacije i da mi zapravo izlazimo iz podaničke kulture što bitno opredjeljuje i naše ponašanje.

U ovom dijelu neću iznijeti ništa novo što vama svima nije već poznato. Bosna i Hercegovina ni deset godina po završetku rata ne može se smatrati funkcionalnom državom. Ono što je svakako bitno jeste pitanje ko bi morao da snosi odgovornost za stanje u kojem se zemlja nalazi.

Međutim, vezujući politike u BiH za pitanje uticaja i odgovornosti podimo redom. Najveći uticaj u BiH ima međunarodna zajednica oličena u instituciji visokog predstavnika i njegove kancelarije. S obzirom na ovlašćenja koja ova kancelarija ima s pravom možemo reći da se BiH nalazi pod svojevrsnim protektoratom, istina, nikada ozvaničenim. Također je činjenica da niko od predstavnika međunarodne zajednice ne snosi odgovornost za promašene politike i promišljanja u državi. I ako su građani u BiH svjesni da bi razvitak zemlje bez međunarodne zajednice bio kudikamo teži, desile su se neke stvari koje su doprinijele opštem nezadovoljstvu i apatiji najvećeg dijela populacije. Visoki predstavnik je iz javnog i političkog života maknuo neke ljude (u paketu sa smjenama zbog pomaganja optuženima za ratne zločine), optužujući ih za teške kriminalne radnje, a da pri tome nisu pokrenuti sudski procesi protiv tih ljudi. Ovakvim stavom da visoki predstavnik u svako doba može smijeniti ljude koje su građani birali na izborima doprinosi povećanju apstinencije. Istovremeno, ostavio je na funkcijama ljude za koje su revizori utvrdili da su nemilice potrošili novac ionako siromašnih poreskih obveznika.

Naravno, pri tome nemam namjeru niti jednog trenutka naći opravdanje za domaće političke lidere, posebno one na vlasti, koji su zemlju doveli u politički, ekonomski i socijalni ćorsokak. Činjenica je da BiH ne može ući u Evropu sve dok u njoj postoji institucija OHR-a. Ne zato što se nekom dopada ili ne dopada visoki predstavnik, već zato što to govori o nesposobnosti političkih elita i nepostojanju standarda koji vrijede u društvu EU. Znači da politički lideri moraju biti dovoljno sposobni i imati viziju normalnog razvitka zemlje, a da im nije potreban tutor oličen u kancelariji OHR-a, što sada nikako nije slučaj. Po mom dubokom uvjerenju međunarodna zajednica je u BiH napravila krucijalnu grešku onog trenutka kada je jahače rata uvažila kao graditelje mira i amnestirala ih za pogubnu politiku devedesetih koju su oni vodili. Naravno, međunarodna zajednica često se zaklanjala iza floskule o volji birača koja se morala poštivati. A kako reče Osmančević naše javnosti su nacionalno determinirane, tako da je BiH i danas zemlja koja funkcioniše izrazito po nacionalnom principu, daleko od ideala građanske države. Pri tome je najveći problem što je nacionalna pripadnost kao determinantna ugrađena u sistem, pa se i biranje ljudi na određene funkcije dešava po kriterijima pripadnosti određenoj naciji, ne stručnosti i kvali-

10 Max Weber, Politika kao poziv u Zborniku kritika kolektivizma, Filip Višnjić, Beograd 1988, str. 56



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fikovanosti za obavljanje određenog posla.

Dakle, odgovornost snose i predstavnici međunarodne zajednice, koji su praktički odlučivali o svim bitnim pitanjima zemlje, baš kao i domaći političari, kojima je uglavnom lični interes bio ispred opšteg. Pri tome, mi kao pojedinci nikako ne možemo biti amnestirani od dijela odgovornosti za stanje zemlje.

BiH je specifična zemlja u kojoj do posebnog izražaja dolaze uticaji iz susjednih država, što se odražava i na odnos samih građana BiH prema sopstvenoj državi. Najveća tragedija jedne države je ta da veći dio njenog stanovništva istu ne doživljava svojom i smatra se više pripadnikom jedne od susjednih država. To ne treba da čudi jer i sa zvaničnih mjesta i od strane određenih institucionalnih struktura dolaze im glasovi koji su na istom fonu. Politike i signali koji se šalju iz susjednih država bitno opredjeljuju i politike u BiH. To se jasno vidjelo na primjeru predsjedničkih izbora u Hrvatskoj, kao i mobilisanju srpskih političara iz Srbije na zaštitu Republike Srpske. Stoga je za ovaj prostor vrlo bitno koje se političke opcije nalaze na vlasti u susjednim državama.

Mislim da su tonovi koji dolaze sa institucionalnih razina bitni i za same građane. Mi smo godinama u Republici Srpskoj slušali od strane tadašnjih političkih lidera da je Republika Srpska država. To je postalo sastavni dio svijesti većine ljudi u ovom bh entitetu i teško ga je bilo promijeniti. Godinama su naši politički lideri odbijali i negirali postojanje zločina koje su počinili pripadnici našeg naroda, što je dovelo do potpune izopačenosti vrednosnog sistema u kojem su zločinci podizani na pijedestal heroja. Ista situacija vladala je u cijelom regionu, pa se sopstveni zločin relativizirao i opravdavao zločinom one druge strane.

Jednostavno se kao nacije nismo suočili sa sopstvenom prošlošću i dok to ne uradimo, bojim se, da ne možemo raditi na građenju budućnosti. Pogotovo u BiH. Znamo kako dugo nam je trebalo da se suočimo sa Srebrenicom.

Osam ovih uticaja postoje i oni unutrašnji oličeni u subjektima kao što su političke partije, koje ujedno snose i najveću odgovornost za stanje u zemlji, prije svega vladajuće. Većina političkih partija u BiH nije isprofilisana niti u ideološkom niti programskom smislu niti demokratizovana iznutra. Uglavnom su to liderske stranke gdje većinu odluka donosi uzak krug ljudi unutar stranke. U mnogim stvarima i stavovima o bitnim pitanjima ne postoji bitna razlika među njima. Nekad se dešava da su kvazidemokratske stranke više nacionalne od samih nacionalnih stranaka i ono što ovoj zemlji svakako nedostaje jeste snažna politička partija građanske orijentacije.

Mediji su donekle uspjeli da se oslobode direktnog političkog uticaja, često su izloženi političkim i ekonomskim pritiscima što otežava njihov rad. Istina je također da su mediji otkrili brojne afere, čak ih i dokumentovali ali ih nisu pratile druge institucije, prije svega tužiteljstvo i sudstvo.

Uticaj nevladinog sektora se razlikovao od organizacije do organizacije. Država je ovom sektoru pristupala selektivno, čak neke od organizacija instrumentalizovala u sopstvene političke svrhe.

ZAKLJUČAK

BiH je država paradoksa. Ilustrovat ću ga na jednom primjeru – u zajedničkim organima države sjede ljudi koji više zastupaju interese susjednih država, u Republici Srpskoj sjede oni koji primaju plate od poreskih obveznika ovog entiteta, ne priznaju ga i zdušno rade na njegovom ukidanju. Nema poštovanja niti međusobnog povjerenja. Građani sve teže žive, mladi žele napustiti zemlju. Uticaj međunarodne zajednice sve je izraženiji, političkim elitama se sve manje vjeruje. Sociolozi kažu da su građani posebno apatični i rezignirani tamo gdje



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postoji zloupotreba politike. Postoji li izlaz?

Neki smatraju da je taj izlaz u ulasku BiH u Evropsku Uniju. Međutim, BiH ne može preskočiti normalan put koji su prešle sve zemlje koje su danas članice EU. To će reći da se unutar same zemlje najprije moraju dostići odgovarajući standardi, no kad ih dosegne onda će nestati i teškoće sa kojima živimo. A to je malo vjerovatno u narednih deset godina.

Mi smo društvo koje je izrazito nacionalno determinirano, a bojim se, da kao takvo društvo nismo prispjeli u Evropu. Mi u BiH ne znamo ili ne želimo međusobno razgovarati. Stavovi su kruti, nefleksibilni, ali ponekad i pragmatični. Politike se vode prije svega zarad ličnih interesa. Tu može pomoći izraženiji pritisak i stalno opominjanje od strane nevladinih organizacija i medija, koji će kao budni čuvari ukazati na promašene politike. Drugačiji izlaz ne vidim.

Veoma je bitno senzibilizirati javnost za temeljne vrijednosti Evrope, prije svega u domenu poštivanja ljudskih prava, odnosa prema zločinu. BiH nedostaje temeljito suočavanje sa prošlošću koje očito teško i bolno teče.

Sami i zarad nas samih moramo insistirati na hapšenju optuženih za ratne zločine kako bismo skinuli odgovornost sa cijelog (cijelih) naroda. To nam daje i pravo da na odgovornost pozovemo i one koji skrivaju optužene za zločin, prije svega u susjedstvu.

Da bi se osmislila uspješna strategija razvoja BiH najprije je potrebno uraditi popis stanovništva. Zamislite zemlju koja ne zna koliko ima stanovnika ili čime sve raspolaže.

Odgovornost je na svakom pojedincu, ma kako to demagoški zvučalo.

Iskreno, nisam nimalo optimistična kad je riječ o BiH. Ako se uzme u obzir i ono što je rekao Ralf Dahrendorf nakon pada Berlinskog zida u *Razmatranjima o revoluciji u Evropi* (1992.) da je "za promjene političkog sistema dovoljno 6 mjeseci; za promjene ekonomskog sistema treba 6 godina; za izgradnju civilnog društva (i civilne i političke kulture demokratije) treba najmanje 60 godina", teško je očekivati da doživimo potpune promjene tako brzo, ali ih možemo oblikovati i uticati na njih. Naravno ukoliko smo odgovorni prema sebi i našoj djeci.

NAPOMENA:

Fusnota 4) "Toleriranje slobodnog govora jeste put pripremanja i razvijanja oslobođanja, ne zato što ne bi postojala objektivna istina i što bi poboljšavanje nužno moralo biti kompromis između različitih mišljenja, već zato što postoji objektivna istina koja se može otkriti i posredovati tako da se spozna i shvati što jest, što može biti i što treba učiniti da bi se poboljšala sudbina čovječanstva. To uobičajeno povijesno žtrebaž nije neposredno očito: ono se mora otkriti pomoću žrezanjaž, žcijepanjaž i žrazdvajanjaž danog materijala – odvajanje ispravnog od neispravnog, dobra od zla, istinitog od neistinitog". (Herbert Marcuse, Barrington Moore, Robert Paul Wolf, Kritika čiste tolerancije, Kulturni radnik, Zagreb 1984, str. 85)

Banjaluka, 3. februara 2005. godine

UKRATKO O JAVNOJ TRIBINI NA TEMU:

POLITIKE U BIH – UTICAJI I ODGOVORNOSTI

Pripremila: Olga Lola Ninković

Zašto je važno da građani i građanke imaju stav o aktuelnim problemima društva, kolika je njihova, a kolika odgovornost političara za ono što se dešava u našoj zemlji, neka su od pitanja na koje su pokušali odgovoriti učesnici i učesnice prve u nizu tribina u Banjaluci. Nakon uvodnog izlaganja političke analitičarke Fondacije Friedrich Ebert Tanje Topić, otvorila se konstruktivna diskusija u kojoj su dominirali kritički stavovi o politici i političarima u BiH, i analogno tome o državi BiH kao "zemlji paradoksa", kako su je u više navrata učesnici okarakterisali.

Da je BiH zemlja paradoksa, kako su naveli, dokazuje činjenica da u BiH do sada nije sproveden popis stanovništva, da zemlju vode političari koji su je uveli u rat i da ne odgovaraju nikome za svoje postupke.

Prema ocjeni Topićeve, sa kojom su se složila većina diskutanaata, najveću grešku međunarodna zajednica napravila je onoga trenutka kada je dozvolila da političari, koju su BiH uveli u rat, postanu graditelji mira, amnestirajući ih tako od pogubne politike koju su vodili 90-tih godina.

Najviše se diskutovalo o tome zašto domaći političari nemaju moralne odgovornosti, zašto ne odgovoraju za svoja (ne)djela? Postavljeno je i pitanje da li su postojeći mehanizmi i zakoni dovoljan okvir za suzbijanje negativnih pojava i kažnjavanje istih kada se one dese. Većina ih smatra da zakoni nisu nikakva garancija da se domaći političari moraju pridržavati moralnih načela, jer je rijetkost da neko od njih za bilo šta odgovara. Naveden je i aktuelan primjer ostavki političara iz RS nakon smjena i zabrana visokog predstavnika u BiH. Čin ovih ostavki je ocjenjen kao licemjeran, jer se ostavke nisu podnosile onda kadu su ih tražili radnici, penzioneri i studenti, već onda kada su to zahtijevali uskostranački i lični interesi.

Ovo je bio šlagvort za pitanje koliko su građani i građanke sami doprinijeli takvom stanju, jer je činjenica da su naši funkcioneri na pozicijama zahvaljujući našim glasovima. Imamo li pravo i na koji način tražiti njihovu odgovornost? Opšte je mišljenje da odgovornost građani treba da traže, ali da je u našoj zemlji tako nešto apsurd, jer sve u uređuje visoki predstavnik i međunarodna zajednica.

U čemu je smisao demokratije i zašto bi uopšte neko glasao, kada ga može visoki predstavnik smijeniti?

Ne samo da se BiH nalazi u jednoj vrsti protektorata, već se i njeni građani, kako je kazala jedna od učesnica, nalaze u protektoratu koji su joj uveli lokalni političari. Iko su dužni, oni svojim biračima niti polažu račune, niti rade u njihovom interesu. Paradoks naše države, kako je rečeno je upravo taj da političari odgovoraju međunarodnoj zajednici i visokom predstavniku, a ne građanima koji su ih birali.

Postoji li kritična masa koja bi mogla da bude nosilac promjena? Mišljenja u odgovoru na ovo pitanje su podijeljena. Dio učesnika smatra da postoji i da se kritična masa nalazi u onom dijelu građana koji apstiniraju od izbora i na taj način izražavaju revolt prema dešavanjima u društvu. Drugi smatraju da ne postoji, navodeći brojne primjere građanskih



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protesta, kada zbog neadekvatnosti svih dugih mehanizama, ljudi svoja prava traže na ulici, ali ne istraju u tome i ubzo postanu predmet manipulacije političara i njihovih politika. Čulo se i mišljenje kako mase neplanski izlaze na ulice i veoma brzo izgube svoj cilj, lako odustanu od onoga za šta se bore i što žele promijeniti.

U pesimističkim stavovima koji su provejavali o stanju u našem društvu, jedino je utješno, kako je kazala predsjednica Udruženih žena Banjaluka Nada Golubović da žene nisu imale uticaj na politike BiH, te da je to razlog više da im se da šansa u vlasti.

Insistirati na popisu stanovništva i preispitivanje mehanizama za utvrđivanje odgovornosti političara ključni su zaključci tribine koja je bila izuzetno poječena.

Izjave učesnika tribine

Nada Golubović, predsjednica NVO Udružene žene, Banjaluka: *U pesimističkoj slici BiH jedino optimistično je što žene nisu imale nikakvu ulogu u kreiranju te iste slike. Politike u BiH bi bile vjerovatno dugačije da su žene u našoj zemlji imale veći uticaj.*

Branka Pavić, (DPS): *Mi se nalazimo u lokalnom protektoratu, protektoratu naših političara. Oni daju ostavke svog svojih ličnih interesa, a ne zbog naših, građana koji su ih birali.*

Nada Tešanović (SNSD): *Korjen svega je odgovornost. Suštinska greška je ta što se dozvolilo političarima koji su doveli do rata, da nas vode u miru. Za tako nešto odgovornost snosimo i mi sami.*

Miodrag Živanović, profesor na Filozofskom fakultetu u Banjaluci: *Oni koje biramo ne odgovaraju nama, već Visokom predstavniku. To je jedan od osnovnih razloga zbog čega je BiH zemlja paradoksa. Neko može biti odgovoran ako ima pred kim da odgovara. Naši političari, nažalost nemaju kome odgovarati.*

Ulfeta Kobašlić (SDP BiH): *U BiH postoji kritična masa koja može da bude nosilac promjena u društvu. To su građani koji nisu izišli na izbore.*

Franc Šošnja: *Problem BiH je strategija razvoja koju ona nema U našoj zemlji se jedino zna šta nećemo, a to što nećemo je obavezno ono što hoće druga stranaž.*



Banjaluka, 04.02.2005.

**Političkim partijama u BiH
Izornoj komisiji BiH
Medijima**

U Banjaluci 03. 02. 2005. godine, održana je Javna tribina u organizaciji Helsinškog parlamenta građana i Udruženih žena Banjaluka, pod pokroviteljstvom švedske fondacije Kvinna Till Kvinna pod nazivom:

"POLITIKE U BIH – UTJECAJI I ODGOVORNOSTI"

Ekspertica uvodničarka je bila politička analitičarka mr. Sci. Tanja Topić. Na okruglom stolu je bilo prisutno oko 50 žena i muškaraca iz različitih političkih partija, nevladinih i organizacija. Na Javnoj tribini donesene su slijedeće:

PREPORUKE

1. U cilju otklanjanja diskriminacije prema ženama u Bosni i Hercegovini potrebno je uskladiti član 15 Zakona o ravnopravnosti spolova BiH i Izborni zakon BiH sa Ustavom Republike Srpske Federacije BiH i BiH

Da bi se to postiglo potrebno je:

2. Tražiti Amandman na Ustav BiH i Ustave entiteta u cilju osiguranja konstitutivnosti polova na način: "Na cijeloj teritoriji BiH konstitutivni polovi su muški i ženski pol. U cilju osiguranja konstitutivnosti oba pola, polovi će biti proporcionalno zastupljeni u zakonodavnoj, izvršnoj i sudskoj vlasti kao i u svim javnim institucijama, državnim tijelima i tijelima lokalne samouprave, upravljačkim tijelima kompanija, političkih stranaka i ostalih profitnih i neprofitnih organizacija u BiH, FBiH i Republici Srpskoj. Kao ustavni princip, takva proporcionalna zastupljenost će se bazirati na popisu iz 1991. godine, dok ne bude napravljen novi popis stanovništva, a od tada pa u buduće prema posljednjem popisu stanovništva.

Nada Golubović, "Udružene žene" Banjaluka
Lidija Živanović, Helsinški parlament građana Banjaluka i
učesnice tribine



ŠTA DONOSI PDV?

ŠTA JE PDV?

- PDV je svefazni porez kojim se oporezuju sve faze proizvodno prometnog ciklusa.
- Pripada grupi indirektnih poreza kao i porez na promet, carine i akcije.
- Prvi put je uveden šezdesetih godina u Francuskoj.
- Danas se upotrebljava u preko 120 zemalja svijeta.
- Obavezan je instrument u EU i sve zemlje koje pretenduju na članstvo moraju ga uvesti u procesu približavanja i kandidovanja.

OSNOVNA NAČELA PDV MODELA:

Neto svefazni porez na promet

Potrošni tip PDV-a – iz osnovice za oporezivanje izuzimaju se sve nabavke

Kreditni metod pri utvrđivanju poreske obaveze – poreska obaveza je razlika između poreske obaveze; za isporuke i poreske obaveze za nabavke;

Princip odredišta – oporezivanje prometa dobara i usluga prema mjestu potrošnje

KO PLAĆA I KADA SE PLAĆA PDV?

Plaćaju sva lica (subjekti) koja podležu oporezivanju;

Plaća se u toku poslovanja (prometa);

Plaća se za poslovanje na teritoriji zemlje;

Plaća se kada promet nije oslobođen od poreza.

PREDNOSTI I MANE PDV-a

Prednosti:

- 1) Ravnomjerno opterećuje sve faze proizvodnje i prometa;
- 2) Poboljšava finansijsku disciplinu i smanjuje potrebu kontrole (svima u interesu da im se naplati porez na ulazu);
- 3) Smanjuje prostor za šverc i sivu ekonomiju tj. izbjegavanje plaćanja poreza;
- 4) Izdašniji je za državu pošto država ranije dolazi do novca i ne dijeli rizik tržišta sa preduzećima;
- 5) Preferira izvoz i skraćivanje kanala distribucije;

Negativne strane PDV-a:

- 1) Komplikuje vođenje evidencija u preduzeću i izaziva dodatne troškove
- 2) U fazi uvođenja ima uticaja na likvidnost preduzeća s obzirom da zahtjeva dodatna sredstava na početku reprodukcijanskog ciklusa
- 3) Preduzeća sama (bez države) snose u potpunosti tržišni rizik uspjehnosti poslovanja

KAKO TO RADE DRUGI?

Nulta stopa PDV-a se primjenjuje u 13 od 25 zemalja EU i uglavnom se odnosi na hranu za ljudsku i životinjsku ishranu, dječije potrepštine, medicinske i komunalne usluge i lijekove, sjemena i usluge štampanja i izdavanja časopisa i knjiga. Mogućnost reducirane niže stope koristi 11 od 25 zemlje, dok samo Danska i Slovačka imaju jednu stopu PDV-a, što znači da od 25 zemalja Evropske Unije 23 imaju više od jedne stope. Hrvatska je uvela nultu stopu PDV-a za hljeb, mlijeko, knjige, naučne časopise i lijekove sa liste i to od 2004. godine.

ZEMLJA	Nulta stopa PDV-a	Reducirana niža stopa PDV-a	Niža stopa PDV-a	Viša stopa PDV-a
Belgija	ima	–	6	21
Češka	nema	–	5	22
Danska	ima	–	–	25
Njemačka	nema	–	7	16
Estonija	ima	–	5	18
Grčka	nema	4	8	18
Španija	nema	4	7	16
Francuska	nema	2.1	5.5	19.6
Irska	ima	4.3	13.5	21
Italija	ima	4	10	20
Kipar	ima	–	5	15
Latvija	ima	–	9	18
Litvanija	nema	5	9	18
Luksemburg	nema	3	6	15
Mađarska	nema	–	12	25
Malta	ima	–	5	15
Holandija	nema	–	6	19
Austrija	nema	–	10	20
Portugal	nema	5	12	25
Poljska	ima	3	7	22
Slovenija	nema	–	8.5	20
Slovačka	ima	–	–	19
Finska	ima	8	17	22
Švedska	ima	6	12	25
Britanija	ima	–	5	17.5

MAKROEKONOMSKE IMPLIKACIJE

Smanjena mogućnost šverca i izbjegavanja plaćanja poreza – VIŠE PARA U BUDŽETIMA
Plaćanje poreza odmah pri nabavci – MANJE PARA U PREDUZEĆIMA – UGROŽENA LIKVIDNOST

Sve oporezivo po stopi od 17% – POSKUPLJENJA

Skuplji repromaterijal i usluge – skuplji proizvod – SMANJENJE TRAJNJE

Manja tražnja za proizvodima i lošija likvidnost – SMANJENJE PROIZVODNJE tj. PONUDE
Skuplja osnovna sredstva – SMANJENJE INVESTICIJA – USPORAVANJE RAZVOJA
Povećanje cijena – pritisak na plate – indeksacija – INFLACIJA
Manja tražnja – manja ponuda – lošija likvidnost – smanjenje investicija – RECESIJA

Banjaluka, 14. aprila 2005. godine



UKRATKO O JAVNOJ TRIBINI NA TEMU:

ŠTA DONOSI PDV?

Pripremila: Olga Lola Ninković

U slučaju poreza na dodatnu vrijednost (PDV), kao i kod svih sistemskih zakona i reformi, vlasti entiteta i države BiH nisu konsultovali građane, niti su obavili javne rasprave kako bi i nevladin sektor imao šansu u participaciji odlučivanja i kreiranja suštinskih pitanja koja se tiču budućnosti zemlje BiH.

Učesnici tribine jedinstveni su u stavu da će 1.januar, kada će najvjerovatnije stupiti primjena PDV-a, biti jedan od najdramatičnijih dana u novijoj istoriji BiH.

"Prijeti li nam Argentina?", "Hoćemo li poslije 1. januara biti gladni?" Hoće li sve poskupjeti?", "Šta će biti sa malim preduzećima i privatnicima koji jedva plaćaju i sadašnje poreze?", "Da li je neophodno uvođenje PDV-a?"

Ovo su samo neka od pitanja upućena uvodničaru tribine mr Damiru Miljeviću, predsjedniku Saveza poslodavaca RS.

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Miljević je iznio stav da je PDV sa jednom stopom od 17 odsto, pravila država za sebe kako bi finansirala svoje potrebe, ne vodeći pri tom računa šta će biti sa građanima, koji će kako stvari stoje, biti žrtve državne kase.

Naime, građani BiH od 1. januara mogu očekivati poskupljenja za 30 odsto, struja će kako se prognozira, poskupiti čak za tri puta.

Miljević je objasnio da će PDV čija je stopa 17 odsto, u lancu od nabave repromaterijala, preko proizvođača do potrošača, plaćati svi u tom lancu.

Navodeći pozitivne i negativne strane ove poreske reforme, Miljević je istakao kako država nije učinila dovoljno da socijalnim programima i ostalim mehanizmima zaštiti građane i proizvođače od "udara PDV-a".

Država će samo na poskupljenju hljeba zaraditi 84 miliona KM, dok se za socijalni program u BiH projektovalo tek 40 miliona KM.

Opšte je mišljenje da je država mogla uraditi mnogo toga kada je riječ o prevenciji negativnih uticaja PDV-a i da još nije kasno da se to uradi, ali se postavlja pitanje da li je to u njenom interesu.

S druge strane, vlasti BiH mogle su da ne kreiraju jedinstvenu stopu PDV-a, odnosno da uvedu i nultu koja bi po ugledu na neke zemlje iz okruženja mogla od poskupljenja da sačuva osnovne životne namirnice (hljeb, mlijeko), knjige, bebi opremu i hranu i slično.

Očigledno je da ćemo od 1. januara 2006. godine moći da se pohvalimo kako imamo "najvrednije knjige".

Kakav će biti natalitet poslije 1. januara? O bebama i potomstvu će se govoriti kao o najskupljim investicijama, jer su hrana i oprema za bebe i sada veoma skupi većini stanovnika naše zemlje u kojoj natalitet rapidno pada.

Učesnici tribine sa pravom su se zapitali da li treba dozvoliti da djeca budu privilegija za samo mali broj ljudi.

Zašto država nije ništa uradila? Zašto je donijela rješenja koja su pogubna za njene građane?

Jedno od mišljenja je da domaći političari nisu mogli ništa uraditi kao poslušnici međunarodne zajednice, kojima nestručni i neprofesionalni predstavnici međunarodnog kora samo izlože planove i dokumente, te odrede datum do koga se isti moraju implementirati. Ovakav scenario je već viđen na našim prostorima: rokovi, ucjene, pritisci.

Ovakva se praksa, smatraju građani, mora promijeniti. Ne samo da se mora promijeniti podanički odnos vlasti BiH prema međunarodnoj zajednici, već i odnos građana prema onima koje oni biraju da vode našu državu.

Građani BiH, kako je primjećeno, takođe imaju podanički mentalitet u odnosu na svoje izabrane predstavnike. Ne insistiraju na odgovornosti svojih vođa, niti na mehanizmima koji bi im omogućili da učestvuju u kreiranju i donošenju važnih odluka.

Miljević je naveo kako je tekst zakona o PDV-u i pored svih manjkavosti u svom suštinskom dijelu loše preveden, pa se tako navodi da su od poreza izuzete nevladine organizacije i filozofska (vjerovatno humanitarna) uduženja.

Prema njegovom riječima osnovno je insistirati, da kada se radi o sistemskih zakonima koji se tiču svih, na javnim raspravama i transparentnosti procesa. Sadašnja ustavna rješenja ne predviđaju obavezu javne rasprave, što i međunarodnoj zajednici, ali i domaćim političarima otvara prostor za manipulaciju i samostalno kreiranje vrlo važnih pitanja koja obično idu na uštrb građana.

Jedan od osnovnih zaključaka ove tribine upravo se odnosio na zahtijev da se kod velikih sistemskih rješenja, reformi i zakona obavezno sprovede javna rasprava. Druga bitna stvar



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koju su naveli učesnici i učesnice, kada je riječ o uvođenju PDV-a jeste da se na primjeru pokaže njegova opravdanost, efikasnost. Simulacija primjene PDV-a, omogućila bi možda ponovnu raspravu ili korekciju sadašnje predložene stope PDV-a.

S obzirom na mnogobrojna pitanja koja se tiču opstanka malih i srednjih preduzeća, poljoprivrednika i privatnika, nakon uvođenja PDV-a, podržan je i predlog o masovnoj edukaciji o ovom novom sistemu ubiranja poreza.

Opšti je utisak da se o PDV-u malo zna, da postoji opšta neinformisanost o njegovim prednostima i nedostacima, jer su političari i predstavnici međunarodne zajednice javnosti saopštavali samo ono što su smatrali da građani treba da znaju.

Ključni stav Miljevića oko uvođenja PDV-a jeste da je on pravljen u korist države, a ne građana. Prema njegovim riječima država je morala naći način da obezbijedi sredstva za ustpostavu još 56 insitucija koje mora kreirati u skladu sa evropskim standardima. To je smatra Miljević u redu, ali nije u redu da se kreiraju nove, a ne ukidaju stare institucije. Tako će građani BiH plaćati duple i trostruke insitucije. Problem je, smatra on, što se političari još nisu dogovorili kako će država BiH izgledati i njihovo neslaganje oko toga ima za posljedicu da troškovi države iz dana u dan rastu i administracija guta ogromne količine novca koje bi bilo potrebno usmjeriti na druga mjesta. U BiH postoje, na primjer, tri poreske uprave, dvije na nivou entiteta i jedna krovna – Uprava za indirektno oprezivanje BiH sa sjedištem u Banjaluci. Njihovi troškovi su ogromni, preveliki i za daleko razvijenije zemlje nego što je to BiH.

Javna potrošnja u bruto društvenom proizvodu BiH, učestvuje sa više od 60 odsto. Pola od toga troši se na državnu administraciju, što je i najbogatijim zemljama teško da plate.

Brojni učesnici tribine smatraju da je trenutna situacija u BiH poljedica političkog načina razmišljanja, a ne ekonomskog.

Opravdana je bojazan učesnika tribine je da će od Nove godine BiH postati likvidna država sa sumnjivo likvidnom privredom i izuzetno siromašnim stanovništvom.

Nonsens je smatraju, da se u ovako teškoj socijalnoj situaciji u kojoj se, osim što vlada nezaposlenost, najavljuju i otkazi onima koji rade, uvede PDV čija je stopa 17 odsto.

Sa skupa je poslana inicijativa mreži nevladinih organizacija u BiH i političkim partijama, kao i javnosti da zajednički učine nešto kada su u pitanju sitemske reforme. Da ne dozvole pasivnost, već omoguće učešće građana, kako bi se eventualne posljedice istih svele na minimum.

U tom smislu, a s obzirom da je Zakon o PDV-u prošao parlamentarnu proceduru i trenutno se dogovara datum primjene, ne smije se dozvoliti da i ostale sistemske reforme kao što je policija, budu donesene ad hok, kao ova sa PDV-om.

Banjaluka, 22.04.2005.

Kancelarija Visokog predstavnika u BiH

Delegacija Evropske komisije u BiH

Parlamentarna skupština BiH

Narodna skupština RS

Vijeće naroda RS

Ministarstvo finansija RS

Političkim partijama u BiH

Medijima

Nevladine organizacije Udružene žene i Helsinški parlament građana 14.04.2005. su organizovale javnu tribinu pod nazivom:

ŠTA DONOSI PDV

Uvodničar i ekspert je bio mr. Damir Miljević, predsjednik Saveza poslodavaca RS. Na tribini su učestvovali građanke i građani, članice—članovi različitih NVO, političkih partija i privatnih preduzeća.

Nakon rasprave je zaključeno da postupak za donošenje Zakona o PDV—u i drugih zakona o indirektnom oporezivanju nije bio dovoljno transparentan za građane, iako su građani bili vrlo zainteresovani za tu problematiku.

Svjesni da je PDV neminovnost i da će njegova primjena početi u 2006. godini, učesnici tribine predlažu slijedeće inicijative, kako bi negativne posljedice po građane i mala i srednja preduzeća bile što manje:

1. Potrebno je da poslanici na svim nivoima vlasti traže i dobiju simulaciju primjene PDV—a. To bi im omogućilo da ponovo rasprave i možda koriguju stopu PDV—a (od nulte do više).
2. Izvršiti korekciju teksta zakona o PDV—u koji je loše preveden, npr: čl. 24, gdje se govori o filozofskom udruženju — dati tumačenje filozofskog udruženja.
3. Potrebno je da svi sistemski zakoni prije usvajanja prođu javnu raspravu. Potreban je stav građana a ne samo elitističkih krugova s obzirom da sistem—ski zakoni imaju uticaj na život i rad svakog pojedinca u društvu. Elementarna stvar u demokratiji je da poslanici znaju stav svoje biračke baze prije donošenja zakona.
4. Potrebno je izvršiti edukaciju malih i srednjih preduzeća, poljoprivrednika, ali i građana koji će trpiti posljedice uvođenja PDV—a.

Nada Golubović, Udružene žene Banjaluka
Lidija Živanović, Helsinški parlament građana Banjaluka i
učesnice tribine

IZBORNI ZAKON U SVJETLU ZAKONA O RAVNOPRAVNOSTI POLOVA U BiH



JEDNAKE (NE)MOGUĆNOSTI PARTICIPACIJE ŽENA I MUŠKARACA U JAVNOM ŽVOTU U BiH

Bosna i Hercegovina u svojim nastojanjima da bude utemeljena kao demokratska država na principima punog uvažavanja osnovnih ljudskih prava i sloboda je u proteklih nekoliko godina prihvatila mnoge međunarodne dokumente. Koliko su ova nastojanja snažna pokazuje i činjenica da je Ustavom Bosne i Hercegovine propisan najviši nivo međunarodno priznatih ljudskih prava i osnovnih sloboda.¹¹ Ustav nalaže da se Evropska konvencija za zaštitu ljudskih prava i osnovnih sloboda (ECHR) i njeni protokoli u Bosni i Hercegovini "moraju direktno primjenjivati" i "moraju imati prioritet nad svim ostalim zakonima",¹² a osnovna ljudska prava, kao katalog, navode u posebnom stavu.¹³ Osim toga, član II.4. Ustava reguliše da je država dužna osigurati svim licima uživanje prava i sloboda predviđenih Ustavom ili međunarodnim sporazumima i to bez diskriminacije po bilo kom osnovu. Aneks I Ustava BiH navodi dodatne sporazume o ljudskim pravima, koji će se primjenjivati u Bosni i Hercegovini, uključujući između ostalih i UDIHR, CEDAW, CRC i CAT, ICCPR, i dr. Momenti prihvatanja ovih dokumenata od strane nadležnih organa BiH očito nisu bili obasjani svijesću o obavezama koje ti dokumenti postavljaju za državu potpisnicu, zbog čega prvi izvještaji koje je BiH podnijela o stanju nekih osnovnih ljudskih prava i sloboda, a shodno međunarodnim standardima ukazuju da ne postoji potpun pristup određenim pravima za sve građane niti su uspostavljeni efikasni mehanizmi za zaštitu u slučajevima kršenja garantiranih prava.

Stoga je važno navedeno uzeti u obzir i kod razmatranja pitanja jednakih mogućnosti participacije žena i muškaraca u javnom životu u BiH, posebno u segmentu razmatranja pravnog osnova koji garantuje pristup ovom pravu.

Kod rasprave o pravu na jednake mogućnosti za žene i muškarce uvijek se postavlja pitanje definisanja jednakih mogućnosti te u tom kontekstu određene grupacije smatraju da postoje jednake mogućnosti i u slučaju kada postoji samo zakon koji garantira pristup nekom pravu bez diskriminacije na bazi spola. Ovako shvatanje jednakih mogućnosti bi bilo prihvatljivo samo u slučaju kada ne bi postojao niz društveno-socijalnih faktora koji su kroz jedno duže vremensko trajanje napravili određene nesrazmjere koji se ne mogu otkloniti bez vanrednih intervencija, odnosno bez uspostavljanja određenih mjera u nekom kraćem vremenskom periodu u cilju postizanja jednakih polaznih osnova. Pojednostavljeno govoreći, postojanje uticajnih faktora kao što su: tradicija, postojanja stereotipa o uloji muškaraca i žena u društvu, sistem obrazovanja i slično za posljedicu su imali smanjeno učešće žena u određenim sferama života u BiH, što je dovelo do njihove marginalizacije, a u nekim

11 Ustav Bosne i Hercegovine, (decembar 1995, donesen u kontekstu Daytonskog mirovnog sporazuma), član II: Ljudska prava i osnovne slobode (stav 1.)

12 Id., član II (2).

13 Id., član II (3).

oblastima čak i do njihovog potpunog društvenog isključenja. Kao primjer možemo navesti slučaj da je, slijedeći tradiciju, zajednička imovina najčešće registrirana na muškarcu zbog čega žena nema pristup kreditima, a i kod osporavanja prava na zajedničku imovinu prinuđena je da to pravo ostvaruje u sudskom postupku zbog čega je izložena dodatnim troškovima.

Ovaj primjer je namjerno uzet iz razloga što pitanje uređivanja imovinskih odnosa između bračnih partnera predstavlja sferu njihovog privatnog života. Međutim, često usko shvatanje privatnosti za posljedicu ima i odgovornost države.

Naime, ako se vratimo na Ustav BiH, posebno na član II koji obavezuje sve državne organe da u svom djelovanju poštuju najviše standarde zaštite ljudskih prava onda se iz perspektive uređenja imovinskih odnosa bračnih partnera može posmatrati i odgovornost države.

Polazeći od činjenice da je BiH ratifikovala sve navedene međunarodne dokumente tada je i na međunarodnom planu obavezna pridržavati ih se i o tome redovno izvještavati odgovarajuće međunarodne mehanizme zaštite, ali i svoje zakonodavstvo urediti tako da bude u skladu sa propisanim standardima. U skladu s tim, države nemaju samo obavezu da, u odnosu na međunarodne standarde ljudskih prava spriječe kršenje ljudskih prava pojedinaca (negativna obaveza), već imaju i obavezu da preduzmu korake kako bi pojedinci mogli zaista uživati u pravima koja im se garantuju (pozitivna obaveza). To podrazumijeva i preduzimanje mjera za zaštitu pojedinaca od kršenja njihovih prava od strane privatnih lica. Da bi se ta obaveza ispunila nije dovoljno samo puko aktiviranje formalnih zabrana. Naprotiv, države su obavezne da savjesno i revnosno djeluju u prevenciji, istrazi i kažnjavanju počinilaca kršenja ljudskih prava, kao i da obezbijede odštetu za pretrpljeno.

U odnosu na konkretni slučaj pitanja zajedničke imovine bračnih drugova, ako sistem registriranja, te imovine je posljedica određene tradicije i stereotipa i za posljedicu ima otežan pristup imovini jednom bračnom drugu onda je potrebno da država djelujući aktivno poduzme mjere kojim će spriječiti dalje kršenje prava jednog građanina od strane drugog. Vraćajući se na našu osnovnu temu jednakih mogućnosti za učešće u javnom životu potrebno je da izanaliziramo pravni okvir koji uređuje ovo pitanje.

Svakako da je najznačajnije imati u vidu sljedeće međunarodne standarde:

- Univerzalna deklaracija o ljudskim pravima (UDHR)
- Konvencija o političkim i građanskim pravima (ICCPR)
- Konvencija o ekonomskim, socijalnim i kulturnim pravima (ICESCR)
- Konvencija o eliminaciji svih oblika diskriminacije žena (CEDAW)
- Konvencija o eliminaciji svih oblika rasne diskriminacije (ICERD)
- Pekinška deklaracija (PFA)

Svi navedeni dokumenti za osnovu imaju:

- da niko ne smije biti tretiran drugačije ili da mu bude osporeno neko pravo na osnovu rase, spola, boje jezika, religije, političkog ili drugog mišljenja, nacionalnog ili društvenog porijekla, imovine, rođenja ili drugog statusa (član 2 UDHR; ICCPR 2.1; ICESCR 2.2.)
- svako ima pravo da živi bez bilo kakve diskriminacije na bazi spola (član 3 ICCPR; ICESCR 3; CEDAW 1, 2, 3, PFA 214, 232)
- svaka osoba ima pravo na samoodređenje, što podrazumijeva pravo na slobodan izbor političkog statusa kao i ekonomskog, društvenog i kulturnog razvoja (ICCPR 1, ICESCR 1 PFA 145)
- svaka osoba ima pravo da bude tretirana u zakonu na isti način kao i druge osobe, i da bude zaštićena zakonom bez ikakve diskriminacije (član 7 UDHR; ICCPR 14.1, 26;

CEDAW 2c, 15.1. ICERD 5a PFA 232

- ako je nečije pravo kršeno ima pravo na efikasan pravni lijek (UDHR 8)
- svako ima pravo da uzme učešće u vlasti, da glasa i da ima jednak pristup javnim službama (član 21 UDHR, 25 ICCPR, 7 CEDAW, 5c ICERD, PFA 190, 191, 192, 195)
- pravo predstavljanje vlasti i učešće u međunarodnim organizacijama *CEDAW 8 PFA 190, 191, 193, 195

BIH ZAKONODAVSTVO

Kako smo već pomenuli Ustav BiH, kao i Ustavi entiteta garantiraju najveći nivo zaštite ljudskih prava i sloboda. Važno je istaći ustavnu odredbu koja garantira nediskriminaciju (II.4.), odnosno kojom se utvrđuje da uživanje prava i sloboda utvrđenih članom II Ustava kao i međunarodnim sporazumima koji su navedeni u Aneksu I Ustava BiH je osigurano svim licima bez diskriminacije po bilo kojem osnovu kao što je spol, rasa, boja, jezik, vjera, političko i drugo mišljenje, nacionalno ili socijalno porijeklo, povezanost sa nacionalnom manjinom, imovina rođenje ili drugi status.

Polazeći od ovakvog ustavnog okvira u BiH očekivalo se da će Izborni zakon kao lex specialis koji uređuje pitanje izbornih pravila i procedura u svojim odredbama utvrditi kao osnovne principe zabranu diskriminacije po bilo kom osnovu u izbornom procesu, te uspostaviti mehanizme za osiguranje jednakih mogućnosti za sve osobe uzimajući pri tome u obzir stanje na terenu.

Umjesto toga Izborni zakon je samo u članu 1.12 utvrdio da "nadležni organi na svim nivoima vlasti ne smiju diskriminirati osobe zbog pripadnosti nekoj političkoj stranci ili koaliciji, ili zbog davanja podrške nezavisnom kandidatu ili listi nezavisnih kandidata".

Nadalje, zabrinjavajuće je kako se izuzetno velika pažnja poklanja jednakim mogućnostima prema nacionalnoj pripadnosti tako da se u u članu 2.5 utvrđuje sastav Izborne komisije na način da Izbornu komisiju čini sedam članova: dva iz reda Hrvata, dva iz reda Bošnjaka, dva iz reda Srba i jedan iz reda ostalih.

Svakako da posebno zabrinjava član 4.19. Izbornog zakona kojim se propisuje da svaka kandidatska lista uključuje kandidate muškog i ženskog spola. Kandidati spola koji je manje zastupljen raspoređuju se na kandidatskoj liste na sljedeći način: najmanje jedan kandidat manje zastupljenog spola među prva dva kandidata, dva kandidata manje zastupljenog spola među prvih pet kandidata i tri kandidata manje zastupljenog spola među prvih osam kandidata, itd. Broj kandidata manje zastupljenog spola mora biti najmanje jednak ukupnom broju kandidata na listi podijeljenom sa tri, zaokruženim na prvi niži cijeli broj.

Ako pogledamo rezultate izbora nakon potpisivanja Dejtonskog sporazuma, a posebno nakon uvođenja kvota sistema u izborni proces u BiH, možemo zaključiti da uspostavljeni pravni okvir očito nije bio dovoljan da osigura jednake mogućnosti muškarcima i ženama. Naravno ovdje se ponovo vraćamo na pitanje jednakih mogućnosti gdje je veoma interesantno staviti u odnos statistički podatak da žene čine preko 60% populacije u BiH, dakle stanovništva koje ima aktivno biračko pravo i da istovremeno njihova participacija na izbornim listama kao odraza uživanja njihovog pasivnog biračkog prava prema kvota sistemu nije prelazila 30%. Ako bi jednake mogućnosti bile jednako pravo učešća onda bi svaki spol trebao da bude zastupljen na izbornim listama u procentu u kojem se uživa aktivno biračko pravo ili najmanje 50% od ukupnog broja osoba na izbornim listama. Jasno je da žene u posljednjih nekoliko godina nisu imale jednake mogućnosti da uživaju pasivno biračko pravo.

Obrazloženje da im ovo pravo nije uskraćeno i da to predstavlja pitanje njihovog izbora nije prihvatljivo posebno u uslovima postojanja zatvorenih centara moći unutar partijskih struktura



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sa veoma niskom participacijom žena što su pokazali i posljednji izbori u nekim od vodećih stranaka SDA, HDZ, SDP. Očito da ne postoji razlika u pristupu stranaka ovom pitanju, bez obzira da li se radi o strankama na vlasti ili opziciji.

Ovo obrazloženje je posebno neprihvatljivo od strane nadležnih državnih organa koji, kako je već istaknuto, imaju obavezu da poštujući međunarodne standarde preduzmu sve mjere da osiguraju uživanje prava bez diskriminacije na bazi spola. Što znači da te mjere treba da uključuju i izmjenu zakonskih propisa koje limitiraju uživanje pasivnog biračkog prava žena po principu kvota sistema koji je neprihvatljiv s obzirom na veličinu populacije ženskog spola koja uživa aktivno biračko pravo. Jednostavno ovaj princip je nelogičan i slobodno možemo reći neprirodan i nesrazmjeran odnos koji za posljedicu ima davanje više prava osobama koje su populacijski manje zastupljene kako u društvu, tako u aktivnom biračkom pravu.

Svijest o neefikasnosti zaštite jednakih mogućnosti muškarca i žena ne samo za učešće u javnom životu već i u drugim sferama života, a i uspostavljeni standardi kroz Evropske direktive nametnuli su potrebu da se pitanje ravnopravnosti spolova u BiH uredi posebnim zakonom. Ovo je za posljedicu imalo da je Parlament BiH tačno prije dvije godine donio Zakon o ravnopravnosti spolova i upravo najveća diskusija u tijelima Parlamenta je bila oko člana 15 koji reguliše pitanje jednake zastupljenosti oba spola u javnom životu.

Kako su se od donošenja ovog Zakona održali lokalni izbori onda nam njihovi rezultati mogu biti dobar indikator neprimjene Zakona o ravnopravnosti spolova i to direktno od strane nadležnih organa BiH, što znači da je BiH direktno kršila prava građanki kroz propuštanje da uspostavi sistem koji bi osigurao građankama da koriste njihovo pasivno biračko pravo.

Ako bismo željeli da napravimo presjek jasno je da se u BiH donose zakoni kojim se nastoji osigurati primjena preuzetih međunarodnih obaveza i istovremeno predstavljaju dobar izgovor za vlast da čini određene napore u cilju osiguranja pristupa osnovnim pravima i slobodama. Istovremeno, stanje na terenu, posebno kroz činjenicu visokog stepene isključenosti žena iz vlasti na lokalnoj razini, kao rezultat posljednjih lokalnih izbora pokazuje da u BiH ne postoji efikasan sistem koji osigurava pristup pravima. Ovo istovremeno otvara pitanje postojanja svijesti ali i političke volje nadležnih organa da osiguraju jednake mogućnosti za osobe oba spola da participiraju u javnom životu. Dokaz za ovu tvrdnju su i činjenice:

- da je u Radnu grupu za izmjenu Izbornog zakona imenovana samo jedna žena ispred Izborne komisije, koja je ujedno i jedina žena u ovom sedmočlanom tijelu;
- da su strane članove Izborne komisije pokušali zamijeniti državljanima BiH bez javnog konkursa, dakle totalno netransparentno. Naravno uslov radnog iskustva u procesu provođenja izbora je u velikoj mjeri limitirajući faktor za mnoge žene–potencijalne kandidatkinje, ako se uzme u obzir činjenica da su dominantno izborni zvaničnici i članovi biračkih odbora bili muškarci. Umjesto da se poduzme pozitivna mjera u cilju postizanja jednakih mogućnosti, nastavlja se praksa postavljanja uslova za selekciju koji na indirektan način diskriminiraju žene;
- Nepostojanje statističkih podataka o rezultatima lokalnih izbora razvrstanih na bazi spola, a što je bila obaveza Izborne komisije da osigura u skladu sa članom 18. Zakona o ravnopravnosti spolova kojim se utvrđuje da "Svi statistički podaci i informacije koji se prikupljaju, evidentiraju i obrađuju u državnim organima na svim nivoima, javnim službama i ustanovama, državnim i privatnim preduzećima i ostalim subjektima moraju biti prikazani po spolu", te moraju biti sastavni dio statističke evidencije i dostupni javnosti.



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U ovom svjetlu potrebno je razmotriti i član 21. Zakona o ravnopravnosti spolova kojim se nalaze da "Nadležni organi vlasti će na svim nivoima preduzeti sve odgovarajuće i potrebne mjere radi provođenja odredbi propisanih ovim zakonom po oblastima, uključujući, ali ne ograničavajući se na:

- donošenje programa mjera radi postizanja jednakosti spolova u svim oblastima i na svim nivoima vlasti;
- donošenje novih, ili izmjenu postojećih zakona radi usklađivanja s odredbama ovog zakona;
- osigurati sudsku zaštitu kako građansku, tako i krivičnu, u svim slučajevima povrede odredbi ovog zakona;
- osigurati vođenje statističkih podataka razvrstanih po spolu u svim privrednim subjektima, privatnim i državnim preduzećima, državnim i javnim organizacijama i institucijama kao i pristup ovim informacijama.

Nepoduzimanje mjera od strane nadležnih organa u cilju osiguranja jednakih mogućnosti za osobe oba spola direktno se odrazilo na primjenu člana 15. Zakona o ravnopravnosti spolova kojim je utvrđeno da:

"Državna tijela i tijela lokalne samouprave, upravljačka tijela kompanija, političke stranke i ostale neprofitne organizacije osigurat će i promovirati ravnopravnu zastupljenost po osnovu spola u upravljanju i procesu odlučivanja.

Radi postizanja cilja iz stava 1. ovog člana, nadležne vlasti sačinjit će posebne programe i planove koji će biti korišteni radi poboljšanja spolne zastupljenosti u organima vlasti na svim nivoima. Programi i planovi sadržavat će mjere za poboljšanje spolne zastupljenosti. Radi ravnopravne zastupljenosti spolova, procenat učešća spolova u tijelima vlasti na svim nivoima, uključujući sudsku, zakonodavnu i izvršnu vlast, kao i sve ostale javne službe, komisije i odbore, uključujući i učešće u tijelima koja predstavljaju državu na međunarodnom nivou, u pravilu će odražavati ravnopravnu zastupljenost spolova."

Jasno je da ne izvršavanje navedenih obaveza nije stvorilo nikakve konsekvence po osobe koje su propustile da poštuju zakon, ali se u tom svjetlu mora postaviti i pitanje pasivnosti žena koje su zbog neprimjene zakona od nadležnih organa diskriminirane što za posljedicu ima i njihovu isključenost ne samo iz javnog života, već iz svih sfera koje su vezane za ovu oblast.

Kako se često postavlja pitanje utvrđivanja diskriminacije onda je svakako važno imati u vidu definiciju diskriminacije date u članu 3. Zakona o ravnopravnosti spolova, sa posebnim osvrtom na indirektnu diskriminaciju:

"Diskriminacija po osnovu spola, u smislu ovog zakona, predstavlja svako pravno ili faktičko, direktno ili indirektno razlikovanje, privilegiranje, isključivanje ili ograničavanje zasnovano na spolu zbog kojeg se pojedinkama/cima otežava ili negira priznanje, uživanje ili ostvarivanje ljudskih prava i sloboda u političkom, obrazovnom, ekonomskom, socijalnom, kulturnom, sportskom, građanskom i svakom drugom području javnog života.

Diskriminacija može biti direktna ili indirektna.

Direktna diskriminacija po osnovu spola postoji kada je osoba bila tretirana, tretira se, ili može biti tretirana nepovoljnije u odnosu na drugu osobu, u istoj ili sličnoj situaciji, a na osnovu spola.

Indirektna diskriminacija po osnovu spola postoji kada prividno neutralna pravna norma, kriterij ili praksa jednaka za sve dovede u nepovoljan položaj osobu jednog spola u poređenju sa osobama drugog spola.

Diskriminacijom po osnovu spola ne smatra se norma, kriterij ili praksa, koju je moguće

objektivno opravdati postizanjem zakonitog cilja, proporcionalnog preduzetim nužnim i opravdanim mjerama.

U skladu sa stavom 5. ovog člana dozvoljeno je uspostavljanje specijalnih mjera u cilju promoviranja jednakosti i ravnopravnosti spolova i eliminacije postojeće neravnopravnosti, odnosno zaštite spolova po osnovu biološkog određenja."

Čini se da se žene danas u BiH nalaze pred velikim izazovom i da odgovor na taj izazov može imati dalekosežne posljedice, posebno po buduće generacije. Jer ako su kršena prava žena kao članica BiH društva, posebno ako je to kršenje bilo od strane države onda se sasvim logično nameće potreba poduzimanja mjera u cilju zaštite ugroženih prava.

Jedan od pristupa je svakako usmjeren ka zahtjevanju poduzimanja mjera u cilju postizanja jednakih mogućnosti muškarca i žena da učestvuju u javnom životu i u ovom trenutku bi to svakako bilo primjena mjere "pozitivne diskriminacije" kod izbora novih članova Izborne komisije, dok bi druga mjera bila uključivanje žena u Radnu grupu za izmjenu Izbornog zakona BiH.

Poštujući odredbe Zakona o ravnopravnosti spolova, Izboroni zakon bi trebao da sadrži sljedeće izmjene:

- Kandidatske liste moraju biti sačinjene na način da su kandidati oba spola naizmjenično zastupljeni na listama;
- Sastav izbornih tijela mora odražavati ravnopravnu zastupljenost oba spola;
- Uspostavi statističke baze razvrstane po spolu
- Uspostavi stimulativne mjere za političke stranke koje promoviraju ravnopravnu zastupljenost spolova u svojim redovnim aktivnostima.

Naravno da u slučaju nepostojanja svijesti o zakonskoj obavezi, ali i o pravima dominantno zastupljene populacije u aktivnom biračkom tijelu, potrebno je razmotriti i mjere zaštite uključujući i sudsku zaštitu.

Banjaluka 14. juna 2005. g.

UKRATKO O JAVNOJ TRIBINI NA TEMU:

IZBORNI ZAKON U SVJETLU ZAKONA O RAVNOPRAVNOSTI BIH

Pripremila: Olga Lola Ninković

Iako je Bosna i Hercegovina (BiH) prihvatila mnoge međunarodne dokumente koji uvažavaju i štite osnovna ljudska prava i slobode, njeni građani se i danas suočavaju sa svim oblicima diskriminacije. I po ko zna koji put učesnice i učesnici tribine konstatovali su kako je najmasovnija diskriminacija ona koja obuhvata žensku populaciju u svjetlu jednakih mogućnosti participacije žena i muškaraca u javnom životu BiH.

Uzrok ovome je vidljiv kroz rad političkih partija na cijelom prostoru BiH u čijim najvišim organima žena gotovo i nema. Samim tim, njihovo pravo da dođu do određenih funkcija je osporeno, što predstavlja svojevrsnu prikrivenu vrstu diskriminacije.

Postavilo se pitanje kako će žene moći konkurisati na posao na primjer u SIPA-u i druge



9

organe policijskih struktura, te u Izbornu komisiju, kada je jedan od uslova radno iskustvo koje te žene objektivno u prošlosti nisu mogle steći, jer su na tim mjestima uvijek radili muškarci. Porazna je činjenica da u policijskim strukturama u BiH nema ni deset odsto žena, a da u pregovorima oko reforme policije koja je u toku ne učestvuje niti jedna žena. Učesnice i učesnici tribine složili su se kako je naše društvo režim političkih partija koje su u proteklih 10–15. godina lansirale desetak političara koji svo to vrijeme neprikosnoveno vladaju Bosnom i Hercegovinom.

Svi diskutanti ocijenili kako Izborni zakon BiH treba da pretrpi određene izmjene i dopune, odnosno da se uskladi sa Zakonom o ravnopravnosti polova BiH, kako bi se do 2006. godine, kada su zakazani opšti izbori u BiH stekli i formalno pravni uslovi koji bi obezbjedili jednake mogućnosti za oba pola.

Podsjetilo se da je Parlament BiH prije dvije godine donio Zakon o ravnopravnosti polova BiH koji u svom članu 15 reguliše ovo pitanje, te su vlasti obavezane da u roku od šest mjeseci usklade pozitivno zakonodavstvo sa ovim članom, što se nažalost, nije desilo.

Kandidatske liste moraju biti sačinjene na način da su kandidati oba pola neizmjenično zastupljeni na listama, a sastav izbornih tijela mora odražavati zastupljenost oba pola.

Naime, svi su primjetili kako se izrazito velika pažnja poklanja nacionalnoj zastupljenosti, dok se polna apsolutno zanemarije.

Prirodno je i sasvim logično da se prioritet da polnoj, a ne nacionalnoj strukturi.

Nadalje Izborni zakon trebao bi uspostaviti statističke baze u kojima bi bili razvrstani podaci po polu. Istaknuto je kako ni u jednom proteklom izbornom procesu nije napravljena ova statistika, te se ne zna koliko je žena uopšte izišlo na izbore. Upravo iz tog razloga ne stoje stavove političkih partija, uglavnom njenih muških predstavnika, kako žene u vlasti nema, jer same žene nisu glasale za žene. To je kako su naveli učesnici tipična manipulacija podacima, tim više što su ti podaci mogli biti navedeni, ali je očigledno nekome odgovaralo da se tako nešto ne uradi.

U Izborni zakon trebalo bi ugraditi i stimulative mjere za političke partije koje promovišu ravnopravnu zastupljenost polova u svojim redovima.

Uvodničarka Jasminka Džumhur posebno je istakla kako je u Radnoj grupi za izmjenu Izbornog zakona BiH imenovana samo jedna žena, ispred Izborne komisije u kojoj je ona takođe jedini predstavnik ženskog pola.

Ukoliko se u tim tijelima odnos polova ne promijeni u smjeru ravnopravne zastupljenosti, ni na predstojećim izborima žene neće moći očekivati mnogo.

Ističući kako je u BiH oko 60 odsto ženske populacije, Džumhur je postavila pitanje šta bi se desilo kada žene na iduće izbore ne bi izišle na glasanje, kada bi ih pozvali da umjesto svog aktivnog biračkog prava, iskoriste svoje pasivno biračko pravo?

Na taj način doveo bi se u pitanje izborni proces i podstaklo građanstvo da razmišlja ne samo o uključivanju žena u javni život, već o njihovoj vrijednosti i potrebi uključivanja u isti.

Predstavnice političkih partija ponovile su kako jedino sistemskim promjenama, dopunama postojećih zakona i izmjenama njihovih diskriminirajućih članova mogu da se nadaју i boljem položaju u svojim strankama. Iako pripadnice političkih stranaka, navele su kako se organi stranaka u kojima većinu čine muškarci, sami neće sjetiti da im daju više podrške i prostora u višim organima.

Takođe se primijetilo kako predstavnici međunarodne zajednice i međunarodne organizacije uopšte, svojim postupcima samo podilaze trendu političkih partija koje imaju u diskriminirajućem odnosu ženama, a da i same u svom radu vrše diskriminaciju prema ženskom polu,

odnosno ne poštuju Zakon o ravnopravnosti polova. Istina je da je veoma mali broj žena koji imaju određene visoke pozicije i uticaje u međunarodnim krugovima, a koje bi mogle da lobiraju i za žene Bosne i Hercegovine.

S tim u vezi zaključci sa tribine koji se tiču izmjena Izbornog zakona biće posebno proslijeđeni ambasadorici Turske u BiH, te kandaskoj i švedskoj ambasadi u BiH, kao zemljama koje su daleko odmakle u zaštiti ljudskih ženskih prava.

Diskutujući o odnosu međunarodne zajednice i njenom djelovanju u BiH, zajednički je odlučeno da se Vijeću za implementaciju mira preporuči da u oktobru – novembru kada ističe mandat visokog predstavnika u BiH, za predstavnika EU, koji će ga zamijeniti, delegira žena. Ovaj zahtjev bio bi potkrepljen argumentima o viskom stepenu diskriminacije ne samo ženskih već i ljudskih prava u BiH.

Osim ovih uvaženi su i predlozi da se u opštinska tijela i Savjete mjesnih zajednica uključe ravnopravno i žene i muškarci, jer podaci sa terene govore da na deset članova u tim tijelima dolazi jedna žena. Zakon o ravnopravnosti polova omogućuje da se i ovaj zahtjev ispoštuje, a da se prilikom njegove implementacije, kao i svih drugih pomenutih zahtjeva, traži podrška Gender centra Vlade RS.

Bez obzira koliko inicijative bile dobre i društveno korisne, one se moraju naći pred legitimnim organima vlasti i moraju dobiti uvažavanje od strane političkih partija.

S tim u vezi predloženo je da se mijenja i Zakon o političkim partijama u skladu sa Zakonom o ravnopravnosti polova BiH.

Diskutanti su naveli kako se BiH suočava sa mnogim problemima od političkih do ekonomskih, ali da njihovo pitanje ne može biti riješeno bez rješavanja ravnopravnosti polova.

Svi učesnici i učesnice prisjetili su se kako je mjesec juni za žene BiH bio najplodnosniji mjesec u smislu ženske borbe za ravnopravnost, te je ostala nada da će i ova tribina, održana u mjesecu junu, biti mjesto inicijacije za promjenu izbornog procesa, što bi za posljedicu 2006.godine imalo sasvim drugačiju sliku učešća žena u političkom i javnom životu BiH.



Banjaluka, 15.06.2005. godine
Političkim partijama u BiH
Izornoj komisiji BiH
Medijima

U Banjaluci 14. 06. 2005. godine, održana je Javna tribina u organizaciji Helsinškog parlamenta građana i Udruženih žena Banjaluka, pod pokroviteljstvom švedske fondacije Kvinna Till Kvinna pod nazivom:

IZBORNI ZAKON U SVJETLU ZAKONA O RAVNOPRAVNOSTI POLOVA U BiH
Jednake (ne)mogućnosti participacije žena i muškaraca u javnom životu u BiH

Na Javnoj tribini donesene su sljedeće:

ZAKLJUČCI I PREPORUKE

1. Da se Radna grupa za izmjenu Izbornog zakona proširi u skladu sa Zakonom o ravnopravnosti polova i sa predstavnicama/ima civilnog društva.
2. Poštujući odredbe Zakona o ravnopravnosti polova, Izboroni zakon bi trebao da sadrži sljedeće izmjene:
 - Kandidatske liste moraju biti sačinjene na način da su kandidati oba pola naizmjenu zastupljeni na listama;
 - Sastav izbornih tijela mora odražavati ravnopravnu zastupljenost oba pola
 - Uspostavi statističke baze razvrstane po polu
 - Uspostavi stimulativne mjere za političke stranke koje promoviraju ravnopravnu zastupljenost polova u svojim redovnim aktivnostima.

U slučaju nepostojanja svijesti o zakonskoj obavezi, ali i o pravima dominantno zastupljene populacije u aktivnom biračkom tijelu, potrebno je razmotriti i mjere zaštite uključujući i sudsku zaštitu.

Nada Golubović, Udružene žene Banjaluka
Lidija Živanović, Helsinški parlament građana Banjaluka
i učesnice tribine

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ZA JEDNAKE MOGUĆNOSTI POLOVA U IZBORNOM ZAKONU



Na inicijativu Komisije za jednakopravnost spolova Skupštine Tuzlanskog kantona Agencija za ravnopravnost spolova BiH i entitetski Gender centri organizirali su Okrugli sto na temu: "Usklađivanje Izbornog zakona u BiH i Zakona o lokalnoj upravi i samoupravi sa Zakonom o ravnopravnosti spolova u BiH" (19. maja 2005.) godine u Sarajevu.

Poziv za učešće na Okruglom stolu upućen je kantonalnim i entitetskim parlamentarnim komisijama za jednakopravnost spolova i Komisiji za ostvarivanje ravnopravnosti spolova Zastupničkog doma Parlamentarne skupštine BiH.

U pripremi ovog Okruglog stola korišteni su slijedeći materijali:

- Izborni zakon BiH; Konvencija o eliminaciji svih oblika diskriminacije žena;
- Pekinška deklaracija sa platformom za akciju; (dio koji tretira pitanja "Žene na vlasti i odlučivanju"),
- Zakon o ravnopravnosti spolova u BiH (prvenstveno član 15.), Preporuka REC (2003) 3 usvojena 12. marta 2003. od strane Odbora Ministara Vijeća Evrope i Memorandum u pojašnjenjima,
- Kodeks dobrog vladanja u izbornim pitanjima usvojen na 52. sjednici Venecijanske komisije iz oktobra 2002. godine.

Naime, odredbom člana 15. Zakona o ravnopravnosti spolova u BiH stav 3. propisano je da će radi ravnopravne zastupljenosti spolova, procenat učešća spolova u tijelima vlasti na svim nivoima, uključujući sudsku, zakonodavnu izvršnu vlast, kao i sve ostale javne službe, komisije i odbore, uključujući učešće u tijelima koja predstavljaju državu na međunarodnom nivou, u pravilu, odražavati ravnopravnu zastupljenost spolova.

Izbornim zakonom BiH propisano je da se izbor članova svih organa vlasti vrši na osnovu općeg i jednakog biračkog prava neposrednim i tajnim glasanjem osim ako ovim zakonom nije drugačije određeno. Ovim zakonom drugačije je propisan izbor delegata u Dom naroda Parlamentarne skupštine Bosne i Hercegovine, Dom naroda Parlamenta Federacije BiH i Vijeća naroda Narodne skupštine Republike Srpske.

Kodeks dobrog vladanja u izbornim pitanjima, također, tretira jednakost i paritet spolova tako što kaže: "Propise o minimalnom procentu osoba oba spola među kandidatima ne treba smatrati suprotnim principu jednakog prava glasa ukoliko su temeljeni Ustavom" (2.5) U obrazloženju ove odredbe, pored ostalog se, kaže da ukoliko postoji određeni ustavni osnov da se mogu donijeti propisi kojima se garantuje izvjesna ravnoteža između spolova u zastupničkim tijelima, ili čak paritet, ali ako nema takvog ustavnog osnova to bi se moglo smatrati kršenjem principa jednakosti i slobode udruživanja.

U preporuci odbora ministara Vijeća Evrope se kaže da se o ravnomjernom učešću žena i muškaraca u vezi sa ovom preporukom može govoriti kada zastupljenost žena ili muškaraca u bilo kojem organu političkog ili javnog odlučivanja nije niža od 40%.

Posebna pažnja posvećena je i odredbi Izbornog zakona Bosne i Hercegovine kojom je utvrđena obaveza sastavljanja mješovitih kandidatskih lista. Tako je članom 4.19. istog



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Zakona propisano da svaka kandidatska lista uključuje kandidate muškog i ženskog spola, s tim da se kandidati spola koji je manje zastupljen raspoređuju na kandidatskoj listi, tako da je najmanje jedan kandidat manje zastupljenog spola među prva dva kandidata, dva kandidata manje zastupljenog spola među prvih pet i tri kandidata među prvih osam. Ovom odredbom postiže se da je najmanje jedna trećina kandidata na kandidatskoj listi manje zastupljenog spola u bosansko – hercegovačkom kontekstu to znači najmanje jedna trećina žena.

Na okruglom stolu izneseni su i podaci o rezultatima izbora u zakonodavna tijela vlasti u Bosni i Hercegovini u periodu od 1996 – 2004 godine. Ti podaci sadržani su u tabelama koje slijede:

Podaci o učešću žena u izborima za zakonodavna tijela na svim razinama vlasti u Bosni i Hercegovini, 1996–2002 god.											
Izborna razina	Godina										
	Prije uvođenja kvote				Poslije uvođenja kvote						
	1996		1997		1998		2000		2002		
	% kandid žena	% izabr žena	% kandid žena	% izabr žena	% kandid žena	% izabr žena	% kandid žena	% izabr žena	% kandid žena	% izabr žena	
Općine	–	–	9,6	5,4	21,31	26,61	32,9	17,9	34,8	21,7	
Kantoni	10,1	6,1	–	–	24,9	18,2	35,3	19,7	35,4	21,9	
Narodna skupština RS	7,6	2,4	11,7	2,4	19,5	22,9	31,9	18,1	35,5	16,9	
Zastupnički dom Parlamenta FBiH	10,5	5	–	–	24,2	15	36,1	17,1	34,8	21,4	
Zastupnički dom Parlamentarne Skupštine BiH	9,4	2,3	–	–	28,8	30,2	28,3	7,1	35,3	14,3	

1. Podaci se odnose na 12 općina u kojima su provedeni izbori 1998. godine. To su općine podijeljene dejtonskom crtom tako da je jedan dio ostao u FBiH, a drugi dio u RS
2. Podaci u koloni "općine" odnose se na izbore u općini Žepče

Rezultati općinskih izbora 2004. godine

Podaci o broju kandidiranih kandidata za izbore održane 2. oktobra 2004 godine razvrstani po spolu										
	Broj kandidiranih kandidata/kandidatkinja					Broj izabranih vijećnika/odbornika				
	Ukupno	M		Ž		Ukupno	M		Ž	
		Br.	%	Br.	%		Br.	%	Br.	%
FEDERACIJA BIH 78 općina	13147	8514	64,7	4633	35,3	1839	1514	82,3	325	17,7
RS 62 općine	13260	8688	65,5	4572	34,5	1378	1162	84,3	216	15,7
Skupština Brčko Distrikta	639	412	64,5	227	35,5	29	28	96,5	1	3,5
Gradsko Vijeće Mostara	213	128	60	85	40	17	13	76,5	4	23,5

Rezultati kandidiranja i izbora pokazuju da se na kandidatskim listama nalazi najmanje jedna trećina kandidata manje zastupljenog spola tj. žena, ali da u zakonodavna tijela vlasti nije izabrana jedna trećina manje zastupljenog spola, odnosno žena. Međutim potrebno je istaći da rezultati izbora zavise od volje biračkog tijela, odnosno u dosadašnjim izborima putem otvorenih lista birači su veću podršku dali kandidatima muškog spola.

Polazeći od svega navedenog učesnici Okruglog stola su se suglasili o sljedećem:

1. Izborni rezultat, uključujući postotak sudjelovanja spolova u tijelima zakonodavne vlasti, zavisi od podrške biračkog tijela.

Međutim, kandidacioni postupak ostavlja prostora da se utvrde zakonske obaveze ravno–pravne zastupljenosti spolova na kandidatskim listama. Stoga je predloženo da se Izbornim zakonom BiH utvrdi obaveza, svih političkih subjekata koju učestvuju u izborima, sastavljanja kandidatske liste na način da svaki drugi kandidat bude različitog spola.

Pored toga, potrebno je Izbornim zakonom BiH obavezati političke subjekte koji podnose kandidatske liste za određenu razinu vlasti (entitetski i državni) da najmanje 1/3 nosioca kandidatskih lista) bude manje zastupljen spol (do sada su to bile žene).

Primjer: Izbornim zakonom BiH je utvrđeno 6 izbornih jedinica za izbor poslanika u Narodnu skupštinu Republike Srpske. Ako bi se prihvatio prijedlog da namjanje jedna trećina nosilaca kandidatskih lista budu osobe manje zastupljenog spola onda bi stranka koja podnosi kandidatske liste u svih šest izbornih jedinica morala imati najmanje u dvije izborne jedinice nosioce kandidatskih lista osobe manje zastupljenog spola.

Ovi prijedlozi zahtijevaju izmjenu člana 4.19. Izbornog zakona BiH

2. Dograditi odredbe Izbornog zakona BiH koje se odnose na postupak kandidovanja u Dom naroda Parlamentarne skupštine Bosne i Hercegovine. Dom naroda Parlamenta Federacije Bosne i Hercegovine i Vijeća naroda Narodne skupštine Republike Srpske, u smislu da na kandidatskim listama moraju biti ravnopravno zastupljeni kandidati oba spola.

3. Utvrditi zakonsku obavezu da sastav tijela (izbornih komisija i biračkih odbora) bude mješovit, tako da odražava ravnopravnu zastupljenost spolova.

4. Polazeći od odredbe 44. Jedinstvenih pravila za izradu pravnih propisa u institucijama



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Bosne i Hercegovine ("Službeni glasnik BiH broj 11/05") predloženo je da se u Izbornom zakonu BiH riječi upotrebljavaju u ženskom rodu. Naime odredbom člana 44. navedenog propisa utvrđeno je "Riječi u propisu upotrebljavaju se samo u muškom ili ženskom rodu"

5. Utvrditi obavezu Izornoj komisiji BiH da uspostavi evidencije koje bi sadržavale statističke podatke razvrstane po spolu za svaki dio izbornog procesa, uključujući birački spisak, rezultate glasanja izbora.

Naprimjer: Analize rezultata izbora koje se provode nakon održanih izbora zahtijevaju analizu glasanja po spolu (koliko je glasalo muškaraca, koliko žena).

Ovo zahtijeva dopunu obrasca utvrđivanja rezultata glasanja na biračkom mjestu u smislu da sadrži i podatke o broju muškaraca i broju žena koji su glasali na tom biračkom mjestu.

Pored pitanja koja su vezana za izmjene Izbornog zakona BiH na ovom okruglom stolu istaknute su i sljedeće preporuke:

Preporučuje se nadležnim organima vlasti, da razmotre mogućnost utvrđivanja zakonske obaveze davanja finansijske stimulacije političkim strankama koje promoviraju ravnopravnu zastupljenost spolova kroz svoje redovne aktivnosti (ravnopravna zastupljenost spolova u partijskim organima, ravnopravna zastupljenost spolova na kandidatskim listama, ravnopravna zastupljenost spolova u izvršnoj vlasti i dr.).

Ova preporuka temelji se na preporuci (REC 2003/3 Odbora ministara Vijeća Evrope, pod nazivom: "Preporuke o ravnopravnom učešću žena i muškaraca u procesima donošenja odluka u javnom i političkom životu".

Jedan od načina realizacije ove Preporuke je i zakonska obaveza formiranja finansijskog fonda u iznosu od 20% sredstava namijenjenih za rad parlamentarnih stranaka.

Pokrenuta je inicijativa za izradu Državnog zakona o političkim partijama u kojem bi se mogle precizirati i obaveze za političke partije, da u svojim organima moraju osigurati ravnopravnu zastupljenost spolova, te obavezu da u postupku predizborne kampanje osiguraju jednake mogućnosti i za kandidate muškog i ženskog spola pristupa medijima i drugim oblicima promidžbe i sl.

Polazeći od stava 1. člana 15. Zakona o ravnopravnosti spolova u BiH, učesnici/ce su zaključili da se uputi preporuka svim političkim strankama da, prilikom izbora svojih najviših partijskih organa osiguraju ravnopravnu zastupljenost spolova tih organa. Ova preporuka realizirana je preko entitetskih Gender centara.

Dogovoreno je da se ovi zaključci, preko Agencije za ravnopravnost spolova BiH dostave nadležnim tijelima u Parlamentarnoj skupštini BiH zaduženim za pripremu dogradnje Izbornog zakona BiH.



НЕВЕНКА ТРИФКОВИЋ

предсједница Одбора једнаких могућности НСРС

(сажетак излагања)



I.

- Изборним законом БиХ ("Сл.гласник БиХ",бр.23/01; 9/02 и 20/02) уређен је избор чланова и делегата Парламентарне скупштине БиХ и чланова Предсједништва БиХ, те утврђени принципи који важе за изборе на свим нивоима власти;
- Избор за све органе власти гарантован је на основу општег и једнаког бирачког права, непосредним и тајним гласањем;
- Сваки држављанин БиХ, са навршених осамнаест година живота, има право да гласа и да буде изабран - **бирачко право**, ако је уредно регистрован као бирач;
- Забране и ограничења (чл. 1.6, 1.7, 1.8)
- Изборни закон - проширење и даља демократизација Правила Привремене изборне комисије, велики напредак за БиХ у вријеме доношења;
- Садашња спремност измјена од надлежних органа - "тражење" побољшања и унапређења-шанса за даље усавршавање изборног система, али и корекције досадашњих мањкавости и у тежњи **једнаких могућности жена и мушкараца**
- Од прве одредбе у Закону, па до краја (као и у другим законима у БиХ и њеним ентитетима) сви називи функција и статусне одредбе (држављанин, грађанин, бирач и сл.) користи се, језички, мушки род, изузев што се у овом Закону у "загонетној" одредби 4.19. јасно наводи да: **"свака кандидатска листа укључује кандидате мушког и женског пола"**. Намеће се питање истинске једнаке могућности оба пола, мада се у анализи дефиниције норме и овог Закона једнака могућност не може порицати - **шта је стварност?**

II.

- Органи за провођење избора- Изборне комисије и бирачки одбори (одређени су други услови не родна припадност, а из досадашње праксе знамо њихов већински састав); **ови органи доносе одлуке понекад круцијалне;**
- Бирачки списак, регистрација бирача, привремени бирачки спискови-бирачки спискови на дан избора;
- Унијети одредбу о равноправној заступљености оба пола у органима за провођење избора? Како "казнити" дуготрајну непримјену Закона о равноправности полова?
- Да ли је бољи систем за једнаку могућност - бити бирач, а и кандидат и изабран остварити то своје право непосредно на дан

избора (без регистрације). Проблеми спискова, "пребацавања" са једног мјеста на друго, у привременом списку има бирача у коначном не...

Изборни закон сваке земље, па и наше, дио је укупног правног система, са највећим проблемом не у доношењу него примјени закона, отуд сва "спотицања" и губљење нормативно створених једнаких могућности:

- Изузетак у цијелом тексту закона, одредба 4.19. Изборног закона јасно помиње постојање полова, али ни ту за кандидата не користи и други равноправан назив кандидаткиња. И умјесто предности и корака напријед овог закона у вријеме доношења, неки "посебни тумачи" нашли су одговор на наводе "мање заступљен пол" = жена!
- Тако је примјењиван Закон сво вријеме од доношења, зато сам склона овдје не стављати упитности него предложити да овај члан Закона треба бити предефинисан и став 4. истог треба да гласи: "Свака кандидатска листа укључује равноправно кандидате мушког и женског пола, наизмјенично заступљене редослиједом на укупној кандидатској листи сваке изборне јединице".

Према претходном ускладили би се дефиниције, односно приједлози измјена осталих одредаба нпр. Чл. 4. 23. Закона и др.

Само јасном и прецизном дефиницијом законске норме, прилика за једнаке могућности постаће шанса за једнаке могућности и донијети промјену слике полне заступљености и боље будућности и за Босну и Херцеговину.

Не тражимо ништа, што није потреба свих нас!

Бањалука, 27. октобра 2005. године



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ZA JEDNAKE MOGUĆNOSTI POLOVA U IZBORNOM ZAKONU

Pripremila: Olga Lola Ninković

Pripadnice ženskog pola ne odustaju od borbe za ravnopravnost i namjere da koristeći sva dozvoljena sredstva obezbjeđe pravno okruženje, kao osnove za postizanje konačne jednakosti između muškaraca i žena u Bosni i Hercegovini.

Ovo je poručeno sa tribine "Za jednake mogućnosti polova u Izbornom zakonu" održane u Banjaluci koja je bila jedinstvena po tome što je imala dvije uvodničarke, gospode Ane Jakšić iz Gender centra Federacije BiH i Nevenku Trifković predsjednicu Odbora jednakih mogućnosti Narodne skupštine RS, ali i po rekordnom broju učesnica i učesnika, predstavnica i predstavnika političkih partija, nevladinih organizacija i medijskih kuća.

Gotovo 60 prisutnih na tribini bio je dovoljan razlog da se konstatuje kako rad ovakvih skupova poprima sve više ozbiljnosti kako u radu političkih partija, tako i medija.

Ne slučajno u fokusu tribine ponovo se našao Izborni zakon BiH kroz čije korekcije i dopune, žene vide šansu da u narednom periodu njihova participacija u izbornom procesu bude veća, što bi automatski podrazumijevalo i veću šansu da budu izabrane.

Ana Jakšić je kazala da je dosadašnja praksa kod proteklih izbora U BiH, pokazala da se rijetko dešavalo da žene kao nositeljce liste ne budu izabrane.

Osim sistemskih svari koje se u Izbornom zakonu moraju promijeniti, što je definisano zaključcima tribine, a što ima uporište u Zakonu o ravnopravnosti polova BiH, još jednom su se apostrofirali latentni vidovi diskriminacije žena, kao što je propisano pisanje zakona isključivo u ženskom ili muškom rodu.

Naizgled, beznačajno za uspjeh žena u politici i mjestima odlučivanja, činjenica da su svi zakoni pisani u muškom rodu, stvara utisak da bez obzira na korake koje su se poslednjih godina poduzeli na polju ravnopravnosti, praktično nikad nije postojala namjera da se žene i muškarci pred zakonom, u svim segmentima društva izjednače.

Akcent na tribini ipak bio je na činjenici da je Izbornim zakonom BiH utvrđena obaveza sastavljanja mješovitih kandidatskih lista, odnosno da najmanje jedna trećina kandidata na kandidatskoj listi bude iz manje zastupljenog pola, što znači da su to žene. Rezultati kandidovanja, a zatim izbora pokazali su da i pored uvažavanja te odredbe, u zakonodavna tijela vlasti nije izabrana jedna trećina žena. Istina je da rezultati izbora koji su tradicionalno u korist muškaraca, zavisi od podrške biračkog tijela, ali isto tako činjenica je da u samom izbornom procesu do sada muškarci i žene nisu bili ravnopravni, odnosno da su šanse žena u izbornoj trci bile sve manje i manje.

Tako je ponovo istaknuta potreba da se Izborni zakon BiH uskladi sa Zakonom o ravnopravnosti polova, odnosno da se Izbornim zakonom BiH utvrdi obaveza, svih političkih subjekata koju učestvuju u izborima da kandidatske liste budu sačinjene na način da su kandidati oba pola naizmjenično zastupljeni na listama.

Postignuta je saglasnost da zaključke tribina, radi veće šanse da se uvaži, pošalju Izornoj komisiji BiH sve političke partije i nevladine organizacije koje su participirale na tribini. Učesnici i učesnice naveli su da ne postoji druga šansa osim da se političke partije



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zakonom obavežu da prilikom formiranja kandidatskih lista za sve nivoe vlasti imaju obavezu da ponude jednak odnos oba pola kao nositelja/ica.

Isto vrijedi i kada je u pitanju sastav izbornih tijela, korišćenja jezika u Izbornom zakonu, kao i kod raspodjela kompenzacionih mandata koji se moraju dodjeljivati manje zastupljenom polu u izbornim rezultatima počevši od vrha liste.

Jedan od zaključaka odnosio se da se Izbornim zakonom ispoštuje obaveza iz Zakona o ravnopravnosti polova u dijelu koji propisuje razvrstavanje statističkih podataka i informacija po polu, a koji se prikupljaju, evidentiraju i obrađuju u državnim organima na svim nivoima, javnim službama i ustanovama, državnim i privatnim preduzećima i ostalim subjektima. S tim u vezi zatraženo je da se izvrši dopuna obrasca za utvrđivanje rezultata glasanja na biračkom mjestu u smislu da sadrži i podatke o broju muškaraca i broju žena koji su glasali na tom biračkom mjestu.

Ovom prilikom izraženo je nezadovoljstvo činjenicom da vlasti BiH do sada nisu provele popis stanovništva, kao i činjenicom da ne postoji saglasnost o tome da se to uskoro organizuje. Popis bi, vjeruje se, pokazao nadbrojnost ženskog pola u BiH što bi bio snažan argument da se u svim segmentima traži postotak participacije shodno ukupnom broju žena u BiH.

Učesnici i učesnice tribine podržali su prijedlog za uvođenje pasivne registracije birača za buduće izbore, obzirom na postojanje CIPS mreže ličnih podataka. Naime, navedeni su brojni primjeri neizlaska na izbore, usljed neblagovremene registracije, nesređenih podataka i slično, a što je predhodnih godina uzrokovalo apstinenciju jednog značajnog broja građana, pogotovo mladih "koji nisu dovoljno zainteresovani" i starijih građana koji se uslijed nemoći i bolesti nisu mogli posvetiti ovom problemu.

Učesnici i učesnice tribine sa velikim optimizmom isčekuju izmjene i dopune Izbornog zakona BiH, očekujući da će preporuke sa ove tribine naići na razumijevanje i biti ugrađene u konačni tekst izmjena i dopuna, kako su istakli na dobrobit svih građana i građanki BiH. S obzirom na tematiku postavilo se i pitanje izbora tročlanog Predsjedništva BiH i šanse da od tri predsjednika makar jedna bude predsjednica, odnosno da se osim nacionalne uvaži i polna konstitutivnost.

Pošto Ustav BiH proklamuje ravnopravnost polova, učesnice tribine su opravdano primijetile da je odolijevanje promjenama ovog "muškog bastiona" u obliku tročlanog predsjedništva, u najmanju ruku neprimjereno.

Ovaj predlog nije uobičajen u zahtjev iz tehničkih razloga obzirom na najavljene ustavne promjene i zahtjeve međunarodne zajednice za postojanjem jednog predsjednika.

Banjaluka, 18.10.2005.

I

Izornoj komisiji BiH

Međunarodnim organizacije u BiH

Političkim partijama u BiH

Nevladinim organizacijam

Medijima

U organizaciji Helsinškog parlamenta građana i Udruženih žena Banjaluka, pod pokroviteljstvom švedske fondacije Kvinna Till Kvinna u Banjaluci 27. novembra 2005. godine, održana je javna tribina pod nazivom:

"ZA JEDNAKE MOGUĆNOSTI POLOVA U IZBORNOM ZAKONU"

Uvodničarke su bile Ana Jaksic, Gender centar FBiH, i Nevenka Trifković predsjednica Komisije za jednakost polova NSRS. Na javnoj tribini je bilo prisutno 60 žena i muškaraca iz različitih političkih partija, nevladinih organizacija, građana i građanki Banjaluke i drugih gradova BiH.

Cilj javne tribine je bio analizirati koliko Izborni zakon obezbjeđuje i poštuje ravnopravnost polova i utvrditi preporuke za njegovu izmjenu.

PREPORUKE:

1. Izborni zakon Bosne i Hercegovine treba uskladiti sa Zakonom o ravnopravnosti polova. U skladu sa tim predlažemo da se Izbornim zakonom BiH utvrdi obaveza, svih političkih subjekata koju učestvuju u izborima da kandidatske liste budu sačinjene na način da su kandidati oba pola naizmjenično zastupljeni na listama.
2. Zakonom obavezati političke subjekte da prilikom formiranja kandidatskih lista za sve nivoe vlasti imaju obavezu da ponude jednak odnos oba pola kao nositelja/ica.
3. Dograditi odredbe Izbornog zakona BiH koje se odnose na postupak kandidovanja u Dom naroda Parlamentarne skupštine Bosne i Hercegovine, Dom naroda Parlamenta Federacije Bosne i Hercegovine i Vijeća naroda Narodne skupštine Republike Srpske, u smislu da na kandidatskim listama moraju biti ravnopravno zastupljeni kandidati oba pola.
4. Utvrditi zakonsku obavezu da sastav tijela (izbornih komisija i biračkih odbora) bude mješovit, tako da odražava ravnopravnu zastupljenost polova.
5. Obezbijediti da se u Izbornom zakonu riječi upotrebljavaju u muškom i ženskom rodu.
6. U raspodjeli kompenzacionih mandata definisati dodjelu istih manje zastupljenom polu u izbornim rezultatima počevši od vrha liste.
7. Izbornim zakonom ispoštovati obavezu da u skladu sa članom 18. Zakona o ravnopravnosti polova "Svi statistički podaci i informacije koji se prikupljaju, evidentiraju i obrađuju u državnim organima na svim nivoima, javnim službama i ustanovama, državnim i privatnim preduzećima i ostalim subjektima moraju biti prikazani po polu te moraju biti sastavni dio statističke evidencije i dostupni javnosti."
Pri tome je neophodno izvršiti dopunu obrasca za utvrđivanje rezultata glasanja na biračkom mjestu u smislu da sadrži i podatke o broju muškaraca i broju žena koji su

glasali na tom biračkom mjestu.

8. Podržavaju se napori Izborne komisije BiH za uvođenje pasivne registracije birača za buduće izbore.

Nada Golubović, "Udružene žene" Banjaluka
Lidija Živanović, Helsinški parlament građana Banjaluka i
učesnice tribine

ДР ЖЕЉКО МИРЈАНИЋ, РЕДОВНИ ПРОФЕСОР

УСТАВНЕ ПРОМЈЕНЕ И ЕВРОПСКА ИНТЕГРАЦИЈА

/Тезе за расправу/



1. Иницијатива за уставне промјене

Иницијатива за промјену Устава заснива се на мишљењу Венецијанске комисије припремљеном на захтјев Савјета Европе. Иницијатива је потекла од америчког Института за мир, који се као невладина организација појавио у улози организатора разговора и преговора.

2. Преглед основних ставова представника ЕУ

Као основни поглед представника ЕУ о уставним промјенама, везано за учешће БиХ у процесу европске интеграције могу се издвојити сљедећи ставови:

- Потребно је отворити и наставити дискусију о "еволуцији" Устава, да би се постигла уставна структура оптимална за европске интеграције кроз "еволутивне скокове",
- Да је за "еволуцију" Устава неопходна подршка грађана,
- Да је потребан консензус грађана за улазак БиХ у ЕУ,
- Да БиХ као модерна и функционална држава буде спремна за интеграције и да уставни систем буде компатибилан са другим европским државама / постоје различити модели чланица, нема модела за БиХ/,
- Одговори су у БиХ: грађани и њихови представници морају сами дати одговоре, односно уставне промјене не могу бити "наметнуте",
- Потребно је наставити реформе.

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3. Приступ уставним промјенама

Као полазне тезе за расправу могу се издвојити слједеће поставке:

- Да је потребно институције у БиХ учинити стварно одговорним за преговарање, израду, усвајање и функционисање закона потребних за испуњавање европских стандарда везаних за европске интеграције и поштивање начела, приоритета и захтјева које поставља ЕУ.
- Да је потребно да институције БиХ успоставе механизме координације и сарадње са институцијама на другим нивоима власти како би БиХ могла испуњавати услове везане за чланство у ЕУ.

4. Поступак и начин промјене Устава

Уставне амандмане може донијети Парламентарна скупштина БиХ. За доношење одлуке потребна је 2/3 већина у Представничком дому и у Дому народа /неопходна је сагласност посланика и делегата из сва три конститутивна народа/.

5. Најважнија питања која су предмет актуелне расправе на тему уставних промјена

У погледу функције шефа државе постављају се слједећа питања

- **Предсједник или Предсједништво** које чине један предсједник и два потпредсједника /тако да не може бити више од једног члана из реда једног народа/,
- **Начин избора** - непосредни избори или посредни избори, тако да чланове предсједништва бира Парламентарна скупштина.
- **Овлаштења и дужности Предсједништва** /најважнија/: именује кандидата за предсједника савјета министара; доноси одлуку о распуштању Парламентарне скупштине; колективни цивилни командант; ратификује међународне документе...
- **Овлаштења и дужности Предсједника предсједништва** /најважнија/: представља БиХ у свијету; објављује парламентарне изборе за Парламентарну скупштину БиХ; даје акредитацију амбасадорима, даје појединачна помиловања...

У погледу **законодавне власти** постављају се слједећа питања

- **Састав Парламентарне скупштине** - да парламентарну скупштину чине 2 дома /Представнички дом који има 84 посланика и Дом народа који има 30 делегата/.
- **Начин избора за Представнички дом** - припадницима националних мањина гарантује се одређени број мјеста, у складу са Изборним законом.
- **Начин избора за Дом народа** - посредни избори тако да се 10 делегата бира у Народној скупштини РС на начин да се бира одређен број делегата из реда српског, бошњачког и хрватског народа, односно да се 20 делегата бира у Парламенту Федерације БиХ на начин да се бира одређен број делегата из реда српског, бошњачког и хрватског народа или
- **Овлаштења и дужности Дома народа** - закони усвојени у

Представничком дому упућују се у Дом народа, који проводи закон-
одавни поступак у једноставнијем /краћем/ року; учествује у
одобравању ратификације међународних докумената и аката,
буджет, ..

6. Стварност и претпоставке уставног развоја

Расправа о уставном развоју односи се на правни, политички и
друге дијелове друштвеног поретка и истовремено тај поредак у
цјелини. То је истовремено политичко, правно, социјално, културно
питање, итд (универзално питање). Истовремено, већина грађана
ово и друга питања која се односе на развој државе посматра кроз
неповољан економски и социјални положај.

Посебности друштвене стварности у овој држави су такве да је
уставни развој објективно посматрано, пут проналажења компро-
миса и споразума. Постоје и другачији приступи, али се треба упи-
тати куда они воде. У стварности још није дефинисан одговор на
питање да ли се демократско и толерантно мултиетничко друштво
развија кроз демократске процесе и облике рјешавања најважнијих
питања као што је питање уставног развоја.

Перспектива грађана БиХ је везана за уважавање европског сис-
тема вриједности и примјену искуства у организацији система
власти према тим вриједностима. Интеграција је процес у коме се
тражи да БиХ функционише као друге европске државе и да при-
јем у чланство представља верификацију да је то постигнуто.

Бањалука, 24. новембра 2005. године

УКРАТКО О ЈАВНОЈ ТРИБИНИ НА ТЕМУ:

USTAVNE PROMJENE U BIH I EVROPSKE INTEGRACIJE

Припремила: Olga Lola Ninković

Грађани и грађанке Босне и Херцеговине (БиХ) свједочи су да је ова година – година коју су обилježиле бројне реформе и почетци суштинских процеса које би нашу земљу требале довести пред врата Европе. Најзначајнија реформа која нам предстоји и о којој су политичари БиХ већ започели преговоре jeste реформа уставно–правног уређења, која треба да се реализује до марта идуче године.

Иако уставне промјене нису услов Босни и Херцеговини за отпочињање преговора о Споразуму и стабилизацији, за шта је наша земља добила "зелено свјетло", владајуће структуре су свјесне да са постојећим уставним рјешенијима Босна и Херцеговина не може постати



9

punopravni član Evropske Unije.

I u ovom slučaju, kao i u slučajevima prije početka pregovora o ustavnim promjenama, kada se pregovaralo o reformi odbrane, policijskim strukturama BiH, scenario je isti – ekskluzivno pravo na kreiranje rješenja i odluke pripada vlastima BiH i međunarodnoj zajednici, daleko od očiju javnosti i mišljenja onih kojih se sve te promjene najviše tiču, a to su građani i građanke ove zemlje.

Šta o ovom procesu misle građani i građanke, kakva su njihova prava, a kakvi strahovi i očekivanja, samo su neka od pitanja o kojima se diskutovalo na temu: "Ustavne promjene u BiH i evropske integracije", za koju je uvodno slovo održao prof.dr Željko Mirjanić sa Pravnog fakulteta u Banjaluci.

Opšta činjenica je da od ustavnih karakteristika jedne zemlje zavisi ambijent u kojem žive njeni građani, što direktno utiče na kvalitet njihovog života, njihova prava i slobode, njihov standard. Nema sumnje da se promjene ustava i budući izgled naše zemlje tiče svih nas i da u ovom procesu, iako nemamo direktnu poziciju u procesu kreiranja i dogovaranja, imamo pravo da kažemo šta mislimo. Slučajnost ili ne, ustavne promjene predhodiće izborima 2007. godine. Izbori će po svoj prilici biti naša jedina šansa, da svojim izlaskom na izbore i glasanjem za određene stranke i partije, pokažemo da li su zadovoljeni interesi i očekivanja nas običnih ljudi.

Sve ovo i ne bi bilo posebno problematično da ne živimo u zemlji koja se sastoji od dva entiteta i u kojoj političke partije, sudeći po praksi predhodnih godina, vrlo dobro znaju da manipulišu svojim biračima. Upravo je ovo navelo mnoge učesnike i učesnice tribine da zaključe kako će proces ustavnih reformi u svjetlu izbora 2006. godine biti ključna podloga za predizborno kampanju i eventualnu nacionalnu homogenizaciju koja bi nas vratila u godine nacionalnih podjela koje su dovele do građanskog rata. U tom smislu izraženo je vrlo malo optimizma, što je odraz negativnog raspoloženje i nepovjerenja javnog mijenja prema aktuelnim bh-političarima.

Kao jedina dobra stvar koja se dešava u procesu pregovaranja o ustavnim promjenama, po ocjeni učesnika tribine, jeste činjenica da su političari BiH po prvi put krenuli u susret promjenama i prije nametnutih rješenja ponudili svoja.

Ono što brine jeste da su ponuđena rješenja predstavnika srpske nacionalnosti, odnosno predstavnika iz RS i predstavnika bošnjačke i hrvatske nacionalnosti, odnosno političara iz Federacije BiH, diametralno suprotna.

Učesnici i učesnice tribine sumnjaju da će ovaj put, što bi svakako bio presedan, vlasti BiH uspjeti pronaći kompromisna rješenja i postići dogovor bez uplitanja i nametanja međunarodnog faktora. U tom smislu izražena je skepsa prema javnim istupima predstavnika međunarodne zajednice i američke administracije, da su ustavna rješenja isključivi zadatak domaćih vlasti i da oni neće nametati nikakva rješenja.

Suštinska dilema jeste – može li BiH vlastitim snagama i pameću napraviti ustav koji bi bio po mjeri svih – Srba, Hrvata, Bošnjaka i ostalih građana koji žive u BiH?

Jedan od učesnika zapitao je zašto političari BiH nisu uspjeli pronaći rješenja 1991. i 1992. godine i na taj način spriječiti rat? Politike u BiH nisu se mnogo promijenile, kao ni pozicije vladajućih nacionalnih stranaka, te je upitno ima li BiH političare koji promišljaju njenu budućnost?

Iako većina diskutanata smatra da je konačno vrijeme da BiH postane normalna zemlja u kojoj će se budžet trošiti na razvojne programe, socijalna davanja, zapošljavanje i unapređenje životnog standarda stanovnika, a ne na državnu administraciju, izražena je bojazan da jačanje državnih organa sa jednim predsjednikom, jednim premijerom, ne bi



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zadovoljilo interese svih naroda BiH.

Dosadašnji članovi Predsjedništva BiH istupali su samo u korist naroda kojeg su predstavljali. Niti jedan od njih i kada se našao na mjestu predsjedavajućeg Predsjedništva BiH nije zastupao interese svih građana, već čak šta više, samo interese svoje partije. Upravo zbog ovih iskustava, većina učesnica i učesnika tribine složila se da nije došlo vrijeme da BiH predstavlja jedan političar.

Posebna kritika upućena je na račun netransparentnosti procesa pregovora o ustavnim promjenama i procesima pregovaranja sa EU. Većina smatra da građani o onome šta ih čeka u budućnosti u pogledu ispunjavanja uslova za pristupanje EU i reformama koje se moraju napraviti, zna vrlo malo ili ništa. Neki su zaključili da se radi o namjernoj manipulaciji političara.

Čulo se mišljenje kako je sve unapred već dogovoreno i da se namjerno stvara lažna atmosfera demokratije u kojoj se nešto dogovora, i u kojoj se naši političari trude i navodno zastupaju naše interese.

Većina diskutantata ocjenjuje da se i ovaj put radi o unaprijed sračunatom planu pred izbore i da je sve ono što nas čeka već negdje dogovoreno.

Problem je smatraju mnogi što u tim procesima ne učestvuju ljudi od struke, već političari sa površnim znanjima i dubokom ostrašćenošću svoga nacionalnog bića.

Pregovori o ustavnim promjenama dati u zadatak domaćim političarima mogao bi biti poslednji test kojim bi konačno bila verifikovana njihova, po svemu sudeći, nesposobnost da vode građane u bolju budućnost. Sa pravom je postavljeno pitanje da li Evropi treba jedna siromašna zemlja u kojoj elementarne stvari, poput ustavnog uređenja još nisu riješene?

Jedan od zaključaka jeste da je Ustav BiH najmanji problem, odnosno da je problem mnogo dublji, a koji se ispoljava kroz netoleranciju i diskriminaciju koju godinama pothranjuju političari i da je jedino rješenje promjena svijesti cjelokupnog društva, koja se po logici stvari još dugo ne može očekivati.

Suština, kako je primjetio profesor Mirjanić nije odnos građana BiH prema državi BiH, već odnos građana BiH prema drugim narodima. To je smatra Mirjanić odnos koji treba ispraviti, unapređivati i učiniti normalnim, što je veoma teško u sadašnjoj političkoj situaciji i zadacima koje BiH treba da ispuni.

BiH, kako je ocijenio, nije ni spremna za evropske integracije, sa čime se nisu složili neki diskutanti.

I opet po ko zna koji put konstatacija kako je i ova reforma, kao i one prije nje, u znaku muškaraca. Ženski pol je opet nepravедno izopšten i marginalizovan i iz ove priče. Da ironija bude veća, kako je javnosti saopšteno, jedino oko čega su se načelno dogovorili bh-političari u Vašingtonu su dokumenti koji se odnose na ljudska prva i slobode.

Nažalost jedini zaključak koji se nameće jeste da je BiH država apsurdna, a njeni narodi taoci velikih političkih igara, kako onih na domaćem terenu, tako i onih izvana.

Ustav iako ne bi trebao biti isključivo političko pitanje, ono se već pretvorilo u političku trgovinu između stranaka u kojoj dobijaju samo oni koji u takvoj trgovini učestvuju.

Građanima i građankama BiH preostaje da čekaju izbore, uz oprez da ih političke igranke ne odvuču od suštinskih pitanja vezanih za zajedničku i prosperitetniju budućnost svih nas, bila ona u Evropi ili ne.

"NASILJE U PORODICI – OD ISTRAŽIVANJA DO STRATEGIJE"



Nakon nešto više od godinu dana istraživanja, koje su realizovali Helsinški parlament građana Banjaluka, Žene ženama iz Sarajeva i Lara iz Bijeljine dobili smo Studiju o nasilju u porodici, prvu takve vrste u Bosni i Hercegovini.

Ovo ne znači da se ranije nije istraživala ova problematika i da nisu rađene različite ankete i analize o raširenosti pojave nasilja u porodici u BiH društvu. Međutim, u Studiji koja bi uskoro trebalo da izađe iz štampe, na jednom mjestu sada imamo kompletan pregled zakonske regulative na svim nivoima (državnom, entitetskom, kantonalnom i na nivou Distrikta Brčko) koja se tiče nasilja u porodici, pregled svih dosadašnjih istraživanja, podatke sa terena dobijene od policijskih stanica, nevladinih organizacija, centara za socijalni rad i sudova, te prijedlog preporuka za vladine i nevladine organizacije koje se bave ovom problematikom.

Ja ću pokušati da vam predstavim i argumentujem neke od glavnih zaključaka istraživanja – da vidimo dokle smo mi došli u "raskrinkavanju" nasilja u porodici kao najdrastičnijeg oblika kršenja ženskih ljudskih prava i šta na tom polju rade nevladine, a šta vladine organizacije.

Dakle, neki od glavnih zaključaka Studije su:

- broj prijavljenih slučajeva nasilja je u konstantnom porastu
- vladine institucije ne ispunjavaju obaveze koje su preuzele ratifikujući međunarodne dokumente
- zakoni i praksa nisu sinhronizovani između različitih administrativnih nivoa
- svijest javnosti o ovom problemu je još uvijek na niskom nivou

Porast broja prijavljenih slučajeva nasilja ilustriraću podacima koje smo dobili od Ministarstva unutrašnjih poslova RS. U 2003. godini Ministarstvo je registrovalo 263 slučaja nasilja u porodici. U 2004. godini broj prijavljenih slučajeva je iznosio 393 slučaja, što je povećanje za 49,45%.

I nevladine organizacije bilježe porast prijavljenih slučajeva. Primjera radi, Sigurna kuća u Modriči koju vodi nevladina organizacija Budućnost i koja je, inače, jedina sigurna kuća za prihvatanje žrtava nasilja u Republici Srpskoj, zbrinula je u 2004. godini 291 žrtvu nasilja, što je za oko 15 odsto više u poređenju sa 2003. godinom.

Prema podacima Sigurne kuće u Modriči od ukupnog broja žrtava nasilja u porodici dvije trećine su žene (2/3) sa oko 44 godine prosječne starosti. Jedna trećina (1/3) su djeca od čak tri mjeseca starosti pa do 17 godina. Za pomoć se nerijetko obraćaju i lica u sedmoj i osmoj deceniji života.

Međutim, nasilje u porodici je mnogo raširenija pojava nego što na to ukazuju postojeći podaci, jer iskustva organizacija i stručnjaka koji se bave ovom problematikom ukazuju da se mnogi slučajevi nasilja u porodici ne prijavljuju, odnosno da žrtve o tome čute. Procjene stope ovakvih neprijavljenih slučajeva nazivaju se "tamnom", "mračnom" ili "sivom" brojkom. U nevladinom sektoru broj prijavljenih slučajeva simbolički nazivaju "vrhom ledenog brijega".



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Procjene "tamne brojke" aktivistkinja nevladinih organizacija se razlikuju, počevši od procjene da na svaku ženu koja prijavi nasilje dolaze bar dvije koje o tome čute¹⁴, do procjene da "na svaki prijavljeni slučaj u svakodnevnicu postoji 10 neprijavljenih slučajeva"¹⁵.

Jedan od zaključaka Studije je i da vladine organizacije ne ispunjavaju obaveze koje su preuzele ratifikujući međunarodne dokumente. Ovdje se prije svega misli na Konvenciju o ukidanju svih oblika diskriminacije nad ženama (CEDAW). Ovaj međunarodni dokument propisuje provođenje preventivnih i zaštitinih mjera za žrtve nasilja u porodici, koje, međutim, naše vlade ne primjenjuju. S obzirom da postoji par pozitivnih izuzetaka možda bi poštenije bilo reći da vladine organizacije ove mjere "stidljivo" primjenjuju, ne prepoznajući svoje prave obaveze u smislu dosljednje primjene međunarodnih pravnih normi.

Zaštitom žrtava u smislu njihovog prihvata bave se isključivo nevladine organizacije u BiH. Prema podacima do kojih smo došli tokom istraživanja u BiH postoji šest sigurnih kuća (u Sarajevu, Modriči, Tuzli, Zenici i dvije u Mostaru) i devet SOS linija. Pored toga, nevladine organizacije pružaju i besplatnu pravnu i psihosocijalnu pomoć žrtvama nasilja.

Zakoni u BiH koji regulišu pitanje nasilja u porodici su Zakon o ravnopravnosti polova BiH, Krivični zakon RS, Krivični zakon Federacije BiH, Porodični zakon FBiH, te zakoni o zaštiti od nasilja u porodici.

Zakon o zaštiti od nasilja u porodici FBiH je usvojen u aprilu ove godine, a njegova primjena je trebalo da počne u oktobru. S obzirom da još nisu doneseni provedbeni propisi, primjena zakona je odgođena do daljnjeg.

U Republici Srpskoj je završena javna rasprava o Zakona o zaštiti od nasilja u porodici i pred poslanicima Narodne skupštine uskoro će se naći prijedlog ovog Zakona u vezi sa čijom primjenom postoji još jako puno nedoumica i nejasnoća.

Banjaluka, 6. decembra 2005. godine



14 Ocjena predstavnica nevladinih organizacija, učesnica nacionalnog skupa "Iskustva u borbi protiv nasilja u porodici", održanog 17. i 18. decembra 2004. godine u Bijeljini u organizaciji NVO "Lara" u sklopu međunarodnog projekta holandske organizacije Humanist Committee for Human Rights "Podrška ženskim ljudskim pravima na zapadnom Balkanu".

15 "Prihvatimo li ovu tvrdnju kao tačnu, na 642 slučaja prijavljena Centru za socijalni rad u Sarajevu, doći ćemo do podatka da je u Kantonu Sarajevo domaće nasilje prisutno u 6420 porodica/obitelji. Ako broj slučajeva pomnožimo sa 4 kao prosječnim brojem članova porodice, tada broj osoba izloženih raznim posljedicama nasilja iznosi 25.680 osoba koje su direktno ili indirektno izložene nasilju". "Ženska mudrost, nasilje u porodici i ljudske nelagodje", Udruženje građanki "Žene ženama", Štamparija Fojnica, Sarajevo, 2004., str. 60

NASILJE U PORODICI – OD ISTRAŽIVANJA DO STRATEGIJE

Pripremila: Olga Lola Ninković

Porast broja prijavljenih slučajeva porodičnog nasilja u Bosni i Hercegovni iz godine u godinu, nameće našem društvu još jednu obavezu, u smislu da se ovaj problem počne sistemski tretirati, a o njemu govoriti bez tabua i predrasuda.

Problem porodičnog nasilja nije pojava modernog doba, ono je staro koliko i porodica, i do sada se dobro zna kakve i kolike posljedice može ostaviti po fizičko i psihičko zdravlje ljudi. U tom smislu mnoge napredne zemlje pristupile su ovom problemu ozbiljno, uspostavljajući mehanizme zaštite i prevencije koje su dale dobre rezultate. U BiH o ovom problemu, kao i o mnogim drugim društvenim problemima brinule su isključivo nevladine organizacije, čije breme je tim teže, jer ne postoji podrška i saradnja zvaničnih institucija, ali ni pravna regulativa.

Koliko je ova problematika raširena i kompleksna u BiH pokazala je Studija o nasilju u porodici, prva takve vrste u BiH, koja je proizvod jednogodišnjeg istraživanja "Helsinškog parlamenta građana" Banjaluka, udruženja "Žene ženama" iz Sarajeva i "Lara" iz Bijeljine, koju je na tribini prezentovala uvodničarka Dragana Dardić.

Iako se porodično nasilje ne vezuje posebno ni za jednu zemlju, niti naciju, niti vremensku epohu, kao ni za siromašne, ali ni za bogate, ono u našoj zemlji treba da ima poseban tremen iz više objektivnih razloga.

Osnovni razlog je činjenica da je u Bosni i Hercegovini prije samo deset godina okončan građanski rat čije posljedice u smislu traumatičnih iskustava, siromaštva i opšte neizvjesnosti u vezi sa budućnosti, trpimo i danas. Upravo zbog tih okolnosti, koje umnogome pogoduju javljanju porodičnog nasilja, može se očekivati da je stvarno postojanje ove pojave daleko veće, nego što se registruje.

Dardić je napomenula da jedna od procjena stope nasilja u porodici, govori da je ona čak deset puta veća od stvarne, što predstavlja takozvani "tamni broj", odnosno da na jednu osobu koja prijavi nasilje, dolazi još deset koje o tome ćute.

Ova procjena ne bi trebala da čudi, obzirom da pored činjenice da se nalazimo u postratnom i tranzicionom periodu, pripadamo patrijarhalnom društvu u kojem tradicionalna, ali primitivna shvatanja, kreiraju moralne vrijednosti.

U vezi sa ovim navedena je predrasuda o tome da je porodično nasilje pojava koja se javlja u porodicama nižeg socijalnog i obrazovnog statusa. Istraživanja nažalost pokazuju da se među žrtvama porodičnog nasilja nalaze i intelektualci i intelektualke, kao i to da je ovaj sloj stanovništva sposoban i da počinji nasilje. Isto vrijedi i za porodice koje su bez obzira na obrazovni nivo, dobro situirane i nemaju ekonomskih problema. Istina je i to da se žene, koje su najčešće žrtve porodičnog nasilja iz takvih okruženja, zbog patrijarhalnog okruženja i sramote, uzimajući u obzir i ulogu koju imaju u društvu, teže odlučuju da prijavljaju nasilje.

Prisutni na tribini od kojih je bio i veliki broj medija koji su registrovali ovaj skup, ostali su impresionirani nalazima Studije iz prostog razloga što je po prvi put na jednom mjestu



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dat pregled o broju slučajeva porodičnog nasilja, strukturi, uzrocima i posljedicama, ali i preporukama za prevenciju i tretman ove pojave.

Nimalo tendenciozno, najveći broj diskusija odnosio se na kritiku institucija za koje se zaključilo da ne ispunjavaju obaveze koje su preuzele ratifikujući međunarodne dokumente, kao ni zakonsku regulativu.

Zakoni u BiH koji regulišu ovu oblast su Zakon o ravnopravnosti polova BiH, Krivični zakon RS, Krivični zakon Federacije BiH i Porodični zakon FBiH, dok zakoni od nasilja u porodici u oba entiteta još nisu postali operativni.

Naime, primjena Zakona o zaštiti od nasilja u porodici FBiH, iako je on usvojen u aprilu ove godine, odgođena je do daljnjeg. Što se tiče Republike Srpske, javna rasprava o Zakonu o zaštiti od nasilja u porodici je tek završena, a datum njegove primjene upitan, obzirom da Ministarstvo zdravlja i socijalne zaštite i Ministarstvo unutrašnjih poslova RS moraju donijeti odgovarajuća prateća akta.

U tom smislu sa skupa je upućen apel Vladi RS i Narodnoj skupštini RS da se što hitnije donese Prijedlog zakona o zaštiti od nasilja u porodici kako bi isti što prije stupio na snagu.

Obzirom da je većina diskutiranih zaključila kako je ekonomski momenat presudan u odluci žrtve da trpi i prijavi nasilje, upućen je i apel nadležnim institucijama da se što prije donese socijalni program u kojem bi se posebna pažnja obratila na žrtve porodičnog nasilja. Zatraženo je i da se uskladi postojeća zakonska regulativa, prije svega Zakon o radu i Zakon o socijalnoj zaštiti, kako bi se žrtve nasilja u porodici identifikovale kao posebne kategorija u oblasti socijalne zaštite na svim nivoima.

Posebno je naglašeno kako bi vlade na svim nivoima trebalo da podrže, kroz posebne budžetske linije, postojeće mehanizme zaštite koje su razvile nevladine organizacije, ali i da uspostave nove mehanizme.

Jedna od zaštitnih mjera porodičnog nasilja koja je implementirana u pojedinim dijelovima BiH, zahvaljući velikom zalaganju nevladinog sektora, su sigurne kuće ili skloništa za žrtve porodičnog nasilja. U BiH za sada ima šest takvih skloništa, a opravdanje za njihovim postojanjem, nažalost je pokazao broj osoba koje su imale potrebu da zatraže takvu vrstu pomoći.

Iako jedno od najvećih područja u BiH, banjalučko područje još nema mjesto gdje bi se privremeno mogle skloniti žrtve porodičnog nasilja, koje su u najvećem broju slučajeva žene i djeca. Zahvaljući donaciji Vlade RS u Banjaluci i Trebinju kupljeni su objekti za tu namjenu, ali zbog nedostaka finansijskih sredstava za dodatno opremanje i prevashodno održavanje, ova skloništa još nisu počela sa radom.

Predsjednica "Udruženih žena" Banjaluka Nada Golubović objasnila je ovom prilikom da je zahvaljujući Danskom ministarstvu vanjskih poslova objekat u Banjaluci djelimično rekonstruisan, te da se sada trenutno radi na daljoj adaptaciji i reskonstrukciji zahvaljujući "Projektu upravne odgovornosti" (GAP) koji je podržan od SIDA i USAID-a. Golubović je izrazila nadu da bi sigurna kuća u Banjaluci mogla početi sa radom u proljeće iduće godine, ukoliko se sredstva za njeno funkcionisanje odobre od strane Gradske uprave Banjaluka prilikom donošenja budžeta za iduću godinu.

Neophodnost, kako su se složili prisutni na postojanjem ovakvog jednog skloništa u svakom dijelu BiH je nepobitna, ali ostaje pitanje: šta i koliko se može učiniti na prevenciji ove pojave, kako bi broj onih koji koriste ovu vrstu pomoći u budućnosti bio smanjen.

Svakako da karika koja nedostaje je ona koji se odnosi na institucije sistema i zakonsku



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regulativu, bez koje, kako su svojim radom i djelovanjem pokazale nevladine organizacije, se ne može djelovati puno u preventivnom smislu, već samo na posljedice, dakle, onda kada se nasilje desi.

Koliko je potrebno da ovaj sistem bude uvezan i kada se nasilje registruje, svjedoče brojni slučajevi – žrtve koje su doživjele nerazumijevanje, pa čak i poniženja od pripadnika policije. Ipak, prisutni su naveli da se praksa takvog tretiranja žrtava porodičnog nasilja u posljednje vrijeme smanjila, obzirom na sve bolju saradnju i razumijevanje policije po ovom pitanju, o čemu je svjedočilo i prisustvo pripadnika Ministarstva unutrašnjih poslova RS na ovom skupu. Ocijenjeno je da je ostvarena i značajna saradnja i sa centrima za socijalni rad i zdravstvenim ustanovama, ali da se može uraditi još više, jer je problem dosta kompleksan.

Podatak da žrtva porodičnog nasilja, fizičko nasilje dokazuje ljekarskim uvjerenjem za koje je potrebno izdvojiti oko 50 KM, jedan je od uzroka zbog kojeg nemamo stvarnu sliku raširenosti ovog problema, jer žrtve u najvećem broju slučajeva nemaju novac da ovaj dokaz plate.

Na skupu je iznesen podatak da u Republici Srpskoj kaznu zatvora služi 15 žena od čega njih devet za krivično djelo ubistva. Od pomenutih devet žena, četiri su bile žrtve porodičnog nasilja.

U tom kontekstu Dardić je posebno pomenla da u BiH ne postoje programi koji bi se bavili radom sa nasilnicima, dok samo nevladini sektor u BiH ima specijalizovane programe za rad sa žrtvama porodičnog nasilja.

Poseban problem u tretiranju ove pojave, predstavljaju medijska izvještavanja o slučajevima porodičnog nasilja. Tako je Dardić navela podatke monitoringa medija u okviru Studije, koji je pokazao da sredstva javnog informisanja marginalizuju ovaj problem, jer se slučajevi porodičnog nasilja isključivo nalaze u rubrikama crnih hronika. Jedan se slučaj našao na naslovnoj strani, ali isključivo zbog toga što se desilo ubistvo, koje je bilo epilog dugogodišnjeg porodičnog nasilja.

Česta je praksa da mediji u želji za što većom ekskluzivnošću, kao uslov za razgovor na ove teme, postavljaju zahtjev organizacijama koje rade sa žrtvama, da im istu obezbjede u javnom nastupu.

Ako i isključimo problem nepostojanja trajnih zaštitinih mehanizma, ne treba mnogo truda da se razumije kakve psihičke posljedice trpe osobe traumirane porodičnim nasiljem, te da su veoma rijetke one koje bi se odlučile za takav korak.

Potreba za razumijevanjem i psihološkim tretmanom žrtava nasilja je ogromna, obzirom i na iskustva organizacija koje su uspostavile SOS telefonske linije za žrtve porodičnog nasilja, na koje se najčešće javljaju ne samo da bi prijavile slučaj porodičnog nasilja, već jednostavno da bi sa nekim podijelili svoj problem.

Ovo je bila prilika da predstavnici i predstavnice mnogih nevladinih organizacija iz BiH, koji su prisustvovala tribini, iznesu probleme sa kojima se suočavaju u svom radu. Osnovni problem kako su naveli jesu finansijska sredstva, industrijske cijene telefona i struje, kao i obaveze plaćanja poreza za donatore, koji su najčešće jedini izvor finansiranja nevladinog sektora.

Osim ovoga, poseban problem nevladinim organizacijama predstavlja nepostojanje jasnih kriterija za dodjelu sredstava iz vladinih budžeta i budžeta opština.

Zaključak koji se neminovno nameće jeste da je porodično nasilje problem cijelog društva i da ga tako treba i tretirati, te da osim nevladinog sektora na njemu treba podjednako da rade sve institucije sistema: policije, sudstva i centara za socijalni rad, ali mediji koji bi svojim izvještavanjem podigli svijest svih građana da je porodično nasilje smetnja razvoju cjelokupnog društva i da ga kao takvog treba suzbijati u najvećoj mogućoj mjeri.

Banjaluka, 6. decembar 2005.

SREDSTVIMA INFORMISANJA

Nevladine organizacije Helsinški parlament građana Banjaluka i "Udružene žene" organizovale su 6. decembra u Banjoj Luci javnu tribinu pod nazivom "Nasilje u porodici: Od istraživanja do strategije". Nakon prezentirane studije o nasilju u porodici i mehanizmima zaštite i prevencije, te diskusije prisutnih građana i građanki, među kojima su i stručna lica koja se bave ovom problematikom (socijalni radnici, policija, pravnici), upućujemo javni apel:

1. Vladi Republike Srpske, Vladi Federacije Bosne i Hercegovine, Vijeću ministara BiH, te izvršnim vlastima na ostalim nivoima, da se izmijeni i međusobno uskladi postojeća zakonska regulativa koja tretira nasilje u porodici, a posebno Zakon o radu i Zakon o socijalnoj zaštiti, kako bi se žrtve nasilja u porodici identifikovale kao posebna kategorija u oblasti socijalne zaštite na svim nivoima,
2. Vladi Republike Srpske i Narodnoj skupštini Republike Srpske da hitno donese Zakon o zaštiti od nasilja u porodici, kako bi se njegove mjere što prije počele primjenjivati,
3. Vladama na svim nivoima da uvedu posebne budžetske stavke i obezbijede finansijsku podršku za postojeće mehanizme zaštite koje su razvile nevladine organizacije,
4. da se što hitnije donese socijalni program u kojem će se između ostalog obratiti pažnja na žrtve porodičnog nasilja.

Tribina je organizovana u okviru kampanje 16 dana aktivizma protiv nasilja nad ženama, koja se provodi od 25. novembra – Međunarodnog dana borbe protiv nasilja nad ženama i 10. decembra – Međunarodnog dana ljudskih prava.

Nada Golubović, Udružene žene Banjaluka
Lidija Živanović, Helsinški parlament građana Banjaluka
i učesnice tribine

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MOGUĆNOSTI ZAJEDNIČKOG DJELOVANJA U IZBORNOJ GODINI

Sigurno je da će građani i građanke Bosne i Hercegovine 2005. godinu pamtiti kao godinu burnih političkih (ne)prilika, u kojoj je borba za ravnopravnost polova i uopšte ljudskih sloboda ostala na margini javnog života i po ko zna koji put ignorisana od kreatora naših sudbina.

Argumente za ovakvu pesimističku ocjenu dale su učesnice, predstavnici i predstavnice političkih partija i nevladinih organizacija na okruglom stolu kojeg su organizovali Helsinški parlament građana Banjaluka i Udružene žene Banjaluka. Slični zaključci su provejavali i iz diskusija na prethodnim tribinama i skupovima tokom ove godine.

Ovo je sigurno razlog više da nevladin sektor osnaži svoje aktivnosti u budućnosti, jer je očigledno da u bosanskohercegovačkom društvu postoji snažna potreba za njihovom pomoći i djelovanjem.

Nevladin sektor, posebno dvije pomenute organizacije 2005. godinu pamtiće kao jednu od najdinamičnijih, jer je i sam razvoj događaja bio takav da se često moralo reagovati i djelovati.

Brojni apeli, zahtjevi, upozorenja i otvorena pisma koje su žene upućivale sa ovakvih i sličnih skupova u kojima su tražile samo ono što im po pravu pripada, u većini slučajeva ignorisani su od strane predstavnika vlasti i institucija BiH, ali i međunarodne zajednice. Na koji način, zapitale su se mnoge učesnice, borci za ljudska prava mogu doprijeti do svijesti naših političara, da osim svojih, vide i razumiju potrebe drugih, posebno onih koji su ih postavili na takva mjesta – potrebe nas, običnih građana, birača.

Teško je odgovoriti na pitanje imaju li lideri političkih partija savjest, kada ne odgovaraju za ono što rade i kada po pravilu dolaskom na vlast ili neku drugu poziciju izgube osjećaj i saosjećanje, kako za svoje stranačke kolege i kolegice, tako i za narod.

Jedna od učesnica okruglog stola konstatovala je kako ni jedne godine, kao ove, žene nisu bile više marginalizovane, kako od strane međunarodne zajednice, tako i političara, lidera političkih stranka.

Ovu godinu obilježile su brojne reforme, od odbrane do policije, preko poreskog sistema u kojima se na veoma perfidan način zaobišlo učešće žena.

Žene, kojih prema posljednjim statističkim podacima u BiH ima oko 53 odsto, nisu dobrovoljno odlučile da ih se izuzme iz ovih procesa. Naprotiv, uporno su zahtijevale da podijele odgovornost i daju svoj doprinos u kreiranju svih proteklih i započetih reformi, koje bi nam trebale otvoriti vrata Evrope i boljeg života.

Na žalost, njihov vapaj iako su mogli da čuju, oni koji odlučuju nisu željeli da razumiju, bojeći se da će im se tako ugroziti funkcije i položaji na kojima su se našli radi lične koristi, a ne opšte dobrobiti.

U jeku su pregovori političkih lidera iz BiH oko ustavnih promjena, gdje, naravno, nema ni jedne žene, a gdje je osnovni problem dogovor oko budućeg funkcionisanja i uređenja BiH. Ono što je javnosti malo poznato jeste činjenica da su se politički lideri i prije nego što su sjeli za pregovarački sto dogovorili oko dijela koji se tiče ljudskih prava i sloboda.

Možemo samo da pretpostavimo koliko im je ovaj segment društva važan, kada se niko od



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njih nije javio ni za riječ. Javnosti je samo saopšteno da se radi o dokumentima koji se odnose na ljudska prava i slobode, i naravno, kao "već dokazane demokrate i humanisti" sve su prihvatili, bez dileme. Upravo ovako, "bjanko fenomenom", BiH potpisala je sve konvencije i međunarodne akte koji se tiču ljudskih prava i sloboda, usvojila Zakon o ravnopravnosti polova BiH, bez namjere da iste implementira i poštuje. Mnoga istraživanja javnog mnijenja koje su radile nevladine organizacije i mediji pokazala su da građani BiH ni ne znaju koja prava uživaju, jer političari u svojoj bjesomučnoj borbi za fotelje, nisu našli vremena da o tome upoznaju javnost, ali ni sebe same.

Da je ovo sve tačno, ukazale su učesnice na okrugom stolu podsjećajući na nonsens koji je nedavno predložila Radna grupa za izradu izmjena i dopuna Izbornog zakona BiH, a koji je u koliziji sa Zakonom o ravnopravnosti spolova BiH. Osim nevladinih organizacija i gender centara oba entiteta na ovakav diskriminirajući predlog reagovala je čak i međunarodna zajednica.

Izmjenama i dopunama zakona koji predlaže Radna grupa praktično bi se smanjilo učešće žena na 20 odsto, a zatvorenim listama, koje se zagovaraju, njihove šanse da budu izabrane bile bi ravne nuli.

Ovakvom otvorenom diskriminacijom i kršenjem već postojećih zakonskih propisa pokušava se poništiti sve ono što su borci za ženska i ljudska prava, mukotrpno izvojevali u predhodnom periodu. Tim više, što se Radna grupa oglušila o sve njihove predloge i sugestije, koje su im u vidu amandmana bile dostavljene na vrijeme.

U odgovoru zašto žene predstavnice političkih partija nisu oštrije reagovala na ovaj predlog, ponovo se otvorila diskusija o tome kakav zaista položaj i tretman imaju žene u političkim partijama.

Na žalost, konstatovano je kako je, s obzirom na uloženi ogroman trud, zalaganje, rad i dokazivanje, mjesto žena u političkim partijama, tek nešto bolji u odnosu na predhodni period i to zahvaljujući slučajnim faktorima.

Tako je naveden primjer da su žene postale brojnije na mjestima odlučivanja "zahvaljujući" brojnim smjenama političara, poslanika i odbornika od strane visokog predstavnika u BiH. Kako su navele, žene u političkim partijama i kada su visoko kotirane, suzdržavaju se da javno kažu svoje mišljenje, jer se boje da ih neće biti na listi za iduće izbore. Veoma je teško da u svom radu i aktivnostima pomire stavove političkih partija i svoja opredjeljenja u borbi za ravnopravnost, koja su često u suprotnosti.

Činjenica da BiH još uvijek ima veoma nizak procenat učešća žena u politici, a gotovo nikakav na rukovodećim pozicijama u stranci, dovoljno govori o njihovom položaju u političkim partijama.

Rezimirajući ovu godinu, jedna od pozitivnih stvari jeste usvajanje Zakon o zaštiti od nasilja u porodici RS, koji je po prvi put donesen u ovom entitetu. Na okruglom stolu posebno je pozdravljena činjenica da su poslanici u Narodnoj skupštini RS usvojili sve amandmane na ovaj zakon koji su na glasanje došli zahvaljujući zalaganju poslanica.

Takođe, pozdravljena je i odluka Skupštine grada Banjaluka da se budžetom za iduću godinu predvide dva i po puta veća izdvajanja za nevladin sektor, što će zajedno sa usvajanjem pomenutog zakona, vjerovatno omogućiti da konačno profunkcioniše i Sigurna kuća u Banjaluci. Povećanje ove stavke u gradskom budžetu opet je zasluga žena, odbornica Gradske skupštine.

Mnoge od njih, istakle su značaj saradnje sa nevladinim sektorom kroz brojne projekte i aktivnosti, a koja im je omogućila znanja i iskustva koja pokušavaju da primijene u svom radu.



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Nesumnjivo je da su žene, predstavnice političkih partija u proteklom periodu kroz rad sa nevladinim organizacijama, prevashodno kroz edukaciju uspjele osvjestiti svoje težnje i potrebu da po svaku cijenu budu ravnopravan član društva. Očigledno je da će potreba za jačanjem svijesti o njihovim problemima i pravima, na žalost još zadugo postojati u našoj zemlji. Položaj žene u našem društvu posmatran kroz našu kulturu, tradiciju i mentalitet, nesumnjivo ukazuje da su one suočene sa svim vidovima diskriminacije, a najčešće one prikrivene.

S obzirom da BiH uskoro pristupa pregovorima sa Evropskom Unijom i da se formiraju timovi za pregovaranje, jednoglasno je zaključeno da se i na ovom polju mora djelovati, zahtijevajući da se u timove uključe žene, a da se prilikom pregovora vodi računa o ženskim pravima i ravnopravnosti polova.

Sa okruglog stola, po ko zna koji put, upućen je zahtjev nadležnim institucijama da se prava žena riješe kroz Ustav BiH u kojem bi se navelo da su tri konstitutivna naroda u BiH Srbi, ali i Srkinje, Bošnjaci, ali i Bošnjakinje, Hrvati, ali i Hrvatice.

I na kraju, moglo bi se reći kako je baš ova godina jedna od prekretnica u borbi za ravnopravnost žena u bh-društvu, bez obzira što rezultati na prvi pogled ne nude mnogo optimizma u budućnosti.

Naime, svih prethodnih godina političari su olako shvatali žensku borbu i u kreiranju i donošenju odluka, kao i nastojanja da sa njima podijele vlast i moć. Muški pol podcijenio je ženski kor i upravo iz svog neshvatanja i dubokih ubijeđenja da niko i ništa ne može ugroziti njihove bastione, pristali su i na određene ustupke, koji su u proteklih par godina omogućili ženama da dođu na kandidatske liste, a time i na određene položaje. Bez obzira što će nam ova godina biti nauk, ali i podstrek da se u narednom periodu više radi i dokazuje, ipak se može konstatovati kako se broj žena u politici, u poslaničkim klupama, na mjestima odbornika gradova i opština povećao. Povećao se i broj žena na funkcijama direktora, a tri žene danas u Vladi RS obnašaju funkciju ministra. Sve ovo za žene je još premalo, nedovoljno, ali za muškarce i previše.

Kada su osjetili da su žene prava konkurencija, da su svake godine sve brojnije na listama kada se biraju ličnosti godine, došlo je do otvorenog konfrontiranja.

I tako je ovaj skup, kojem je prisustvovao samo jedan predstavnik muškog pola, ipak završen uz puno optimizma, a sve ono što se uradilo u ovoj i što se najavilo za narednu godinu, pozdravljeno je burnim aplauzom, zahvalnošću u čestikama Helsinškom parlamentu građana i Udruženim ženama iz Banjaluke.

Banjaluka, 27. decembra 2005. godine

REGIONALNI OKRUGLI STO

**STVARNI I PRAVNI POLOŽAJ
ŽENE U REGIJI
JUGOZAPADNOG BALKANA**

BANJALUKA 1. I 2. OKTOBAR 2005.



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U Banjaluci, 1. i 2. oktobra u organizaciji nevladinih organizacija "Udružene žene" i "Helsinški parlament građana, Banjaluka" održana je regionalna konferencija "Stvarni i pravni položaj žene u regiji Jugozapadnog Balkana", realizovana uz podršku dugogodišnjih partnerki Fondacije "Kvinna till Kvinna". Konferencija je za cilj imala da kroz okupljanje aktivistkinja nevladinih organizacija, političarki i žena koje rade u institucijama vlasti omogući pregled pravne regulative i njene primjene i razmjenu iskustava i informacija o ovoj temi između zemalja u regiji. Analizirani su postojeći rodni mehanizmi i potrebe ženske populacije iz ugla nevladinog sektora. Razgovaralo se o problemima u dosadašnjem i mogućnostima za budući rad. Na kraju su usaglašene preporuke i prijedlozi za dalje djelovanje.

Nadamo se da ćemo kroz izvještaj koji slijedi, informisati i druge aktivistkinje koje nisu imale priliku učestvovati i potaknuti ih da kroz komunikaciju sa nama izraze svoje stavove na temu stvarnog i pravnog položaja žene danas na ovim prostorima.

Zahvaljujemo se svim učesnicama za doprinos koje su dale u našem djelovanju i druženju.

Nada Golubović i
Lidija Živanović

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Helsinški parlament građana Banjaluka, BiH
Ženski Centar Trebinje, BiH
Anima, Kotor, R Crna Gora
Dayton Projekt – Program za civilni dijalog u
BiH, Sarajevo, BiH
Udružene žene Banjaluka, BiH
Narodna skupština RS, SNSD Banjaluka,, BiH
Žene Ženama, Sarajevo, BiH
Helsinški parlament građana Banjaluka, BiH
Savjetnica za nasilje u porodici i borbu protiv
trgovine ljudima u Ministarstvu rada i socijalne
zaštite, Priština, Kosovo
Gender Federacije BiH, Sarajevo, BiH
AŽIN Beograd, R Srbija
Gender Republike Srpske, Banjaluka, BiH
SOZM Program političke edukacije, Skopje, R
Makedonija
Kolo srpskih sestara, Zubin Potok, Kosovo
Glas razlike, Beograd, R Srbija
VMRO NP Skoplje, R Makedonija
Forum ženaBratunac, BiH
Centar za ženske studije, Zagreb, R Hrvatska



PLAN RADA KONFERENCIJE

Petak, 30. septembar	
poslije podne	Dolazak učesnica – hotel "Palas"
19.30	Prijem za učesnice konferencije – hotel "Bosna"
Subota, 01. oktobar	
09.30	Registracija za Konferenciju
10.00	Riječi dobrodošlice i otvaranje
10.30	Snimanje TV Talk show "BUKA"
12.00	Odmor
12.30	Uvodni panel
13.00	Panel I Kaća Đuričković – "Stvarni i pravni položaj žene u R Crnoj Gori"
13.30	Diskusija
14.00	Odmor
16.00	Panel II Selvete Gerxhaliu – "Stvarni i pravni položaj žene na Kosovu"
16.30	Panel III Svetlana Cvetkovska – "Stvarni i pravni položaj žene u R Makedoniji"
17.00	Diskusija
17.30	Odmor
18.00	Panel IV Tanja Ignjatović – "Stvarni i pravni položaj žene u R Srbiji"
18.45	Zatvaranje dana
Nedjelja, 02. oktobar	
09.00	Otvoravanje
09.30	Panel V Željka Jelavić – "Stvarni i pravni položaj žene u R Hrvatskoj"
10.00	Panel VI Dijana Šehić i Gordana Vidović – "Stvarni i pravni položaj žene u BiH"
11.00	Odmor
11.30	Diskusij
13.00	Odmor
15.00	Rad u grupama: Grupa I: Razlike i sličnosti u legislativi i institucionalnim mehanizmima Grupa II: Zalaganje i lobiranje za primjenu i promjenu
16.30	Odmor
17.00	Prezentacija i preporuke radnih grupa
18.30	Evaluacija i završetak rada



9

U želji da upoznamo širu javnost sa stvarnim i pravnim položajem žena u regiji, Konferenciju smo započele snimanjem TV Talk Show BUKA. Emisija je emitovana u dva termina na Alternativnoj TV Banjaluka i na RTV Republike Srpske. TV Talk Show BUKA ima veliku gledanost na čitavom području Bosne i Hercegovine.

U TV razgovoru su učestvovalе Cyme Mahmutaj, Bojana Genov, Gordana Vidović, Ljupka Kovačević, Tanja Ignjatović i Valentina Novkovska Trajkovska.

U spontanom i opuštenom razgovoru sa voditeljem Aleksandrom Trifunovićem, ukazale su na niz problema sa kojim se žene regiona susreću. Istakle su da je tradicija i predrasude jedan od osnovnih faktora koji sprečava da prava ostvarena kroz Zakonodavstvo zažive u realnom životu.

Radni dio konferencije moderirale su Nuna Zvizdić, Nada Golubović i Lidija Živanović.

Na početku radnog dijela Konferencije, svojim pozdravnim govorom učesnicama se obratila

NADA GOLUBOVIĆ

Drage prijateljice!

Veoma mi je drago što mogu da vas pozdravim u našem gradu i zaželim vam dobrodošlicu u ime organizacija "Helsinški parlament građana", "Udružene žene" i u svoje lično ime. Mi smo se ovdje okupile da sagledamo pravni i stvarni položaj žena u državama iz kojih dolazimo. Kao domaćice ovog skupa želimo vam ugodan boravak u našem gradu i naravno nama svima uspješan rad. Prije nego što počnemo raditi želim da vam predstavim BiH, državu kontroverzi u kojima mi žene živimo na marginama društvenih zbivanja. Ja naravno nemam namjeru da govorim ono što će nam panelistice iz naše države reći nego neka moja osobna razmišljanja koja želim sa vama svima podijeliti.

Rat u BiH je okončan potpisivanjem Dejtonskog mirovnog sporazuma i mi u BiH imamo državno ustrojstvo koje je definirano tim sporazumom. Žene BiH nisu odlučivale o toku i razlozima rata, niti su o njemu bile pitane. Žene naravno nisu bile pitane ni o prevelikim ljudskim žrtvama i patnjama, ni o ogromnim i besmislenim ratnim materijalnim razaranjima. Mi nismo odlučivale ni o pitanjima i uvjetima mira. Tako da deset godina nakon Dejtona teško se može reći da li su građani i građanke BiH dobili mirom ono što su očekivali. Rat i mir su bez domaćeg pobjednika i sa mnogo gubitnika. Deset godina živimo u miru koje nosioci vlasti u BiH nisu pametno iskoristili.

Kada se prije deset godina u Dejtonu potpisivao mir, svi smo se nadali da će naredne godine donijeti pravi mir, investicije koje su obećavane, obnovu privrede, komunikacije, kontakata i povjerenja među ljudima. Malo tko je mogao vjerovati da će se za tih deset godina tako malo učiniti:

- nepovjerenje među tri konstitutivna naroda u Bosni i Hercegovini i dalje traje;
- privreda se sporo oporavlja;
- kapital koji ulazi u BiH se koristi najmanje za dobrobit građana/ki ove zemlje;
- komunikacije između izabranih predstavnika i ljudi se dešavaju od izbora do izbora; može se reći da su više zatvorene nego otvorene;
- vlada nepovjerenje i neizvjesnost o sutrašnjici;
- izbjeglice i prognanici nisu u pravom smislu vraćeni, a većina i nema kud;
- putevi često ne vode nikuda;
- žene imaju marginalnu ulogu u društvu.

Možemo reći da je privreda na koljenima, muške elite vladaju zemljom. Naše nade u bolji



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život nisu ostvarene. Progres sporo i mučno dolazi, kao da ga neka sila dozira sporo kap po kap.

Rat je donio puno razočarenja, kako među onima koji su oduvijek bili protiv rata i razgradnje zemlje, tako i među onima koji su se nadali da će ratom prokrciti put ka ostvarenju nacionalnih i drugih ciljeva. Vlada apatija, podozrivost, beznađe, revolt, kriminal, korupcija i amoralnost. Preokrenut je sistem društvenih vrijednosti i obični ljudi se u tome teško snalaze. Zemlja je u ovom trenutku u nečuvenoj političkoj, ekonomskoj, kulturnoj i moralnoj krizi.

Pred nama, i pored svega rečenog, stoji period obnove zemlje. To diktira ne samo naša potreba, nego i potreba omladine i djece koja su budućnost.

Mi žene smo dugo bile na marginama, ali sada ne smijemo ostati po strani događaja jer činimo više od polovine stanovništva Bosne i Hercegovine i izvor smo obnavljanja života u doslovnom smislu. Mi već godinama radimo na obnovi povjerenja među građanima, a smatram da je sada na nama da djelujemo na poslovima obnove privrednih, duhovnih i kulturnih veza, na poslovima obnove domaćinstava, porodica i stanovništva, a što je najvažnije mi želimo da osim lokalnog djelovanja radimo na izgradnji ove zemlje u svim segmentima života.

Da bismo mogle ostvariti te zadatke moramo najprije obnoviti i utvrditi vlastitu svijest o svom društvenom, dakle i političkom značaju i svijest o mnogostruko isprepletenim potrebama uzajamnosti. Sad je momenat da oficijelnoj politici kažemo koje je mjesto žene u politici, u privredi i kulturi.

Porodice nema bez žene, države nema bez porodice, preporoda nema bez smirene i organizovane države. Mi nismo vodile rat, niti podsticale na rat. Mi hoćemo da odlučujemo o miru i u miru. Žene nisu rodile retrogradne političke svijesti i ideologije, nego su rodile žrtve takvih ideologija i politika. Mi nismo za sadašnji hladni mir pun opasnosti, mi smo za pravi mir i saradnju.

Ne pristajemo na to da i ubuduće naša djeca ginu i obogaljuju se radi tuđih političkih ideala i profita.

Decenijama smo, a posljednjih godina naročito, bile žrtve kojekakvih ideala. Naš ideal treba da bude običan život i rad, gradnja a ne razgrađivanje. Ako mi danas ne počnemo raditi na obnovi veza i povjerenja, buduće generacije nam neće oprostiti, niti razumjeti naše oklijevanje. Mi ne pristajemo da živimo u izolovanoj zemlji, nego hoćemo da budemo ravnopravan i koristan dio svijeta i Evrope. Mi nismo ljudi lošiji od drugih ljudi, nego ljudi kojima je sopstvena historija bila nenaklonjena, dijeleći nas po tuđim mjerilima i potrebama. Isuviše nas je malo da bismo se dalje između sebe dijelili, isuviše smo slični i jednorodni da bismo mogli sebi dozvoliti trajnu zavađenost, isuviše povezani i izmiješani da bismo lako mogli bez štete razdvojiti svoje pojedinačne ili kolektivne interese.

U današnjoj Evropi koja se potrebom historijsko-evolutivnih razloga ujedinjuje, mi nemamo pravo raditi na dezintegraciji, ponašajući se antihistorijski i antievolutijski. Tko je protiv takvih tendencija taj ne osjeća duh vremena, a sa aspekta naših općih potreba nedobronamjeran je.

Narodi Bosne i Hercegovine su braća po krvi i spadaju u stare narode Evrope i nitko nema pravo da nas odvađa od nje i zakonomjernosti njenih historijskih kretanja.

Sigurno je da naš interes nije rat, nije bijeda i nije zaostalost. Naprotiv! Svijesni smo toga da su narodi instrumentalizirani radi interesa političkih oligarhija i radi interesa beskrupuloznog svjetskog kapitala. Mi moramo znati da se u budućnost može ići i putevima drugačijim od onih koje nam zadnjih godina trasiraju domaći i strani političari. Mi moramo



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tražiti vlastiti put, ma kako on bio neizvjestan i dug. Na početku svakog puta čini se prvi korak, a to je ovo što danas hoćemo da učinimo. Bez obzira na to kako će centri političke moći prihvatiti naše potrebe u aktivnom i ravnopravnom učešću žena. To je neminovnost koju moraju prihvatiti političari Zapadnog Balkana, gdje postoji nužnost saradnje i uvijek će ostati kao notorna potreba. Mi se stoga moramo okrenuti jedne drugima, kako bi prostor u kojem živimo postao centar mira a ne uvijek bure baruta. Ne možemo stvoriti mir bez pružene ruke pomirenja i ne možemo pružiti ruku ako je ona stisnuta u pesnicu, kako je nekad mudro rekla Indira Gandhi.

Sada je momenat da žena Bosne i Hercegovine i svih drugih zemalja Zapadnog Balkana izađe iz sjene i zauzme društveno mjesto koje joj po svemu pripada.

Bez žene nema obnove, bez žene nema države, bez žene nema budućnosti i neka se nitko ne zavarava da ćemo sklopljenih ruku pasivno čekati da nam neko drugi određuje kako ćemo živjeti i umirati!

Drage gošće, u sljedećim danima imamo priliku da razmijenimo mišljenja, ideje i iskustva, nadam se da ćemo analizom stanja u našim državama dobiti preporuke koje će nam svima biti od koristi. Nadam se da će muške političke elite uzeti u obzir naše stavove.

Iskreno vjerujem da većina od nas na sličan način osjeća i misli o ovim našim nevoljama i nadam se da ćemo uspješno obaviti onaj posao zbog kojega smo se okupile. U tome uvjerenju, u ime nas koje smo sve ovo organizirale želim vam uspješan rad i prijatan boravak u Banjaluci.

Ovo je prilika da se zahvalimo našim prijateljicama iz Fondacije Kvinna till Kvinna na podršci u organizaciji ovog događaja i našem višegodišnjem radu.

Kaća Đuričković

STVARNI I PRAVNI POLOŽAJ ŽENE U CRNOJ GORI

O opštim pravnim okvirima

Ustavna povelja državne zajednice Srbija i Crna Gora, kao jedan od ciljeva državne zajednice, proklamovala je poštovanje ljudskih prava svih lica u njenoj nadležnosti. U tom smislu, propisano je da države članice uređuju, obezbjeđuju i štite ljudska i manjinska prava i građanske slobode na svojoj teritoriji (član 9. stav 1.) i da se odredbe međunarodnih ugovora o ljudskim i manjinskim pravima i građanskim slobodama koji važe na teritoriji Srbije i Crne Gore neposredno primjenjuju (član 10.).

Prema Ustavnoj povelji, ratifikovani međunarodni ugovori i opšteprihvaćena pravila međunarodnog prava imaju primat nad pravom Srbije i Crne Gore i pravom država članica (član 16.).

Poveljom o ljudskim i manjinskim pravima i građanskim slobodama propisano je da svako ima obavezu da poštuje ljudska i manjinska prava, da se ljudska i manjinska prava zajemčena Poveljom neposredno primjenjuju, neposredno uređuju, obezbjeđuju i štite ustavi-ma, zakonima i politikom država članica. Povelja garantuje jednakost svih pred zakonom i



jednaka zakonska zaštita, bez diskriminacije, i izričito zabranjuje diskriminaciju, kako neposrednu, tako i posrednu, po bilo kom osnovu, pa i po osnovu pola. **Ustavom Republike Crne Gore** zajamčena je sloboda i jednakost građana, bez obzira na bilo kakvu posebnost ili lično svojstvo, kao i jednakost svih pred zakonom.

Stvarni položaj žena u Crnoj Gori

I pored jasno definisanih pravnih okvira koji propisuju princip jednakosti jasno je da čak i najuređeniji pravni sistemi ne obezbjeđuju uvijek mehanizme koji pružaju i jednake mogućnosti svima.

Gledano sa rodnog aspekta ovo se posebno odnosi na žene. Vijekovno se razvijajući u sistemima koji su konstituisani za muškarce, žene se njima prilagođavaju, češće nego što te iste mehanizme i pravne okvire mijenjaju.

Naime, postoje različita shvatanja i tumačenja koji je od razvojnih puteva najprimjenjiviji u Crnoj Gori, no, oko stava da se žene nalaze u nepovoljnijem položaju, dakle da su diskriminisane, u našem društvu se jednoglasno slažu aktivistkinje ženskog pokreta i rijetki zaposlenici nekih društvenih institucija i međunarodne organizacije koje zagovaraju i podržavaju ove programe.

U nedavno izrađenom Vladinom izvješaju o postizanju Milenijumskih razvojnih ciljeva jasno je data slika o položaju žene u nekim segmentima društva.

Navodimo:

Ekonomski položaj žene

Na osnovu različitih istraživanja pokazatelji nepovoljnog ekonomskog položaja žena u Crnoj Gori su:

- Oko 53% žena je zaposleno u Crnoj Gori, 31% radi u neformalnom sektoru ili traži posao, a 16% nije nikada radilo. Najpopularniji posao je u administraciji i trgovini. Samo 7,2% obavlja neki od menadžerskih poslova u preduzećima
- Žene u prosjeku imaju za 18% nižu zaradu od muškaraca
- Stopa nezaposlenosti žena je veća nego kod muškaraca i kreće se oko 38%
- Otežani uslovi za zapošljavanje
- Duže čekanje na posao
- Otvorena i prikrivena diskriminacija u profesionalnom napredovanju (što je viši nivo to je manje žena)
- Veća vjerovatnoća da će biti izložene siromaštvu zato što posle razvoda dominantno ili u cjelini izdržavaju djecu kao i zbog vanbračnog rađanja
- Veća vjerovatnoća siromaštva u starosti kao posljedica manjeg relativnog broja žena penzionera i nižih penzija (zbog veće nezaposlenosti i nejednakosti u dohocima)
- Niže kvalifikacije i obrazovanje, naročito starijih kategorija, dok se djevojke sve više opredjeljuju za dalje školovanje
- Žene mnogo češće spadaju u kategoriju zaposlenih nego u kategoriju poslodavaca, u odnosu na muškarce (bar dva puta)
- Izrazito veliki udio žena u kategoriji "izdržavanih članova domaćinstva"
- Izrazito velika razlika u neplaćenom domaćem radu između muškaraca i žena.



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Nejednakost polova u Crnoj Gori je u ovom izvještaju definisan kao problem koji zahtjeva hitnu pažnju navodeći kao primjer rodni aspekt siromaštva

U Crnoj Gori, u ovom trenutku, problem ravnopravnosti polova nije moguće adekvatno statistički kvantifikovati jer rodno vođenje statistike nije uređeno.

Na osnovu posebnih statističkih podataka, izvedenih iz medijskih članka, iskustava NVO-a i pojedinih istraživanja može se zaključiti da:

- visoki stepen rodne diskriminacije, na štetu žena, postoji u tradicionalističkom pristupu naslednim pravima. Iako naslednice prvog reda, kćeri i majke se odriču naslednog prava posebno nad nepokretnostima koje po običajnom pravu treba da pripada muškarcima / sinovima, braći;
- u pogledu izbora zanimanja postoji rodna diskriminacija u širokom spektru profesija (posebno izraženo u tekstilnoj industriji, zdravstvenim ustanovama, školstvu, državnim institucijama i td. a žene, u principu, pokrivaju slabije plaćena radna mjesta), a rodno (ne)senzitivan jezik još je jedan od indikatora kako lako prepoznamo u društvu čistačice, šnajderke i sl, a pri tom se jako odupirući zvanjima predsjednica, menadžerki, ministarki i sl.
- u sferi odlučivanja u društvu, dakle u politici, menadžerskim i upravnim poslovima postoji jasna i lako dokaziva diskriminacija na štetu žena,

U parlamentu je 12% žena, u vladi svega dvije ministarke; u 21 opštini dvije su gradonačelnice. U skupštinama opština žene su zastupljene sa 55 kao odbornice.

- direktna rodna diskriminacija u procesu obrazovanja nije izražena, mada postoji stereotipna podjela na "ženska" i "muška" zanimanja i drugi vid stereotipnih učenja,
- nasilje nad ženom, bilo da se radi o fizičkoj ili mentalnoj torturi, predstavlja još jedan lako prepoznatljiv oblik diskriminacije u Crnoj Gori, o kome se i dalje čuti,
- proces anomalnih promjena koje prate tranziciju, a posebno siromaštvo, doveo je do učestalog prisilnog narušavanja dostojanstva ličnosti u vidu svodena žene na seksualni objekat. Dovoljno je pogledati jedan primjerak dnevnih novina i biti informisan o desetinama hot–linija za muškarce, a o objektivizaciji ženskog tijela u seksualne svrhe, dovoljno govore slike koje prate ove oglase.

U porodici se rodna diskriminacija ogleda, kako u izboru poslova i intezitetu angažmana, tako i u inferiornom odnosu u planiranju porodice.

Trgovina ljudima je još jedan veoma ozbiljan međunarodni i nacionalni problem sa značajnim uticajem, posebno u jugoistočnoj Evropi. Zbog svog geografskog položaja, Crna Gora je postala zemlja tranzita za žrtve trgovine koje dolaze iz istočne Evrope i sa Balkana na putu za zemlje Evropske Unije, ali je i zemlja porijekla žrtava i zemlja u kojoj se žrtve eksploatišu za prostituciju, prisilni rad, prošenje ili čak za vađenje i prodaju njihovih organa. Većina žrtava trgovine ljudima stranog porijekla kojima je pružena pomoć od 2001, u Crnoj Gori je bila između 18 i 24 godina starosti i to od njih 16, 19% je bilo maloljetno (između 14 i 17 godina starosti); 44% je bilo između 18 i 24 godina starosti, 25% je bilo između 25 i 30, a 14% je bilo staro preko 30 godina. Procenat odraslih žena preko 24 godine u trenutku njihove identifikacije i obraćanja za pomoć (39% slučajeva) je visok u poređenju sa ciframa iz drugih zemalja u Regionu.

Definisani programi Vlade Crne Gore za promovisanje rodne ravnopravnosti u MDG Izvještaju su:

- Omogućavanje pristupa obrazovanju za djevojčice iz grupa siromašnih
- Promovisanje ženskih prava
- Podrška za ostvarivanje efikasnog javnog sektora koja je usmjerena na ljude koji teže

većoj zastupljenosti žena u vladi i drugim javnim institucijama u skladu sa međunarodnim standardima

- Snažna podrška grupama žena volontera itd.
- Ohrabrivanje političke zastupljenosti žena u centralnoj i lokalnoj vlasti

Izrađeni su Nacionalni Akcioni planovi za:

- Sprečavanje trgovine ljudima – koji je i usvojen od strane Vlade RCG
- Postizanje rodne ravnopravnosti – na jesen će se diskutovati i usvajati

Značajno je napomenuti da je u izradi i Zakon o rodnoj ravnopravnosti koji će adresirati ovu problematiku. Zakon bi se trebao pojaviti na javnoj raspravi tokom oktobra 2005.

Postojeći Institucionalni mehanizmi za rodnu ravnopravnost u Crnoj Gori

Kancelarija za ravnopravnost polova Vlade Republike Crne Gore

Vlada Republike Crne Gore, na sjednici od 27. marta 2003, osnovala je Kancelariju za ravnopravnost polova. Ovaj prvi institucionalni mehanizam za postizanje rodne ravnopravnosti predstavlja preduslov za kreiranje politike jednakih prava kao i mogućnosti svih građana, u skladu sa Ustavnim opredjeljenjima i vrijednostima Crne Gore.

U saradnji sa Paktom Stabilnosti za Jugoistočnu Evropu – Radnom Grupom za jednakost polova – ostvarena je čvrsta međunarodna, a posebno regionalna, saradnja sa institucijama koje se bave problematikom rodne ravnopravnosti.

U skladu sa svojim mandatom, Vladina kancelarija za ravnopravnost polova sprovodi niz aktivnosti i to:

- Praćenje izmjena i dopuna zakonske regulative u skladu sa međunarodnim standardima i ratifikovanim dokumentima;
- Radi na donošenju novih zakonskih i drugih propisa koji jasnije definišu rodnu ravnopravnost/jednaka prava i obaveze, poput Zakona o rodnoj ravnopravnosti;
- Radi na implementaciji Konvencije o eliminaciji svih oblika diskriminacije nad ženama – CEDAW, praćenju stanja i izvještavanju CEDAW Komitetu;
- Radi na izradi periodičnih Nacionalnih Planova Akcije koje usvaja Vlada RCG;
- Ostvaruje saradnju sa sličnim mehanizmima za rodnu ravnopravnost kako u Regionu, tako i šire;
- Ostvaruje saradnju sa međunarodnim i domaćim nevladinim organizacijama i građanskim udruženjima;
- Sarađuje sa Vladom predstavljajući savjetodavno tijelo u domenu ljudskih prava – rodne ravnopravnosti;
- Ostvaruje saradnju sa Parlamentarnim i drugim mehanizmima za rodnu ravnopravnost, planira i sprovodi koordinisane aktivnosti;
- Sprovodi socijalna istraživanja u domenu rodne ravnopravnosti;
- Sprovodi edukaciju i aktivnosti na podizanju nivoa svijesti građanstva o problemu rodne ravnopravnosti kao i
- Obavlja mnogobrojne aktivnosti vezane za promociju rodne ravnopravnosti i politike jednakih mogućnosti polova i to u domenima – obrazovanja, zdravlja, politike, ekonomije, sporta, vladavine prava kao i svih drugih društvenih oblasti od opšteg i posebnog značaja.

Brojni projekti realizovani u protekle dvije godine poput – "Žene u Vladi", "Regionalni klub parlamentarki", "Žene To Mogu III", "Ženska mapa Crne Gore", "Žene u politici i u društvu", "Prevencija nasilja" te časopisi "Femina" – ne samo da su okarakterisani brojnim partnerstvima sa međunarodnim i domaćim organizacijama i institucijama, već su osigurali



9

značajnu vidljivost i prisutnost ovog pitanja u javnosti Crne Gore i uticali na značajno poboljšanje ukupnog odnosa i politike, odnosno djelovanja institucija sistema u domenu rodne ravnopravnosti.

Odbor za ravnopravnost polova Skupštine Republike CG

Skupština RCG je 11. jula 2001. donijela odluku o obrazovanju Odbora za ravnopravnost polova, kao stalnog radnog tijela Skupštine.

Odbor za ravnopravnost polova razmatra i prati ostvarivanje Ustavom utvrđenih sloboda i prava čovjeka i građanina koja se odnose na ravnopravnost polova, a naročito:

- Razmatra prijedloge zakona i drugih akata od značaja za ostvarivanje načela ravnopravnosti polova, podstiče primjenu i realizaciju ovog načela u zakonima Republike,
- Podstiče i predlaže potpisivanje međunarodnih dokumenata o ravnopravnosti polova i prati ostvarivanje tih dokumenata u Republici,
- Predlaže mjere i aktivnosti za unapređivanje ravnopravnosti polova, posebno u oblastima obrazovanja, zdravstva, javnog informisanja, socijalne politike, zapošljavanja, preduzetništva, porodičnim odnosima, procesu odlučivanja i sl.

Učestvuje u pripremi i izradi dokumenata i usaglašavanju zakonodavstva u ovoj oblasti sa standardima i zakonodavstvom EU, sarađuje sa NVO koje se bave pitanjima ravnopravnosti polova.

Ljupka Kovačević, koja je umjesto opravdano odsutne panelistkinje, Kaće Đurićković prisutnim predočila ovaj izvještaj o "Stvarnom i pravnom" položaju žene u Crnoj Gori izrazila je bojazan da će sva nastojanja žena u njenoj zemlji da afirmišu svoja prava ostati u sjeni političkih previranja i naglasila da su glasine o ratu na tom području sve realnije.

Sonja Drljević je nakon Ljupkinog izlaganja istaknula da je ključni problem na putu stvarne afirmacije ženskih prava njihovo ekonomsko jačanje i osamostaljivanje.

Reagujući Ljupkino na izlaganje, Biserka Momčinović, je rekla da je "najava mogućeg rata" u Crnoj Gori posebno dimnula i uvjerila da je zajednička zbilja svih žena Jugozapadnog Balkana daleko od optimistične.

Da je to uistinu tako i da je stvarni život daleko od zagarantovanih prava učesnice su se mogle uvjeriti već u slijedećem izlaganju Selvete Gërxhaliu sa Kosova, koja je osim gotovo idealne pravne slike (tekst koji slijedi) dala prikaz i stvarnog položaja žene Kosova danas.

Savjetnica za nasilje u porodici i borbu protiv trgovine ljudima, podržana od strane OSCE misije u Ministarstvu rada i socijalne zaštite



PRAVNI I STVARNI POLOŽAJ ŽENA NA KOSOVU

Uvod

Kada se govori o ravnopravnosti polova, obično se misli da je to pitanje koje se odnosi samo na žene. Međutim, jednakost polova nije samo žensko pitanje, već pitanje koje se tiče svih nas. Unapređenje ženskih prava i postizanje ravnopravnosti između žena i muškaraca je pitanje koje se tiče ljudskih prava i ono predstavlja osnovu socijalne pravde.

Ravnopravnost polova nije nešto što je zamišljeno kao želja, već je pitanje koje je regulisano kroz različite pravne akte i dokumente. Pravne mjere imaju za cilj da postignu potpunu ravnopravnost između muškaraca i žena u društvu. Ove mjere su usmjerene prema omogućavanju pripadnicima određenog pola da učestvuju u svim oblastima građanskog i društvenog života, eliminišu stvarne nejednakosti među polovima i obezbjeđuju im prava koja nisu uživali prije toga.

1. Pravni status žena u Kosovu

U Kosovu, kao i drugdje u Evropi, ravnopravnost polova je zagarantovana zakonom. Žene i muškarci imaju jednaka prava i odgovornosti. Institucije Kosova su izradile i usvojile zakone koji su na snazi i koji garantuju jednakost polova u svim oblastima života. Ali ravnopravnost polova i stvarni kvalitetni položaj žena ne mogu biti postignuti ukoliko je ovo pitanje prepoznato kao problem samo kroz zakonske propise.

Ukoliko se zakoni pravilno primjenjuju u praksi, oni se mogu koristiti za postizanje ravnopravnosti polova, ali ponavljam, zakoni nisu dovoljni za osiguranje stvarne ravnopravnosti polova. Neophodno je stvaranje specifičnih institucija i mehanizama za unapređenje i zaštitu prava po osnovu pola.

Vlada Kosova (UNMIK i PISG) su opredjeljeni za promociju i postizanje ženskih ljudskih prava. Cilj je jačanje institucionalnih mehanizama i pravnih osnova za postizanje ravnopravnosti polova. Ciljevi Vlade su sljedeći:

- Stvaranje administracije i civilne službe koja garantuje međunarodne standarde ljudskih prava na centralnom i lokalnom nivou,
- Promovisanje i institucionaliziranje pitanja jednakosti polova i kreiranje politika koje će podržati razvoj i unapređenje položaja žena u Kosovu
- Uspostavljanje uspješne saradnje i koordinacije između lokalnih i međunarodnih institucija, civilnog društva i građana i građanki Kosova kako bi se oživjele pozitivne mjere u praksi sa ciljem postizanja ravnopravnosti polova.

Pravni i institucionalni okvir i naponi organizacija i pojedinaca i pojedinki su doprinijeli da imamo neke početne rezultate, koji su sljedeći: pitanja ravnopravnosti polova su institucionalizirana na centralnom i lokalnom nivou, u smislu polnog sastava institucija, naročito skupština, žene imaju 30% mjesta, terminologija ravnopravnosti polova je uključena u nas-



9

tavne programe, postoje istraživanja o gender statistikama muškaraca i žena u Kosovu, nevladine organizacije imaju aktivnu ulogu i umrežavaju se u saradnji sa vladinim institucijama. U junu 2002. godine, UNIFEM je posredovao u diskusiji koja je identifikovala potrebu za stvaranjem dokumenta na osnovu kojeg bi se kreirala strategija za postizanje ravnopravnosti polova za period od 5 godina. Dokument je nazvan Nacionalni plan akcije za postizanje ravnopravnosti polova. Nacrt Akcionog plana za postizanje ravnopravnosti polova Kosova je prošao kroz različite faze koje su omogućile svim zainteresovanim stranama da daju svoje prijedloge i komentare. Akcioni plan za postizanje ravnopravnosti polova Kosova reflektuje ideje različitih grupa i partnera, kao i odgovornih službenika i službenica Vlade koji su odgovorni za njegovu primjenu u praksi.

Najveći izazov postoji upravo u primjeni Akcionog plana za postizanje ravnopravnosti polova Kosova. Još uvijek postoji nedostatak ekspertize, i široka javnost mora da bude dosegnuta i uključena u nadgledanje i primjenu ovog plana.

2. Ključni pravni lijekovi koji obezbjeđuju ravnopravnost polova

U fokusu ove prezentacije će biti neki aspekti ustavnog okvira, ravnopravnosti polova, anti-diskriminacije, rada, porodice i drugi zakoni u Kosovu.

Ustavni okvir Kosova¹⁶ garantuje vladu sa sistemom ljudskih prava. Prema tome, ovaj okvir garantuje ravnopravnost polova. Konvencija o eliminaciji svih oblika diskriminacije nad ženama – CEDAW, se direktno primjenjuje kao dio Ustavnog okvira sa svim pravima i slobodama koje su predviđene ovom Konvencijom.

Zakon o ravnopravnosti polova Kosova (LGE)¹⁷ takođe štiti i uspostavlja ravnopravnost polova kao osnovno pravo u demokratskom razvoju Kosovskog društva. LGE obezbjeđuje jednake mogućnosti za učešće žena i muškaraca i njihov doprinos u političkom, ekonomskom, društvenom i kulturnom razvoju, kao i u svim oblastima društvenog života.

Zakon o ravnopravnosti polova Kosova reguliše uslove i mogućnosti za ravnopravnost polova kroz politike koje podržavaju opšti razvoj, posebno za unapređenje statusa žena, tako da im se osiguravaju prava u porodici i društvu. Ovaj Zakon predviđa mjere koje trebaju biti preduzete za postizanje jednakih prava i predviđa odgovorne organe vlasti i njihova zaduženja.

Antidiskriminacijski zakon¹⁸ je donesen sa ciljem sprečavanja i borbe protiv nasilja po osnovu pola u svim oblastima društvenog života u Kosovu, i on predviđa da se neće dozvoliti bilo kakav oblik direktne ili indirektno diskriminacije protiv osobe, bez obzira na njen–njegov pol, godine, bračni status, jezik, mentalno ili fizičko onesposobljenje, seksualnu orijentaciju, nacionalnost, religiozna ili politička ubjeđenja, etničko ili društveno porijeklo, rasu, imovinski status, rođenje ili bilo koji drugi status.

Rad i jednakost polova – Javni i privatni sektor i institucije zakonodavne i izvršne vlasti će obezbijediti jednaka prava i mogućnosti za žene i muškarce u oblasti rada i zapošljavanja. Oglašavanje slobodnih radnih mjesta neće sadržavati bilo kakve riječi ili izraze koji mogu dovesti do diskriminacije po osnovu pola.

Poslodavac je obavezan da plati jednaku naknadu za rad i ženama i muškarcima, za jednak rad i za rad jednake važnosti, i obavezan je obezbijediti i osigurati jednako zaposlenje i uslove na radu za žene i muškarce.

16 UNMIK Odredba 2001/ 9– " O ustavnom okviru za privremene institucije samouprave Kosova "

17 UNMIK Odredba 2004 /18 " O objavi Zakona o ravnopravnosti polova Kosova"

18 UNMIK Odredba 2004/32 "O objavi Anti-diskriminacijskog zakona usvojenog od strane Skupštine Kosova"



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Uznemiravanje i seksualno uznemiravanje na radnom mjestu je zabranjeno.

Bračni status – Žene i muškarci su jednaki prema zakonu u svim pitanjima koja se tiču braka i odnosa u porodici. Posebno, na osnovu jednakosti muža i žene, Zakon osigurava:

- a) Jednaka prava prilikom stupanja u brak;
- b) Jednaka prava izbora bračnog partnera za žene i muškarce i stupanja u brak samo sa potpuno slobodnom voljom i pristankom ove strane;
- c) Jednaka prava i odgovornosti tokom braka i njegovog raskidanja;
- d) Jednaka prava i odgovornosti muškaraca i žena kao roditelja, bez obzira na njihov bračni status, u stvarima koja se odnose na njihovu djecu;
- e) Jednaka lična prava muža i žene, uključujući pravo da izaberu prezime, profesiju i zaposlenje;
- f) Jednaka prava za oba bračna druga u odnosu na vlasništvo, pribavljanje, upravljanje, administraciju, uživanje i raspolaganje imovinom, bez obzira da li se radi o besplatnim raspolaganjem ili raspolaganjem za nadoknadu;

Nasilje u porodici – Nasilje u porodici na Kosovu je prepoznato i sankcionisano kroz postojeću pravnu zaštitu i uspostavljanje mehanizama pomoći žrtvama nasilja. Zaštita od nasilja u porodici je osigurana kroz UNMIK Odredbu 2003/12, o zaštiti od nasilja u porodici.

Zaključak:

Ovo je kratak pregled ekvivalentnih pravnih propisa koji su dostupni trenutno u zakonodavstvu Kosova o ravnopravnosti polova. Tekući zadatak predstavlja iskorjenjivanje tradicionalnih uloga muškaraca i žena u društvu. Ovaj zadatak predstavlja dugotrajan proces, ali je nezamjenjiv u postizanju potpune ravnopravnosti polova. U ovom procesu je više nego neophodna saradnja između svih ćelija društva.

Osnovni pravni propisi za jednakost polova u Kosovu

- UNMIK Odredba 2001/ 9 – "O ustavnom okviru za privremene institucije samouprave Kosova"
- UNMIK Odredba 2004/18 "O objavi Zakona o ravnopravnosti polova Kosova"
- UNMIK Odredba 2004/32 "O objavi Anti-diskriminacijskog zakona usvojenog od strane Skupštine Kosova"
- UNMIK Odredba 2005/7 "O objavi Zakona o nasljeđivanju Kosova"
- Zakon o braku i bračnim odnosima (Službeni glasnik SAP Kosovo 1984, Broj 10)
- UNMIK Odredba 2003/12 "O zaštiti od nasilja u porodici"
- UNMIK Odredba 2001/19 "O izvršnom ogranku privremenih institucija samouprave Kosova"
- UNMIK Odredba 2000/45 "O samoupravi Kosova"
- UNMIK Odredba 2000/38 "O uspostavljanju institucije Omduspersion Kosova"
- UNMIK Odredba 2000/4 "O zabrani podsticanja nacionalne, rasne, religijske ili etničke mržnje, nesloge ili netolerancije"
- UNMIK Odredba 2001/36 "O civilnoj službi Kosova"
- UNMIK Odredba 2001/27 "O osnovnom Zakonu o radu Kosova"
- UNMIK Odredba 2000/54 "Amandmani na UNMIK Odredbu broj 1999/1, kao amandmani na Ovlaštenje za prelaznu administraciju Kosova"
- UNMIK Odredba 2000/59 "Amandmani na UNMIK Odredbu broj 1999/24 O zakonima koji se primjenjuju u Kosovu"

Svi ovi zakoni se mogu pronaći na web stranici UNMIK-a: www.unmikonline.org

Poslije Selvetinog izlaganja, kao primjer pozitivne diskriminacije, **Rada Kapetanović** je navela da na prostoru pod UMNİK–ovom kontrolom 50% angažovanih u policiji su žene. "Vidite da su nam dostignuća velika, ali kakvo je stvarno stanje?" postavila je pitanje **Nuna Zvizdić**.

Selvete je odgovorila da je pravno sve savršeno, ali da je realna situacija daleko od savršenstva i kao ilustraciju za to navela činjenicu da žene u svim institucijama, u kojim su zastupljene zbog insistiranja Međunarodne zajednice da tamo budu, samo figuriraju, kao i da su diskriminisane na polju obrazovanja. "Ukoliko porodica mora da bira da li će da školuje dječaka ili djevojčicu, to će uvijek biti dječak" rekla je **Selvete**.

Cyme Mahmutaj je ponovo naglasila neophodnost ekonomskog osamostaljivanja žene i da ekonomska situacija usporava demokratizaciju društva.

SVETLANA CVETKOVSKA

PRAVNI I STVARNI POLOŽAJ ŽENE U MAKEDONIJI



Ustav Republike Makedonije iz 1991. u članu 9. promovira jednakost svih građana koji žive u RM bez obzira na pol.

Vlada RM ratifikovala je sledeće dokumente koje daju osnovu za postizanje polne ravnopravnosti u zakonskim propisima u svim sferama društvenog života:

- Univerzalnu deklaraciju o ljudskim pravima (1941.)
- Konvenciju o političkim pravima žena (1954.)
- Međunarodni ugovor o ekonomskim, socijalnim i kulturnim pravima (1966.)
- Međunarodni ugovor o građanskim i političkim pravima (1966.)
- Deklaraciju o eliminaciji svih oblika diskriminacije žena (1967.)
- Deklaraciju za zaštitu žena i dece u slučaju opasnosti u oružanim sukobima (1974.)
- CEDAW Konvenciju (1979.)
- Deklaraciju o eliminaciji svih oblika diskriminacije žena (1993.)
- Međunarodna konvencija prevencije, kažnjavanja i eliminacije nasilja nad ženama (1995.)
- Fakultativni protokol CEDAW konvencije (1999.)
- Univerzalnu deklaraciju demokratije (1997.)
- Pekinšku deklaraciju i platformu za akciju (1995.)

Pravni status žene

- **1998.** god. Skupština RM donela je "Deklaraciju za veću zastupljenost žena u političkom i javnom životu"
- **1999.** god. Vlada RM donela je "Nacionalni plan za akciju o ravnopravnosti polova"
- **2002.** god. Vlada RM usvojila je "Zakon o izboru poslanika" koji obezbeđuje zastupljenost najmanje 30% predstavnika manje zastupljenog pola.
- **2004.** god. Dopune i izmene Krivičnog zakona u kojem RM po prvi put reguliše pojavu porodičnog nasilja

9

- 2004. god. Zakon o porodici – inkorporirano je novo 7 poglavlje o narušavanju bračnih i porodičnih odnosa gde se reguliše i pitanje porodičnog nasilja.
- 2005. god. Izmene i dopune Zakona o radu i radnim odnosima koji regulišu zaštitu položaja žene u radnim odnosima
- 2005. god. Zakon o lokalnim izborima koji obezbeđuje minimum 30% kvota pretstavni-ka manje zastupljenog pola na gornjoj i donjoj polovini kandidatske liste.
- U toku je procedura za donošenje **Zakona o jednakim mogućnostima**. Očekuje se da bude usvojen do kraja 2005. Cilj ovog zakona je uspostavljanje jednakih mogućnosti za žene i muškarce u politici, ekonomiji, socijalnoj zaštiti i u svim sferama društvenog života.

Pozicija žene u vlasti i strukturama odlučivanja – 2005 god.

- **Izvršna vlast**
U sastavu aktuelnog, koalicionog vladinog kabineta od ukupno 18 ministara samo su 2 žene: ministarka spoljnih poslova i ministarka pravde, Zamjenica premijera RM je žena.
- **Žene poslanice u Skupštini Republike Makedonija**
1990. god. 4,2% – u Izbornom zakonu nema kvota
2002. god. 18,3% – u Izborni zakon uvedena kvota (30% kvota)
- **Žene u lokalnoj vlasti**
1996. god. nema žena gradonačelnica, 6.1% savetnice
2000. god. 2.4 % su gradonačelnice, 8.4% savetnice
2004. god. 3.5% su gradonačelnice, 22.4% savetnice (uvedene kvote)

Položaj žene u ruralnim sredinama

- Dominantan je tradicionalni tip domaćinstava gdje žene imaju veoma mali uticaj u donošenju odluka i raspoređivanju budžeta (2.1%)
- Istraživanja su pokazala da žene nisu vlasnice porodičnog imanja i da je to privilegija muškaraca
5% su vlasnice stanova i kuća
1.9% su vlasnice zemljišta
4.3% štednih uloga
- Žene su više angažovane oko kuće, vaspitanja dece, hrane i rade na polju (84%), u društvenim aktivnostima 4.3%, a u političkim partijama 13.6%

Položaj žene u medijima

Od ukupno anketiranih 70 medijskih kuća u RM

- 52% žena su novinarke u štampanim medijima
- 49% u elektronskim medija

Pozicije	Štampani mediji	Elektronski mediji
Urednice	33%	40%
Glavne urednice	25%	34%
Direktorce ili vlasnice	14%	30%



9

Zapošljavanje i rad

- 36.7% je stopa nezaposlenost u RM u 2003 god. što je najveći registrovani procenat u zemljama Centralne i Istočne Evrope
- Od ukupno nezaposlenih 36.3% su žene
- Žene su uglavnom zaposlene u nisko plaćenim delatnostima (zdravstvu, obrazovanju, trgovini i posebno u tekstilnoj industriji gde je izrazita eksploatacija i zloupotreba ženskog rada)
- Postoji diskriminacija žene i pri zapošljavanju. Radni oglasi su uglavnom za mlade žene do 30 god. bez obaveza, atraktivnog izgleda i sl.

Nacionalni mehanizmi za sprečavanje porodičnog nasilja

1. Centri za socijalni rad – MTSP
2. Policija
3. Dnevna bolnica za tretiranje ovisnosti
4. Medicinske ustanove
5. Pravne službe
6. Nacionalna SOS linija za žrtve porodičnog nasilja
7. Pet prihvatilišta za žene žrtve porodičnog nasilja (Skoplje, Kočani, Kumanovo, Strumica i Bitola).

Po zvaničnim podacima MUP-a u prvih 6 meseci 2005. godine u RM registrovano je 105 krivičnih dela, 578 prekršaja i 1823 prijave.

Kao žrtve svih formi porodičnog nasilja najčešće se javljaju žene. u 931 slučaja, 538 su roditelji, 259 deca i u 195 slučaja javljaju se muškarci.

Mehanizmi za postizanje rodne ravnopravnosti

- Odjeljenje za ravnopravnost i unapređenje polova u okviru Ministarstva za rad i socijalnu politiku
- 2000. god. osnovano je **Makedonski Ženski Lobi** – grupa za pritisak na institucije, javnost, medije i političke strukture. MZL je koalicija žena iz različitih struktura, NVO, političkih partija, medija, vladinih institucija, žena različitih nacionalnosti, partijske i verske pripadnosti.
- 2003. otvorena je kancelarija za logističku podršku MZL i disperzirani su ogranci u 10 gradovima.
- 2003. formiran je "**Ženski parlamentarni klub**" u Skupštini RM. Ovaj klub je neutralan teren gdje žene poslanice bez obzira na njihovu partijsku pripadnost sarađuju i koordinirano djeluju u ostvarivanju ženskih prava i ženskih pitanja
- 2004. Osnovano je 10 **Komisija za ravnopravnost polova** u savetima 10 opština kao i kancelarije za podršku ovim komisijama
- U Makedoniji postoji jak i organiziran ženski pokret, postoje 3 mreže ženskih NVO
- OOZM – mreža sa etnički makedonskim ženskim NVO
- SAZM – albanska ženska mreža
- SOZM – multietnička ženska mreža

SOZM je ženska mreža koju čine 75 lokalnih NVO. Dala je značajan doprinos u promociji i postizanju rodne ravnopravnosti svojim inicijativama i realizovanim aktivnostima u sljedećim programima:

- Program političkog jačanja žena
- Ekonomski program

- Program protiv diskriminacije žena i porodičnog nasilja
- Omladinski edukativni program
- Ženske studije

Prioriteti u ženskom pokretu za idući period

- Podizanje statusa Odjeljenja za rodnu ravnopravnost na nivo saktora, proširivanje mandata, kadrovsko jačanje i obezbjeđivanje posebnog budžeta.
- Implementacija Nacionalnog Plana za Akciju za rodnu ravnopravnost
- Donošenje i implementacija Zakona za jednakim mogućnostima
- Povećanje broja žena u strukturama odlučivanja na lokalnom i nacionalnom nivou
- Ombudsman za ženska pitanja
- Poboljšanje ekonomske situacije žene
- Kontinuirana borba protiv nasilja
- Jačanje svijesti ženama u urbanim i ruralnim sredinama, o njihovom statusu i ulozi u svim sferama društvenog i javnog života

TANJA IGNJATOVIĆ

PRAVNI I STVARNI POLOŽAJ ŽENA U SRBIJI



Pogled unazad: 2000. godine na konferenciji članica političkih stranaka demokratske opozicije, predstavnica nevladinih organizacija, sindikata i medija, pripremajući se za predstojeće promene, žene su usvojile "minimum zajedničkih ženskih interesa".¹⁹ Posle pada režima, izmenama zakona uvedene su neke od značajnih odredbi: nasilje u porodici je postalo krivično delo, kao i silovanje u braku i seksualno uznemiravanje, trgovina ljudima je definisana kao organizovani kriminal, u izborne zakone uvedene su kvote za manje zastupljeni pol, porodični zakon predviđa mere zaštite protiv nasilja u porodici, zakon o radu uvodi zaštitu od seksualnog uznemiravanja.

Vlada je u strateške dokumente unela rodne aspekte. U nastajanju su Strategija protiv nasilja i Strategija o ženskom zdravlju. Predstavnici ministarstva i nacionalnih službi prolaze edukativne seminare o pitanjima ravnopravnosti polova. Formiran je Savet za ravnopravnost polova kao stručno i savetodavno telo Vlade RS, koje se bavi analizom, procenjivanjem stanja i merama za unapređenje položaja žena. Ministarstvo za državnu upravu i lokalnu samoupravu

¹⁹ Minimum 30% žena u političkim partijama, na kandidatskim listama i na svim nivoima odlučivanja; ravnopravna podela rada i odgovornosti u kući, vlasti i državi; ostvarivanje ravnopravnosti u obrazovanju, zapošljavanju, zaradama, karijeri, penzijama; život bez ratne politike i nacionalizma, straha i nasilja nad ženama; besplatna kontracepcija, pravo na siguran i legalan abortus, zdravstvena preventiva za žene i svima dostupna zdravstvena zaštita; obrazovanje utemeljeno na principima ravnopravnosti, tolerancije, solidarnosti, mira i postojanja različitosti.



9

je preporučilo uvođenje komisija ili osoba odgovornih za ravnopravnost polova, što je uz pomoć OEBS-a realizovano u 45 opština. U Narodnoj skupštini RS formiran je Odbor za ravnopravnost polova, a tokom 2005. pripremljen je Nacrt zakona o ravnopravnosti polova, koji će ući u proceduru u jesenjem zasjedanju.

Drugačija stvarnost: Kada se u kratkim crtama opisuje sadašnja političko-ekonomska situacija u Srbiji, neke od njenih ključnih karakteristika su: usporena privredna tranzicija zbog nesposobnosti vlasti da iz temelja promeni odnos države i privrede; inflacija najviše pogađa siromašne; sporo preuređenje javnog sektora praćeno je težnjom ka očuvanju državnog vlasništva, uz obećano "poboljšanje upravljanja"; sistem unutrašnje bezbednosti, vojske i pravde je i dalje korumpiran i neefikasan, a zvanična politika podriva vladavinu prava; najveći danak socijalnih i ekonomskih teškoća plaćaju siromašni i marginalizovani, među kojima su najbrojnije žene; feminizacija siromaštva, rastuća eksploatacija i zloupotreba žena na sivom i crnom tržištu rada, trgovina ženama u cilju seksualne i radne eksploatacije, nisu političke teme od značaja; institucije su još uvek izrazito neadekvatne u pružanju zaštite; na mizoginiju u medijima, diskvalifikacije i degradacija žena u javnoj sferi nema odgovora; zbog narastajućeg nacionalizma sve su češće pretnje organizacijama koje propituju odgovornost za ratne zločine i zastupaju ljudska prava, a njih, ne slučajno, vode baš žene. Država dve godine kasni sa predajom Inicijalnog izveštaja po Konvenciji o eliminaciji svih oblika diskriminacije žena, a izveštaju u mnogim oblastima nedostaju bilo kakvi statistički podaci o stanju²⁰. Povećanje broja žena u parlamentima nije omogućilo da se one nađu na pozicijama na kojima se odlučuje o resursima i nacionalnim prioritetima. U školu je uvedena veronauka, a Ministarstvo prosvete je ove godine zatvorilo Odeljenje za demokratizaciju.²¹ Odbranile smo formalno pravo da odlučujemo o rađanju – kako izgleda "siguran i legalan abortus" znaju samo žene. Nabranjanje bi moglo biti značajno duže, ali sve ovo ne izaziva zabrinutost aktuelne demokratske vlasti.

Nesklad između formalnih odredbi i realnosti svakodnevice stavlja nas pred brojna pitanja. Da li se demokratizacija društva desila i da li je moguća na način na koji je zamišljena, podržavana i izvedena? Nisu li naivne pretpostavke da će promena zakona, strategija ili uspostavljanje mehanizama za rodnu ravnopravnost (na svim nivoima!) "logično" dovesti do uspostavljanja ravnopravnosti i poboljšanja stvarnog položaja žena? Zašto kao pokazatelje pozitivnih promena nabrajamo zakone, mehanizme ili pojedinačne aktivnosti, a ne preispitujemo i ne pratimo stvarne efekte, ostvarene uticaje i promene?

Pod lupom: Ako hoćemo da budemo iskrene pred sobom, svakoj zakonskoj promeni koji navodimo kao napredak u ostvarivanju ravnopravnosti polova nedostaje ključni mehanizam za dostizanje²². Sudska praksa pokazuje da je kaznena politika za nasilje prema ženama neopravdano blaga, a tri godine posle, predložene zakonske izmene sadrže niže kazne za dela nasilja. Strategije se donose bez obavezujućih implementacionih planova. Ubrzano donošenje zakona i strateških dokumenata ne ostavlja vreme za kritičku procenu i široku javnu raspravu svih zainteresovanih strana. Pritisak međunarodnih organizacija koristi se kao

20 Poslednji draft Izveštaja koji smo imali na uvidu (2004. godina) neprecizan je i površan u odnosu na statističke podatke, a posebno je upadljivo tumačenje saradnje između vladinih i nevladinih organizacija uz "prisvajanje" aktivnosti bez ikakvog navođenja autorstva

21 Nadležno za predmet građansko vaspitanje, koji je izborni predmet, alternativa za veronauku (?)

22 Izborni zakoni nemaju mehanizam koji obezbeđuje da se kvota uvedena na kandidatskoj listi sačuva u raspodeli mandata; zabrana seksualnog ucenjivanja na radu ne predviđa da teret dokazivanja bude na poslodavcu; mere zaštite od nasilja u porodici nemaju mehanizam za slučaj kršenja;

opravdanje za brzinu koja isključuje uticaj onih o čijim se životima odlučuje i čija se budućnost anticipira. Tako, uskoro ćemo dobiti Zakon o ravnopravnosti polova i okvir za Nacionalnu strategiju protiv nasilja, kreirane u "ekspertskim timovima" u kojim nije bilo mesta za predstavnice ženskih organizacija.

Mogu li ženske nevladine organizacije da doprinesu strukturalnim promenama i promenama tradicionalnog sociokulturnog okruženja, ili "ih je žrtvanj tranzicije dočekao nespremlne, fragmentirane, duboko marginalizovane i strukturalno nedorasle u kreiranju progresivnih socijalnih promena".²³ Odnos sa novoformiranim mehanizmima za ravnopravnost polova otvara novo pregovaračko polje, za koje takođe nismo spremne, zbog iluzije o "prirodnoj saradnji i zajedničkoj politici" koja nas povezuje. Potvrđuje se da, što je veća zavisnost od saradnje, manja je sloboda u delovanju protiv nje. Pitanje "postoji li danas kritična masa žena koja može prepoznati globalne uzroke, prirodu i logiku lokalnih i globalnih ekonomskih i sociokulturnih procesa, te institucionalnih agenasa koji potiču eventualno pogoršavanje položaja žena" nameće potrebu "da vidimo gde smo i pokušamo sagledati daljnu žensku perspektivu".²⁴

Dakle, možemo li definisati "vlastiti program i autonomni pokret" da bi stvarni položaj žena bio drugačiji?

Nuna Zvizdić se zahvalila Tanji na hrabrosti da identifikuje i ukaže na zajednički problem, koji opterećuje sve nevladine organizacije u regionu.

Ane Jakšić smatra da je Tanja pokrenula izuzetno važna pitanja, pitanja pokretanja procedura. Naglasila je mogućnost da bez njih dodemo u "ćorsokak". Ustvrdila je da vrijeme da se nevladine organizacije počnu finansirati iz državnih budžeta i da se za to treba zalagati.

Dijana Šehić smatra da je Tanja otvorila niz važnih pitanja koja zaslužuju da se o njima organizuje posebna konferencija. Ona vidi kao najdelotvorniji način afirmacije ženskih ljudskih prava vršenje "pritiska na ljude koji su u vlasti".

Selvet Gerxhaliu, je kao pretpostavku za uspešnu afirmaciju žene navela neophodnu podršku muškaraca, posebno onih koji su ih kandidovali, ali i građenje samosvijesti o autonomnosti i sopstvenoj vrijednosti. Kao primjer kako se ne treba ponašati navela je neke od svojih sunarodnica koje su došle na neke pozicije, ali se "zadovoljavaju time da "kuvaju kafe" nekim pojedincima u vladi i ne streme ničem višem".

Gordana Vidović je postavila generalno pitanje, da li se nevladine organizacije bave "političkom prostitucijom" i pitanje obrazložila konstatacijom da se "nevladin sektor dodvorava vladi, vlada međunarodnoj zajednici, a ova opet nekom drugom".

Nada Golubović je otvorila još jedno pitanje da li su nevladine organizacije dovoljno samosvesne da odole patronatu bilo koga i ostanu dosljedne svojim principima.

Irena Soldat, pokušavajući da odgovori na otvorena pitanja, je izrazila svoj stav da sve zavisi od politike, a da "politiku, ipak vode muškarci". Dodala je da najveću nevolju u većini zemalja regiona predstavlja nepostojanje fondova pri vladi za NVO-sektor

Ljiljana Čičković je pak mišljenja da ne treba gajiti nikakva očekivanja od "vlade", već da je ekonomska samoodrživost ono za što se nevladine organizacije moraju izboriti.

Bojana Genov smatra da je najveći problem što su žene koje dobiju priliku da učestvuju u

23 Nada Ler Sofronić, Kraj tranzicijske paradigme – rodna perspektiva, u Žene i politika: pitanja roda u političkoj teoriji (dokumentacija), Ženska infoteka, Zagreb, 2002.

24 isto

vlasti "do ludila" odane svojim stranačkim vođama, te umjesto da budu javna podrška ženama, one ostaju u sjeni.

Reagujući na ovakve ocjene Bojane Genov, **Nada Tešanović** iz Saveza nezavisnih socijal–demokrata rekla je da ona nikada nije žene u nevladinim organizacijama shvatala kao konkurenciju te da ona sama odlučuje o svemu bez pritiska svog stranačkog lidera.

Sonja Drljević je ukazala na neophodnost da se žene konačno prestanu dijeliti na "ove i one" i da trebaju shvatiti da snagu moraju crpiti upravo iz jedinstva i naglasila da nas političarke mogu zastupati samo ako smo mi jake.

Osvrćući se na iskustvo BiH, **Gordana Vidović** je iskazala stav da su isključivo žene, prije svega u NVO–sektoru, a ne međunarodne organizacije zaslužne što su žene zastupljene u zakonodavnoj vlasti i izrazila žaljenje što im to niko dosad nije priznao. Kao paradoksalno je navela da su se brojne ženske organizacije izborile i za uspostavljanje gender centara, a po njenom mišljenju, oni im svakim danom postaju sve veća konkurencija, a ne podrška.

Biserka Momčinović je nezadovoljna što je ženama Jugozapadnog Balkana uopšte bila potrebna međunarodna zajednica da bi dobile neka od svojih prava. Naglasila je da sada kada su se žene konačno našle u zakonima treba učiniti sve da oni budu predočeni političkoj eliti i da se primjenjuju.

Željka Jelavić, je govoreći o stvarnom položaju žene u Hrvatskoj, istakla da se položaj žene mijenja, ali na nedovoljno brz način jer ne postoje određeni mehanizmi koji bi učinili da zakon o ravnopravnosti polova zaživi u praksi.

Kao najveću prepreku za to, Jelavić je navela jak uticaj Katoličke crkve i Vatikana na sve segmente života u Hrvatskoj.

"Zakoni koje je Republika Hrvatska potpisala sa Vatikanom za vrijeme konzervativno – nacionalističke Vlade Franje Tuđmana, služe kao argument Vladi da ne može raditi promjene", istakla je Jelavić.

Podsjetila je da upravo iz Tuđmanovog vremena datira program demografske politike, koji je i danas izuzetno popularan, a koji ženu vidi kao "ženu radalicu".

"Tema o kojoj se stalno govori je pitanje abortusa, dok se uporno šuti o zdravlju žene.

Seksualna edukacija je problem, sa kojim se država ne želi suočiti. Država izbjegava odgovore na pitanje kako je moguće da se mladi obrazuju u smjeru da izbjegavaju seksualne odnose" rekla je Jelavić i naglasila da su svi pokušaji NVO – sektora da nešto promjeni na tom polju naišli na otpor kod Ministarstva obrazovanja.

Predstavnice Hrvatske su prve iz zemalja regije imale priliku da Odboru za eliminaciju diskriminacije žena prezentiraju izvještaj nevladinih organizacija. Prenoseći svoja iskustva sa prezentacije Hrvatskog Izvještaja u sjeni pred Odborom za eliminaciju diskriminacije UN–a, Željka Jelavić je istakla da je ono necijenjeno jer daje priliku da se nauči kako što efekt–nije i efikasnije predočiti probleme. Kao posebno važno naglasila je potrebu da delegacija koja putuje u Njujork bude što brojnija, radi uspješnijeg lobiranja članova Odbora (21 član).



9

**IZVJEŠTAJ ŽENSKIH NEVLADINIH ORGANIZACIJA
ODBORU ZA ELIMINACIJU DISKRIMINACIJE ŽENA
PRILIKOM PODNOŠENJA DRUGOG I TREĆEG IZVJEŠĆA REPUBLIKE HRVATSKE**

SAŽETAK NAJVAŽNIJIH PODRUČJA ZABRINUTOSTI

Od podnošenja inicijalnog i prvog izvješća Republike Hrvatske UN–ovu Odboru za eliminaciju diskriminacije žena (siječanj, 1998.), problemi koji se tiču položaja žena u Hrvatskoj i eliminacije diskriminacije nad ženama su većinom bili u području legalnog okvira, u implementaciji zakonskih odredbi i mjera Nacionalne politike za promicanje ravnopravnosti spolova (prosinac, 2001.), kao i u nerazumijevanju važnih koncepata kao što je provođenje rodno osjetljive politike (engl. gender mainstreaming). Nedostatak političke volje je jedan od osnovnih razloga neprimjene brojnih zakonskih odredbi te neprovođenja mjera (primjerice: u smanjivanju stereotipiziranja u medijima i obrazovanju, u području rada). Novoosnovani i još uvijek slabašni mehanizmi za rodnu ravnopravnost u kombinaciji sa sporim i nedovoljno obrazovanim sudstvom doprinose da de facto jednakost između žena i muškaraca još ne postoji.

Član 2 i Opća preporuka 19/Nasilje nad ženama

Definicija rodno utemeljenog nasilja u našem zakonodavstvu ne postoji. Nasilje nad ženama je većinom viđeno kao obiteljsko nasilje koje je sankcionirano relativno novim Zakonom o zaštiti od obiteljskog nasilja. Zakon ima nekoliko važnih nedostataka (nasilje se tretira kao prekršaj, te se kažnjava novčanom kaznom). Nasilje u obitelji može biti suđeno i u okviru Kaznenog zakona, ali nedostatak propisanih postupaka u policiji i državnom odvjetništvu vodi do većinske upotrebe prekršajnog postupka. Nedostatak sudskih statističkih podataka je značajan, jer dovodi do nemogućnosti analize i daljnjeg unapređivanja zakonskog okvira. Nedovoljne mjere podrške žrtvama nasilja isključuju njihovu resocijalizaciju. Broj skloništa je nedovoljan u odnosu na potrebe, legalno zastupanje na sudu je preskupo, ne postoji organizirana psihosocijalna pomoć žrtvama.

Preporuke:

- Izmjena nedostataka postojećeg zakonskog okvira (definiranje rodno utemeljenog nasilja, te osiguranje efikasne zaštite žena žrtava promjenama zakona);
- Uvođenje sistematske edukacije svih profesionalki i profesionalaca koji dolaze u doticaj sa ženama žrtvama nasilja;
- Osiguranje dostatnih financijskih izvora žrtvama rodno utemeljenog nasilja;
- Osiguranje dostatnih i dugoročnih financijskih izvora za skloništa;
- Besplatno provođenje programa permanentnog obrazovanja i prekvalifikacija za žene žrtve nasilja da bi se osigurala njihova ekonomska neovisnost.

Član 3/Rodno osjetljiva statistika i mehanizmi za rodnu ravnopravnost

Ključni problem rodno osjetljive statistike i prikupljanja podataka odvojenih po spolu je nedostatak iscrpnog informacijskog središta gdje podaci o ekonomskom, socijalnom, kulturnom i političkom statusu žena mogu biti lako dostupni. U nekim područjima prikupljanje



podataka odvojenih po spolu uopće ne postoji (primjerice u području sudske statistike).

Preporuka:

Unapređenje prikupljanja rodno osjetljivih i odijeljenih podataka, godišnje publiciranje rodno osjetljive statistike i dobra distribucija publikacije.

Prema odredbama Zakona o ravnopravnosti spolova, dva nova nacionalna mehanizama su ustanovljena krajem 2003. (Ured Pravobraniteljice za ravnopravnost spolova), i na početku 2004. (Ured za ravnopravnost spolova Vlade RH). Već osnovani saborski Odbor za jednakost spolova je nastavio s radom.

Na županijskoj i gradskoj razini se osnivaju mehanizmi od 1997. Iako postoje ozbiljni nedostaci (nedovoljno rodno obrazovani članovi i članice, nedostatna financijska sredstva, nedostatak profesionalne podrške, nedostatak kooperacije između različitih mehanizama, različite organizacijske strukture koje vode do različitih mandata), činjenica da su pojedine županije i gradovi prepoznali potrebu da osnuju mehanizme je ohrabrujuća.

Preporuke:

- Jasno definiranje područja rada i koordinacija svih rodni mehanizama u Hrvatskoj;
- Evaluacija rada novoosnovanih mehanizama nakon 4 godine njihova rada;
- Edukacija članova i članica odbora i povjerenstava za rodnu ravnopravnost te profesionalizacija jedne osobe u svakoj županiji te osiguranje financijskih sredstava za rad mehanizama;
- Stalna rodno osjetljiva dodatna edukacija svih državnih službenika i službenica na svim razinama (državnoj, županijskoj i gradskoj).

Član 10/Obrazovanje

Diskriminacija žena u obrazovanju očituje se u obrazovnim politikama, sadržaju nastavnih programa, udžbenicima kao i u profesionalnom statusu žena u obrazovanju. Nacionalna politika za promicanje ravnopravnosti spolova naglašava kao svoje primarne ciljeve rodno osjetljivo obrazovanje i smanjenje rodni stereotipa, kao i osnivanje Ženskih studija u okviru sveučilišta te integraciju rodne senzibilizacije u obrazovanje učitelja i učiteljica. Na žalost, niti jedan od ciljeva nije ostvaren. Otpor Ministarstva školstva prema ostvarivanju ciljeva Nacionalne politike jasno pokazuje nedostatak političke volje za promoviranje rodne jednakosti.

Preporuke:

- Dosljedna primjena mjera iz Nacionalne politike za unapređenje ravnopravnosti spolova te odredbi Zakona o ravnopravnosti spolova;
- Uključivanje Ženskih studija na sveučilišta u svrhu promoviranja i stvaranja antidiskriminatorskog znanja o ženama i muškarcima;
- Stalno rodno osjetljivo obrazovanje za sve osobe uključene u obrazovni proces;
- Uključivanje programa o rodnoj ravnopravnosti koje su razvile i provode nevladine organizacije u školski sistem kao i osiguravanja njihove financijske stabilnosti.

Član 11/Zapošljavanje

Žene imaju teškoća u pristupu tržištu rada. Za poslodavce su mlade žene nepoželjne zaposlenice, srednja dob je veća prepreka pri zapošljavanju za žene nego za muškarce. One čine većinu radne snage u netipičnim oblicima zaposlenja i u neformalnoj ekonomiji.

Postotak zaposlenih žena neprestano pada, a udio u stopi nezaposlenosti raste (58,5% u 2004). Žene čine većinu nezapošljivih (osobe koje su duže od godinu dana nezaposlene).

Ne postoji uspješna politika zapošljavanja fokusirana na žene (mjere zapošljavanja žena star-

ijih od 45 godina te kreditne linije za žensko malo poduzetništvo nisu bile dovoljne). Princip jednake plaće za jednaki rad se ne provodi dosljedno.

Preporuke:

- Razvoj i striktno provođenje poticajnih mjera za uključivanje žena u tržište rada;
- Razvoj i provođenje programa permanentnog obrazovanja i prekvalifikacija u skladu s potrebama tržišta rada;
- Provođenje principa jednake plaće za jednaki rad.

Član 12. i Opća preporuka 24./Zdravstvena zaštita i planiranje obitelji

Iako je Hrvatska sekularna država, odnos prema reproduktivnim pravima i zdravlju je pod jakim utjecajem Katoličke crkve. Seksualno obrazovanje u osnovnim i srednjim školama je utemeljeno na diskriminaciji osoba koje prakticiraju vanbračni seks, koje su u istospolnim ili vanbračnim zajednicama. Dostupne informacije o metodama planiranja obitelji su nedostatne i ideološki obojene.

Iako je abortus legalan i trebao bi biti lokacijski i financijski dostupan, to nije nužno tako. Neki domovi zdravlja i bolnice, koji prema važećem zakonu trebaju obavljati abortuse na zahtjev žena, to ne čine. Lista kontraceptiva koji su potpuno ili djelomično pokriveni sredstvima HZZO je nedopustivo kratka i ne pokriva sve suvremene mogućnosti.

Duge liste čekanja za određene preglede, kao i rasprostranjena korupcija kombinirana s nedostatkom podataka o tome kako žene koriste sustav zdravstvene zaštite sprečava jednak pristup svih žena zdravstvenom sustavu i uslugama.

Preporuke:

- Uvođenje sveopćeg seksualnog obrazovanja na svim razinama školovanja;
- Osiguravanje dostupnosti abortusa u svim ustanovama koje ga po zakonu trebaju provoditi;
- Proširenje liste kontraceptiva u HZZO-u;
- Vođenje javnih kampanja o spolno prenosivim bolestima;
- Uvođenje rodno osjetljivog i prikupljanja podataka u HZZO-u.

Izveštaj ženskih nevladinih organizacija je napisan tijekom listopada i studenog 2004. U pisanju su sudjelovale slijedeće organizacije: B.a.B.e., Zagreb; Centar za građanske inicijative, Poreč; CESI, Zagreb; Centar za žene žrtve rata – Rosa, Zagreb; Centar za ženske studije, Zagreb; Dom zaklade Lavoslava Swartza Zagreb; Hrvatski savez udruga tjelesnih invalida; Savez samostalnih sindikata Hrvatske – Ženska sekcija; Srpski demokratski forum – Ženska sekcija; Ženska grupa Slavonski Brod; Ženska soba, Zagreb.





STVARNI I PRAVNI POLOŽAJ ŽENE U BOSNI I HERCEGOVINI

Kada govore o položaju žena u zemljama nastalim iz bivše Jugoslavije, mnogi su skloni reći da u bivšoj Jugoslaviji žene nisu bile izložene diskriminaciji, te da su uživale visok stepen ravnopravnosti u odnosima sa muškarcima. Možda je to donekle bila i istina u oblasti pristupa i mogućnosti obrazovanju, stopi zaposlenosti, nivou zdravstvene zaštite i sl, naročito u gradovima i većim sredinama. Međutim, svaki bolji poznavalac tadašnjih prilika će se složiti sa činjenicom da je i tada postojalo područje tzv. "staklenog plafona", jer bez obzira što su naizgled sve oblasti bile jednako dostupne svima bez obzira na spol, ipak u praksi odnosno u stvarnosti mnoga od tih područja nisu bila dostupna ili su pak bila manje dostupna čak i kvalificiranim ženama u odnosu na muškarce.

Međutim, nakon višestranačkih izbora 90-tih godina zapravo se moglo jasno vidjeti koliko je slab i neravno pravan položaj žena na ovim prostorima, uključujući tu i položaj žena u Bosni i Hercegovini. U godinama koje slijede nakon toga žene su u potpunosti nestale iz političkog života, a u periodu nakon rata u prvi plan u BiH dolazi pitanje etničke ravnopravnosti. U svemu tome pitanje ravnopravnosti žena gurnuto je u sasvim drugi plan. U BiH dominira izrazito patrijarhalna sredina u kojoj vodeća uloga pripada muškarcima, a u javnost se na različite načine šalju poruke o rado viđenoj ulozi žene kao stubu porodice, majke, domaćice i sl. što je zapravo društveno opšteprihvaćena uloga žene. Stoga u BiH u ostvarivanju i uživanju ljudskih prava kombinacija društvenog konteksta, te ekonomskih i političkih interesa, uz brojne predrasude žene stavljaju u neravno pravan i diskriminirajući položaj. Na žalost, često možemo čuti da se u BiH žene smatraju tzv. ranjivom kategorijom. Razlika između zakona sa jedne strane i prakse, odnosno stvarnosti sa druge strane je ogromna. Iako se zakoni možda čine neutralni, analizom stanja u stvarnosti zaključujemo da su žene u BiH neravno pravne. To se ogleda i kroz nedostupnost ili nepristupačnost pravnih lijekova u cilju zaštite od kršenja prava.

I dok je diskriminacija po osnovu spola zabranjena u svim instrumentima ljudskih prava, Konvencija o eliminaciji svih oblika diskriminacije žena se pojavila kao temeljni ugovor koji zabranjuje diskriminaciju po osnovu spola, a kroz ustav BiH ova konvencija je inkorporisana u bosansko – hercegovački pravni sistem.

Zaštita ženskih ljudskih prava kroz Ustav BiH i Ustave Entiteta BiH

Stoga treba nešto reći o zaštiti ženskih ljudskih prava u BiH kako je to predviđeno Ustavom BiH i Ustavima oba entiteta. Aneks I uz Ustav BiH predviđa "Dodatne sporazume o



9

ljudskim pravima koji će se primjenjivati u BiH". Ovo čini 15 međunarodnih dokumenata za zaštitu ljudskih prava koja su na ovaj način direktno uvršteni u pravni sistem BiH. Ustav također predviđa da "prava i slobode predviđeni u Evropskoj konvenciji za zaštitu ljudskih prava i osnovnih sloboda i u njenim protokolima (EK) se direktno primjenjuju u BiH²⁵". Ovi akti imaju prioritet nad svim ostalim zakonima.²⁶ U slučajevima kada je neki domaći zakon u suprotnosti sa pravima predviđenim EK direktno će se primjenjivati odredbe ove Konvencije. I Ustavi entiteta inkorporiraju na različite načine međunarodne standarde za zaštitu ljudskih prava. Ustav FBiH kaže da će: "osigurati primjenu najviše razine međunarodno priznatih prava i sloboda navedenim u Aneksu...²⁷", dok sam Aneks navodi 21 dodatni međunarodni sporazum za zaštitu ljudskih prava koji ima snagu ustavnih odredaba. Ustav RS također navodi niz pojedinačnih ljudskih prava koje posebno štiti²⁸, dok se posebnim Amandmanom pojašnjava da: "u slučaju različitosti u odredbama o pravima i slobodama između Ustava RS i Ustava BiH, primjenjuju se odredbe koje su za pojedinca povoljnije...²⁹". Ustavima se, također, zabranjuje diskriminacija, te garantuje uživanje prava i sloboda predviđenih ovim dokumentima svima bez ikakve razlike po bilo kojem osnovu, uključujući i spol. Također, kako su opšta načela međunarodnog prava sastavni dio pravnog poretka BiH i entiteta, država je dužna da, između ostalog, preduzme i "odgovarajuće mjere, uključujući i zakonodavne, radi izmjene ili ukidanja postojeći zakona, propisa, običaja ili prakse, koje predstavljaju diskriminaciju žena"³⁰ kako to predviđa Konvencija o eliminaciji svih oblika nasilja nad ženama (CEDAW) čija je strana potpisnica BiH.

Na žalost i pored ovako brojnih međunarodno preuzetih obaveza kao i ustavnog okvira koji nam eto pruža nevjerovatan osnov za zakonodavne mjere koje bi doprinijele eliminaciji diskriminacije žena u svim oblastima života to u stvarnosti nije slučaj. Naprotiv, donose se brojni zakoni, utvrđuju politike bez potrebne gender senzibilnosti. Zbog toga se u BiH i dalje kontinuirano nastavlja diskriminacija žena u oblasti ekonomije, naročito u dijelu zapošljavanja i ostvarivanja prava iz radnog odnosa, položaja u porodici, uključujući i pojačano nasilje nad ženama te zloupotrebu različitih službenih ili javnih položaja za seksualno uznemiravanje žena, (u posljednje vrijeme u javnosti je mnogo pisano o slučajevima seksualnog uznemiravanja studentica na fakultetima, također BH javnosti je poznat slučaj seksualnog uznemiravanja novinarkе BiH TV itd.), te također, diskriminacije žena u političkom i javnom životu.

Učešće žena u političkom i javnom životu

Ustavi entiteta garantuju najveći nivo zaštite ljudskih prava i sloboda. Ustavne odredbe BiH i entiteta uključuju osnovne odredbe za osiguranje ljudskih prava i osnovnih sloboda, osiguranje tih prava i zaštitu ličnih sloboda, ljudskog integriteta, dostojanstva i drugih prava i sloboda u oblasti ljudskih prava.

Polazeći od ovakvog ustavnog okvira u Bosni i Hercegovini očekivalo se da će Izborni zakon BiH kao *lex specialis* koji uređuje pitanje izbornih pravila i procedura u svojim odredbama utvrditi kao osnovne principe zabranu diskriminacije po bilo kom osnovu u

25 Član II Ljudska prava i slobode, tačka 2. Međunarodni standardi

26 Ibid.

27 Glava II Ustava FBiH, A. Opće odredbe, član 2.

28 Ustav RS dio II, Ljudska prava i slobode

29 Amandman LVII na Ustav RS

30 CEDAW, Dio I član 2. stav f.



9

izbornom procesu, te uspostaviti mehanizme za osiguranje jednakih mogućnosti za sve osobe. Izborni zakon samo u nekim segmentima zabranjuje diskriminaciju (zbog pripadnosti nekoj političkoj stranci ili davanju podrške stranci ili kandidatima) ili naročito poklanja pažnju jednakim mogućnostima prema nacionalnoj pripadnosti, a posebno zabrinjava član 4.19. Izbornog zakona BiH kojim se propisuje da svaka kandidatska lista uključuje kandidate muškog i ženskog pola. Kandidati pola koji je manje zastupljen raspoređuju se na kandidatskoj listi na sledeći način: najmanje jedan kandidat manje zastupljenog pola među prva dva kandidata, dva kandidata manje zastupljenog pola među prvih pet kandidata i tri kandidata manje zastupljenog pola među prvih osam kandidata, itd. Broj kandidata manje zastupljenog pola mora biti najmanje jednak ukupnom broju kandidata na listi podijeljenom sa tri, zaokruživanjem na prvi niži cijeli broj.

Treba istaći da u Bosni i Hercegovini nije bilo popisa stanovništva od 1991. godine, znači od prije rata i da se u svim segmentima uzimaju ovi podaci kao jedini validni, s toga zabrinjava činjenica da se veoma vodi računa o nacionalnoj zastupljenosti u lokalnim zajednicama na primjer iz tog perioda, a da niko ne uvažava činjenicu i statističke pokazatelje da su žene činile na zadnjem popisu preko 60% populacije u BiH, znači stanovništva koje ima aktivno biračko pravo i da istovremeno njihova participacija na izbornim listama prema kvota sistemu gotovo da nije prelazila 30%. Stoga, ako država nastoji da osigura jednake mogućnosti onda bi svaki pol trebalo da bude zastupljen na kandidatskim listama u procentu u kojem se uživa aktivno biračko pravo ili najmanje 50% od ukupnog broja osoba na kandidatskim listama. Političke stranke se pravdaju da ženama ovo pravo nije uskraćeno. Međutim, državni organi koji imaju obavezu da poštujući međunarodne standarde preduzmu sve mjere da osiguraju uživanje prava bez diskriminacije na osnovu pola. I pored nastojanja nevladinog sektora i nekih međunarodnih organizacija nadležni organi nisu preduzeli korake ka izmjeni zakonskih propisa, koji limitiraju uživanje pasivnog biračkog prava žena po principu kvota sistema koji je neprihvatljiv s obzirom na populaciju ženske populacije koja uživa aktivno biračko pravo.

Stoga se kao logična nametnula potreba da se pitanje ravnopravnosti polova u BiH uredi posebnim zakonom koji propisuje, promoviše i štiti stvarnu ravnopravnost polova i garantuje jednake mogućnosti svima.

Zakon o ravnopravnosti polova u Bosni i Hercegovini je na osnovu člana IV.4.a) Ustava Bosne i Hercegovine usvojen dana 21. maja 2003. godine od strane Parlamentarne skupštine BiH. Prema ovom Zakonu svi ostali državni ili entitetski zakoni kao i propisi će morati biti usklađeni sa odredbama ovog zakona najkasnije u roku od godinu dana, što se nije dogodilo.

Član 1. ovog Zakona kaže da "ovim Zakonom se uređuje, promoviše i štiti ravnopravnost polova i garantuje jednaka mogućnost svim građanima, kako u javnoj, tako i u privatnoj sferi društva, te sprečava direktna i indirektna diskriminacija; ovim Zakonom nastoji se naročito poboljšati položaj žena."

Treba istaći da su članom 4. ovog Zakona date dodatne definicije diskriminacije na osnovu pola:

- **pol** društveno uspostavljena uloga žena i muškaraca u javnom i privatnom životu za razliku od istog izraza koji daje biološko određenje. Izraz pol, u duhu ovog zakona pokazuje značaj koji je unutar društva dat biološkom određenju pola.

Član 15. ovog zakona koji reguliše pitanje jednake zastupljenosti oba pola u javnom životu je veoma interesantan i glasi:

"Državna tijela i tijela lokalne samouprave, upravljačka tijela kompanija, političke stranke i



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ostale neprofitne organizacije osigurat će i promovirati ravnopravnu zastupljenost po osnovu spola u upravljanju i procesu odlučivanja.

Radi postizanja cilja iz stava 1. ovog člana, nadležne vlasti sačinjit će posebne programe i planove koji će biti korišteni radi poboljšanja spolne zastupljenosti u organima vlasti na svim nivoima. Programi i planovi sadržat će mjere za poboljšanje spolne zastupljenosti.

Radi ravnopravne zastupljenosti spolova, procenat učešća spolova u tijelima vlasti na svim nivoima, uključujući sudsku, zakonodavnu i izvršnu vlast, kao i sve ostale javne službe, komisije i odbore, uključujući i učešće u tijelima koja predstavljaju državu na međunarodnom nivou, u pravilu će održavati ravnopravnu zastupljenost spolova."

Kada govorimo o Zakonu o ravnopravnosti spolova u BiH, onda treba napomenuti čl.21. koji glasi:

"Nadležni nivoi vlasti će na svim nivoima preduzeti sve odgovarajuće mjere radi provođenja odredbi propisanih ovim zakonom po oblastima, uključujući, ali ne ograničavajući se na:

- donošenje programa mjera radi postizanja jednakosti spolova u svim oblastima i na svim nivoima vlasti;
- donošenje novih, ili izmjenu postojećih zakona radi usklađivanja s odredbama ovog zakona;
- osigurati sudsku zaštitu kao građansku, tako i krivičnu, u svim slučajevima povrede odredbi ovog zakona;
- osigurati vođenje statističkih podataka razvrstanih po spolu u svim privrednim subjektima, privatnim i državnim preduzećima, držanim i javnim organizacijama i institucijama kao i pristup ovim informacijama."

Nakon donošenja ovog Zakona održali su se lokalni izbori u BiH i na osnovu njihovih rezultata možemo konstatovati da su nadležni organi u BiH direktno kršili pravo žena kroz propuštanje da uspostave sistem koji bi osigurao ženama da koriste njihovo pasivno biračko pravo.

Iako je prošlo više od dvije godine od usvajanja Zakona o ravnopravnosti spolova u BiH još uvijek se nisu promijenile odredbe Izbornog zakona BiH, naročito član 4.19. kojim bi kandidatske liste morale biti sačinjene na način da su kandidati oba pola naizmjenično zastupljeni na listama.

Naročito zabrinjava činjenica da ne postoje statistički podaci o rezultatima lokalnih izbora razvrstanih po polu, a što je obaveza Izborne komisije da osigura u skladu sa članom 18. Zakona o ravnopravnosti spolova u BiH kojim se utvrđuje da "svi statistički podaci i informacije koje se prikupljaju, evidentiraju i obrađuju u državnim organima na svim nivoima, javnim službama i ustanovama, državnim i privatnim preduzećima i ostalim subjektima moraju biti prikazani po polu."

Jasno je da se u BiH donose zakoni kojim se nastoje zadovoljiti preuzete međunarodne obaveze, ali da vlast ništa ne čini, čak se stiče utisak da ne postoji ni politička volja da se osigura pristup osnovnim pravima i slobodama.

Pristup obrazovanju i ostvarivanje prava iz radnog odnosa

Izuzetno težak ekonomski položaj žena u BiH svakako je u vezi i sa stupnjem obrazovanja žena. Uvidom u zakonsku regulativu vidjet ćemo da je obrazovanje svima jednako dostupno. Osnovno obrazovanje je zapravo obavezno i besplatno za sve. Međutim, u praksi podaci govore o nevjerovatno velikom broju ženske djece koja ne pohađaju ni ovo obavezno osnovno obrazovanje. Razlog za to je dijelom loša ekonomska situacija u zemlji, dijelom smanjen broj škola naročito poslije rata u ruralnim krajevima ili pak udaljenost škola. Ali



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velikim dijelom razlog tome je patrijarhalan stav koji preovladava i prema kojem zapravo obrazovanje žene nije bitno. Nije bitno jer uloga žene je da bude prije svega majka i domaćica, te se njeno vrijeme i angažman u kući usmjerava u tom pravcu. Končno kao rezultat svega ovoga imamo situaciju da u ruralnim sredinama djevojčice što je gotovo postala praksa ne idu u školu za razliku od dječaka. Ovo se dalje direktno implicira na cijeli njihov kasniji život i položaj u društvu. Naravno kao ni za mnoge druge oblasti ne postoje zvanični državni podaci o ovome. Dakle, očigledna je razlika između zakona i prakse u ovoj oblasti. Do sada mi u nevladinom sektoru ne vidimo namjere države da u tom smislu poduzme odgovarajuće korake kako bi ovu praksu promijenila što jeste njena obaveza prema međunarodnim dokumentima koje je prihvatila.

Jaz između zakona i prakse očigledan je i u oblasti ostvarivanja prava iz radnih odnosa, kao npr. pristupa zaposlenju i sl. Iako prema postojećoj zakonskoj regulativi nije dozvoljena diskriminacija u oblasti zapošljavanja, niti se ograničavaju prava žene u ostvarivanju materinstva, primjeri iz prakse nam govore upravo suprotno. Svima je manje ili više poznato da žene u slučaju da ostanu u drugom stanju prečesto ostaju bez radnog mjesta. Također, poznato je da se iznosi koje je država obavezna uplaćivati na ime naknade za porodijsko uglavnom ne isplaćuju iako i za to postoji zakonska obaveza (interesantno je da i mnogi strani investitori koji su vlasnici kompanija u BiH koriste ovu situaciju pa ni oni sami ne poštuju zakone iz ove oblasti, tako da ima slučajeva da se žene pozivaju da se sa porodijskog vrate na radno mjesto prije isteka vremena zakonom predviđenog za ovo odsustvo, ucjenom da će u protivnom ostati bez posla). Također, sveprisutna stereotipizacija muških odnosno ženskih zanimanja usmjerava žene za izbor profesija kao što su školstvo, socijalni rad i sl. uglavnom zanimanja koja su manje vrijednovana i manje plaćena u društvu.

Gender mehanizmi

Činjenica je da je ipak od 1999. godine došlo do nekih pomaka u uspostavljanju institucionalnog okvira u vezi sa ravnopravnosću spolova. U tom smislu naročito treba istaći uspostavljanje zakonodavnih tijela na državnom i entitetskom nivou, kao npr. Komisija za ravnopravnost spolova pri parlamentima. Osnovani su Entitetski Gender centri te imenovane su osobe za ravnopravnost spolova pri državnim, entitetskim i opštinskim izvršnim organima vlasti.

Svakako najznačajniji događaj je to što je u BiH donesen Zakon o ravnopravnosti polova 2003. godine. U procesu donošenja ovog zakona kao i na sam tekst zakona direktno su bitno utjecale i NVO-e iz cijele BiH putem svog predstavnika u radnoj grupi za izradu zakona. Ovo je sigurno jedan od razloga što je donešen jedan tako sveobuhvatan i dobar zakon.

Zakon propisuje, promovira i štiti stvarnu ravnopravnost spolova i garantuje jednake mogućnosti svima, te pruža zaštitu prava predviđenih ovim Zakonom bez obzira da li se radi o ostvarenju nekog od tih prava u javnoj ili privatnoj sferi života.

Važnost ovog Zakona ogleda se i u obavezama države na donošenje novih i izmjenu postojećih zakona radi usklađivanja sa odredbama ovog Zakona, te osiguranju nadzora nad njegovim provođenjem. Ovo je podrazumijevalo duboku reformu cjelokupnog zakonodavstva na državnom i entitetskim nivoima i to i Zakona o radu, o socijalnoj i zdravstvenoj zaštiti, Izbornog zakona. O njemu bi se moralo voditi računa i kod reforme obrazovnog sistema koja je u toku, a trebao bi se snažno reflektovati i na odnos medija prema ženama i pitanjima ravnopravnosti.



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Država je obavezna svake dvije godine predstaviti državnom Parlamentu Nacionalni plan akcije za promovisanje ravnopravnosti spolova, te Izvještaj o njegovom provođenju prema svim oblastima obuhvaćenim ovim Zakonom, kao i Izvještaj o statusu žena i muškaraca u društvu.

Predviđa zabranu diskriminacije među spolovima u svim segmentima društva a naročito u:

- ekonomiji,
- obrazovanju,
- zapošljavanju i radu,
- socijalnim pravima,
- zdravstvenoj zaštiti,
- javnom odnosno političkom životu,
- medijima.

Nasilje na osnovu pola je definisano članom 4 Zakona. Zabrani nasilja posvećen je cijeli odjeljak XI Zakona. Nasilje je zabranjeno bez obzira na oblik u kojem se javlja, i bez obzira da li počinjeno u privatnom ili javnom životu. Također, država se obavezuje i da preduzima mjere u cilju eliminacije i spriječavanja svih oblika nasilja na osnovu spola.

Obezbeđuje sudsku zaštitu prava iz ovoga Zakona u poglavlju XIII. Svako kome je povrijeđeno pravo predviđeno ovim Zakonom može pokrenuti krivični ili građanski postupak pred redovnim sudom opšte nadležnosti. Nadležni javni tužilac koji ima saznanje o povredi nekog od prava predviđenih ovim pravom, također, može pokrenuti sudski postupak.

Donošenje ovog zakona bez svake sumnje uspostavilo je dobar okvir i stvorilo pretpostavke za donošenja Zakona o zaštiti od nasilja u porodici. Takav zakon već je donošen na nivou Federacije, a u RS je u procesu usvajanja. I u procesu donošenja ovog zakona krucijalan je bio uticaj NVO-a. Dobro je što je usljed snažnih pritisaka koje su stizale iz NVO sektora o potrebi regulisanja nasilja kao krivičnog djela i sam zakonodavac u Federaciji prepoznao značaj ovoga te je iz predloženog nacrt zakona i to kada je nacrt zakona već bio u parlamentu izbačen dio koji je sankcionisao nasilje kao prekršajno djelo i za koje je bila predviđena simbolična novčana kazna. Pred nama stoji sada obaveza usvajanja niza pravilnika koji će omogućiti implementaciju ovog zakona. Za sada nema naznaka da je država u tom smislu poduzela neke aktivnosti iako se ovaj zakon treba početi primjenjivati već narednog mjeseca. Čini se da će opet NVO biti inicijator i nosilac ovih aktivnosti.

Zaključak

Na žalost, upoređujući pravni i stvarni položaj žena u BiH možemo zaključiti da je diskriminacija žena sveprisutna u svim sferama života. Razlog tome je što praksa ne slijedi zakone te što se zapravo doneseni zakoni ne primjenjuju i za to niko ne odgovara niti je koga briga. Mnoge od ovih poduzetih mjera kao i uspostavljeni mehanizmi samo su još jedna formalnost. Uspostavljanje ovih mehanizama još uvijek nije doprinijelo boljem položaju žena u BiH u stvarnosti. Podaci kojima NVO-i raspolažu u tom smislu ovo i dokazuju i govore o teškoj borbi kroz koju prolaze žene iz BiH u borbi da ostvare barem dio onoga što im se papirom garantuje.

*U raspravi koja je uslijedila poslije izlaganja panelistkinja iz BiH **Dubravka Kovačević** je rekla da, po njenom mišljenju, evidentno loš položaj žena u BiH još nepovoljnijim čini nedovoljna saradnja ženskih nevladinih organizacija sa gender centrima.*

***Ane Jakšić** je istakla da gender centri ipak nisu tako pasivni kao što se čini i da aktivno*



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rade na promjeni Izbornog zakona koja bi omogućila zastupljenost žena na kandidatskim listama od 50 posto, kao i da su pokrenuli inicijativu za osnivanje gender komisije na opštinskim nivoima.

Spomenka Krnić, kao ključan problem je navela činjenicu da žene ne podržavaju žene u BiH, a da su one koje su preuzele odgovornost izložene maltretiranju.

Desanka Rađević je konstatovala da je više nego očito da nema dovoljno komunikacije nevladinih organizacija i političarki. Rekla je da joj to "nevladino" pomalo smeta i zašto ne bi bili "vladini" pa radili stvari za koje je vlada zainteresovana i da svaka nevladina organizacija može podnijeti zahtjev Ministarstvu uprave i lokalne samouprave da dobiju angažman pri ministarstvu.

Nada Golubović je izrazila mišljenje da u BiH postoji institucionalni mehanizmi koji su uspostavljeni pod pritiskom međunarodne zajednice i željom da se ode u Evropu, a ne kao odraz istinske želje za uspostavljanjem ravnopravnosti, što je nedopustivo. Ona je ujedno predložila da se sugerije međunarodnoj zajednici i Vijeću Evrope da uslove početak integracijskih procesa zemalja jugozapadnog Balkana eliminisanjem diskriminacije žena.

Kako bi se došlo do zajedničkih preporuka, nakon plenarnog dijela učesnice su nastavile rad u dvije radne grupe.

RAD U GRUPAMA

I. radna grupa

Razlike i sličnosti u legislativi i uspostavljenim institucionalnim mehanizmima

Odmah na početku rada zaključeno da u svim zemljama postoji zadovoljavajuća legislativa i mehanizmi za uspostavljanje rodne ravnopravnosti. Zakon o ravnopravnosti polova još nemaju sve zemlje, ali je već proceduri donošenja.

Otvorilo se pitanje postojeće terminologije u službenim dokumentima. Postavljeno je pitanje zašto se samo u BiH upotrebljava termin gender a ne rod kao u ostalim zemljama. Ako želimo suštinske promjene onda jezik mora biti razumljiv najširem sloju građanstva.

Ključni problem je istinska opredjeljenost da se zakoni sprovode i da mehanizmi "prorade".

Iskazani su stavovi da:

- imamo mehanizme za provođenje ravnopravnosti polova, ali nismo zadovoljne kako funkcionišu;
- vlade nisu shvatile odgovornost da harmonizuju druge zakone sa Zakonom o ravnopravnosti polova;
- ne primjenjuju se sankcije za kršenje propisanog;
- najširi sloj građanstva, ali i ljudi koji rade u institucijama vlasti ne prepoznaju diskriminaciju po osnovu pola;
- jezik nije operativan;
- većina onih koji vrše obuku nisu osposobljeni da to rade.

Zato je potrebno da:

- vršimo stalni monitoring provođenja donešenih zakona;
- insistiramo da se zakoni harmonizuju sa zakonom o ravnopravnosti polova;
- insistiramo na sankcijama za kršenje propisanog;
- lobiramo da se ženske potrebe i interesi rodne ravnopravnosti stave u prioritete politika naših zemalja;
- zahtjevamo da državni planovi akcije budu operacionalizirani.

II. radna grupa

Zalaganje, lobiranje za primjenu i promjenu

Kroz diskusiju su identifikovani zajednički problemi i prepoznate teme za koje se u budućnosti treba zalagati

Problemi:

- Građanke i građani često ne prepoznaju rodnu diskriminaciju tako da rodna ravnopravnost nije stavljena kao politički prioritet.
- Kapaciteti znanja u ženskim NVO–ima nisu dovoljno prepoznati od strane institucionalnih mehanizama.
- Postoji nesklad između zakona i institucionalnih mehanizama i njihovog provođenja i primjene.
- Nisu uspostavljene sankcije za nesprovođenje obaveza i odgovornosti.
- Za pitanja rodne ravnopravnosti se koriste strane riječi.
- Nisu obezbjeđena finansijska sredstva iz budžeta Vlade za uspostavljanje rodne ravnopravnosti.

Za šta se želimo zalagati u budućnosti:

- Za rodnu edukaciju građana i građanki.
- Ukazati "institucijama" na resurse, kapacitete i znanja koja posjeduju NVO–e i lobirati da ih institucije koriste u edukacijama.
- Voditi akcije na nacionalnom i regionalnom nivou koje promovišu pitanja rodne ravnopravnosti kao politički prioritet.
- Tražiti od vlada da uvedu standarde za provođenje preuzetih obaveza iz domena zakona i institucionalnih mehanizama vezanih za ravnopravnost polova.
- Za pitanja rodne ravnopravnosti koristiti isključivo domaće riječi kako bi građani/ke svih obrazovnih nivoa shvatili o čemu se govori.
- Budžeti na svim nivoima vlasti trebaju imati u vidu rodnu ravnopravnost.



U nastavku su plenarno predstavljeni zaključci rada u grupama. Učesnice su usaglasile završne preporuke i zahtjeve koji će se uputiti svim državnim institucijama, međunarodnim organizacijama i medijima.

PREPORUKE I ZAHTJEVI

U Banjaluci 1. i 2. oktobra 2005. godine, održana je regionalna konferencija u organizaciji Helsinškog parlamenta građana Banjaluka i Udruženih žena Banjaluka, pod pokroviteljstvom švedske fondacije Kvinna Till Kvinna pod nazivom:

"STVARNI I PRAVNI POLOŽAJ ŽENE U REGIJI JUGOZAPADNOG BALKANA"

Na Konferenciji je učestvovala 41 učesnica iz Bosne i Hercegovine, Crne Gore, Hrvatske, Kosova, Makedonije i Srbije.

Cilj Konferencije je bio sagledati razliku između pravne regulative i stvarnog položaja žena u gore navedenim zemljama.

Žene učesnice Konferencije su zaključile da ne žele učestvovati u etničkim prebrojavanjima i odbijaju manjinsku poziciju koju imaju u svojim zemljama.

Ustanovljeno je da:

- Sve zemlje Jugozapadnog Balkana su nastojale i nastoje u domaće zakonodavstvo unijeti pravne norme i institucije za uspostavljanje ravnopravnosti polova;
- Pravne norme i institucije su usvojene i uspostavljene radi preuzetih međunarodno – pravnih obaveza i pritisaka svojih nezadovoljnih građanki bez istinske političke volje da oživotvore ustavna načela ravnopravnosti polova;
- Pravne norme i institucije nemaju operativne mehanizme za primjenu niti sankcije ako se ne primjenjuju, pa ih vlasti ni građani ne smatraju obaveznim

Zabrinute zbog narastajućeg siromaštva koje najviše pogađa žene i produbljuje nesklad između njihovog stvarnog i pravnog položaja, žene traže:

- od vlasti operativne planove za provođenje zakona i institucionalnih mehanizama koji obuhvataju problematiku ravnopravnost polova;
- jednake mogućnosti u svim oblastima života;
- finasijska sredstva za postizanje rodne ravnopravnosti u svakodnevnom životu obrzbijedena budžetima vlada na svim nivoima;

od Vijeća Evrope i predstavnika međunarodne zajednice koji su prisutni na ovim prostorima da uslove početak integracijskih procesa naših zemalja u Evropsku uniju ne samo pravnim nego i stvarnim činjenicama eliminacije diskriminacije žena.

Nada Golubović, "Udružene žene" Banjaluka
Lidija Živanović, Helsinški parlament građana Banjaluka i
učesnice Konferencije



Zaključci okruglog stola su proslijeđeni medijima, organima vlasti u Bosni i Hercegovini i međunarodnim organizacijama.

Posebnu podršku je dala Kvinna till Kvinna fondacija koja je zajedno sa organizatoricama pozvala EU da razmotri stvarno stanje ženskih ljudskih prava u zemljama regije.

KVINNA TILL KVINNA I ŽENE ZAPADNOG BALKANA UJEDINJENE U ZAHTEJVIMA PREMA EVROPSKOJ UNIJI

– ZAKONI DAJU LAŽNA OBEĆANJA O RAVNOPRAVNOSTI POLOVA

Sistematska i široko rasprostranjena diskriminacija žena je realnost u regiji Zapadnog Balkana. Rat, siromaštvo, nezaposlenost i jačanje nacionalističkih i patrijarhalnih vrijednosti ima uticaj na položaj žena u regionu. Ženske nevladine organizacije iz Bosne i Hercegovine, Kosova, Hrvatske, Makedonije i Srbije i Crne Gore su se nedavno sastale u Banjaluci, Bosni i Hercegovini, da razgovaraju o zajedničkim problemima i odnosu prema Evropskoj Uniji. Opšti zaključak je bio da EU mora pojačati pritisak kako bi nestala razlika između zakona i stvarnosti. Ukoliko se to ne učini, to bi značilo izdaju ne samo žena i djevojaka u regiji, već i osnovnih vrijednosti Evropske Unije.

Danas, preko deset godina nakon izbijanja rata na Zapadnom Balkanu, region se približava EU. Reforme i donošenje novih zakona u regiji se sprovode u skladu sa politikom mrkve i štapa koju vodi EU. Pregovori sa Hrvatskom su nedavno otpočeli, a Srbija i Crna Gora je upravo dobila prolazni signal za pregovore o ugovoru o stabilizaciji i pridruživanju. U isto vrijeme Parlamentarna skupština Bosne i Hercegovine je glasala za reformu policije koja će Bosnu i Hercegovinu dovesti korak bliže Evropskoj Uniji.

Sve to izgleda jako dobro na papiru. Ali ako pogledamo šta se dešava dalje od papira, pokazuje se nova realnost. Uprkos reformama i impresivnim zakonima o ravnopravnosti polova, žene se još uvijek posmatraju kao građani drugog reda. Jake i duboko ukorijenjene patrijarhalne strukture su kreirale okruženje koje umanjuje položaj, sigurnost i učešće žena. Konferencija u Banjaluci je identifikovala model – zahvaljujući pritisku ženskih organizacija i međunarodnoj zajednici, vlade u regiji Jugoistočnog Balkana su usvojile zakone kako bi obezbijedile poštovanje ženskih ljudskih prava i ravnopravnost polova ne zbog postojanja stvarne političke volje. U stvarnosti ne postoje planovi, sredstva ili resursi niti bilo kakve funkcionalne institucije koje bi implementirale ove zakone i politike. Osim toga, ne postoje sankcije za zvaničnike ili organe vlasti koji krše ove nove propise. Nezainteresovanost vlada i dijela međunarodne zajednice za ova pitanja daje ozbiljne signale koji vode tome da organi vlasti i građani/ke ne misle da je važno primjenjivati ove zakone u praksi.

Muško nasilje nad ženama je široko rasprostranjeno, posebno nasilje u porodici, i postoji jako malo podrške od strane zvaničnih institucija za žene koje prijave nasilnike i time se drznu da izazovu norme i predrasude. To što muškarac udara "svoju" ženu se još uvijek smatra privatnim problemom, u nekim slučajevima i njegovim pravom, umjesto da se to posmatra kao zločin, što i jeste prema važećim zakonima. Policija, kao i sudije i tužioci gleda kroz prste onima koji čine ovaj zločin. Mnoge porodice, posebno u seoskim područjima, daju prioritet u školovanju sinova, zbog ekonomskih razloga ili bezbjednosne situacije. Postoji izražen fenomen "staklenog plafona" koji otežava ženama da dobiju bolje plaćene poslove i postanu ekonomski nezavisne. U seoskim područjima, žene često nemaju pravo na posjedovanje vlastite imovine, jer je ona podjeljena između muškaraca. Siromaštvo



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raste u regionu i žene su te koje su najviše pogođene ovim problemom. U isto vrijeme, više žena i djevojaka je kidnapovano iz ovih zemalja i postale su žrtve trgovaca ljudima. Broj žena u parlamentima i na drugim mjestima donošenja odluka je nizak. Veliki dio aktivnosti usmjerenih na osiguranje mira i stabilnosti u regiji se zasniva na etničkim podjelama, kvotama i identitetu. Korištenje ovog principa čini nevidljivim druge oblike diskriminacije i postoji opasnost da će se sukobi interesa ugraditi u sistem. Učesnice konferencije održane u Banjaluci ne žele da učestvuju u etničkim prebrojavanjima i odbijaju manjinsku poziciju koju imaju u svojim zemljama.

Uprkos svim naporima žena usmjerenim na postizanje mira i demokratije i uprkos njihovom velikom znanju u različitim oblastima, one su isključene, čak i od strane međunarodne zajednice, kada se raspravlja o "teškim problemima" kao što je reforma policije i vojske. Nedavno se desilo u Bosni i Hercegovini da je visoki predstavnik vodio aktivnosti kada je usvojena odluka o reformi policije. Ženske organizacije širom zemlje su protestovale zbog toga što žene nisu učestvovala u ovim procesima, ali su se suočile sa šutnjom. Sada je reforma usvojena i pozdravljena od strane međunarodne zajednice i rečeno je da to predstavlja važan korak prema Evropskoj Uniji. Činjenica da ženama nije bilo dozvoljeno da učestvuju u donošenju ove odluke je problem demokratije, prema čemu EU mora imati i ulogu i odgovornost.

Zabrinute smo što se povećava raskorak između zakona i stvarnosti u pogledu položaja žena i djevojaka. Švedska je već jako dugo angažovana na Zapadnom Balkanu, takođe i po pitanju ženskih ljudskih prava. Ovim zahtjevamo od Švedske vlade da potvrdi svoju angažovanost i preko Evropske Unije zahtjeva od vlada u zemljama Zapadnog Balkana da razviju planove i mehanizme za stvarnu primjenu u praksi zakona koji se odnose na ravnopravnost polova. Vlade u regiji takođe moraju da dokažu da se smanjuje diskriminacija žena i da se princip poštovanja ljudskih prava primjenjuje u stvarnosti, u svakodnevnim životima običnih ljudi.

Ukoliko su Švedska i Evropska Unija zaista iskreni u svojim nastojanjima da se postigne mir i demokratija, naš zahtjev je veoma jasan. Poštovanje ženskih ljudskih prava i njihovo učešće u svim procesima je preduslov za zemlje Zapadnog Balkana da postignu održiv i pravedan mir i demokratiju.

Nada Golubović, Udružene žene, Banjaluka, Bosna i Hercegovina
Lidija Živanović, Helsinški parlament građana, Banjaluka, Bosna i Hercegovina
Kerstin Grebäck, Kvinna till Kvinna, Švedska





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RADIONICE

**KOMUNIKACIJA, KOORDINACIJA,
KOOPERACIJA I KOLABORACIJA**

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U 2005. godini smo, u okviru projekta Žena danas održale pet trodnevni radionica na temu "Komunikacija, koordinacija, kooperacija i kolaboracija". Radionice su održane u pet gradova zapadnog dijela Bosne i Hercegovine i to u Banjaluci (6.februara), Gradišci (18.– 20. marta), Prijedoru (13.– 15. maja), Novom Gradu (17. – 19. juna) i Kozarskoj Dubici (1. – 3. jula).

Zahvaljujući pomoći lokalnih koordinatorica Desanke Rađević (Gradiška), Mirjane Maksimović (Prijedor), Snježane Rajilić (Novi Grad) i Mire Stojaković (Kozarska Dubica) na radionicama su učestvovala 132 polaznice, članice političkih partija i nevladinih organizacija.

Voditeljice radionice su bile Natalija Petrić i Nada Golubović.

Svih pet radionica je realizovano po istom programu: komunikacija, načini timskog rada i zašto raditi zajedno, prednosti i nedostaci našeg rada, izgradnja koalicije, drugi načini zajedničkog rada, mogućnosti za zajedničke akcije u različitim sektorima, prednosti i nedostaci, evaluacija.

Nada Golubović
Lidija Živanović



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Banjaluka



Gradiška



Prijedor



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Banjaluka



Gradiška



Prijedor



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Prijedor



Novi Grad



Dubica



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Prijedor



Novi Grad



Dubica



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PRES KONFERENCIJE

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Tokom 2005. godine organizovale smo tri pres konferencije na kojima smo upoznale javnost sa našim aktivnostima, stavovima i rezultatima. Konferenciju su zajednički pripremali članovi i članice naše dvije organizacije.

Prvu pres konferenciju organizovali smo uoči 8. marta Međunarodnog dana žena. Učestvovali su Aleksandar Živanović i Bojana Trninić iz Helsinškog parlamenta građana, i Miroslav Samardžić i Aleksandra Petrić iz organizacije Udružene žene Banjaluka. Naglasili su istorijsku važnost 8. marta. Upoznali su novinare sa statističkim pokazateljima o nasilju nad ženama do kojih se došlo kroz naše aktivnosti, sa aktivnostima koje su realizovane i koje se poduzimaju u cilju otvaranja Sigurne kuće za žene i djecu žrtve porodičnog nasilja, o važnosti prevencije u sprečavanju trgovine ženama. Naglasili su važnost učešća žena u javnom životu kako bi se ženski prioriteti efikasnije rješavali.

Drugom pres konferencijom 25. novembra, smo najavili dane aktivizma koji se u cijelom svijetu provode od 25. novembra do 10. decembra, sa ciljem borbe protiv nasilja nad ženama, promocije ženskih ljudskih prava i smanjenje svih oblika diskriminacije nad ženama. Pres konferenciju su vodili Aleksandar Živanović (hCa) te Amela Bašić i Minja Damjanović (Udružene žene). Aleksandar Živanović je prisutnim novinarima prezentirao šta znači 16 dana aktivizma, Amela Bašić je govorila o rezultatima rada SOS telefona a Minja Damjanović je iznijela proces u kojem su Udružene žene u vezi sa otvaranjem Sigurne kuće.

Trećom pres konferencijom 9. decembra smo završile naše aktivnosti u vezi 16 dana aktivizma. Ova pres konferencija je održana uoči dana ljudskih prava, pa smo na njoj govorili o tri aspekta kojima se bave naše dvije NVO. Aleksandar Živanović je ukazao na manjine koje žive u BiH, Bojana Mijić-Trninić koordinatorica omladinske mreže hCa je govorila o problemima mladih sa posebnim osvrtom na mlade žene, a Aleksandra Petrić, savjetnica za ljudska prava Udruženih žena je govorila o kršenjima ljudskih prava u BiH i mehanizmima koji štite žene.

Nada Golubović
Lidija Živanović

INFORMACIJE O ŽENSKIM LJUDSKIM PRAVIMA IZNESENE NA PRES KONFERENCIJAMA

MINJA DAMJANOVIĆ

Volonterka na SOS liniji za žene i djecu žrtve nasilja

SIGURNA KUĆA ZA ŽENE I DJECU ŽRTVE PORODIČNOG NASILJA

Poslednja karika ženske trijade jeste Sigurna kuća – sklonište za žene i djecu žrtve nasilja u porodici, koja je i jedan od prioriteta "Udruženih žena". Otvaranje Sigurne kuće u regiji Banjaluka je prekid začaranog kruga nasilja u momentima akutne faze nasilja, odnosno u situacijama neposredne ugroženosti života žene – žrtve i njene djece kao i način prevazilaženja nedostatka institucionalne zaštite za ovu ciljanu populaciju.

Najveći rezultat dugogodišnjeg lobiranja domaćih i stranih donatora je bio kupovina Sigurne kuće – skloništa za žene i djecu žrtve nasilja u porodici. Sigurna kuća (340m) je kupljena zahvaljujući sredstvima tadašnje vlade Republike Srpske i Fonda Otvoreno društvo 2003. godine. Prvobitno stanje Sigurne kuće je bilo jako loše te je bilo potrebno izvršiti rekonstrukciju objekta. 2004. godine dodatnim sredstvima pribavljenim ličnim zalaganjem Ambasadora Kraljevine Danske objekat je rekonstruisan.

Od tog perioda, tačnije od 2004. godine smo bili u stalnim pregovorima sa gradskim vlastima za izdvajanjem sredstava za tekuće održavanje Sigurne kuće iz budžeta grada. Važno je naglasiti da su odbornici Gradske Skupštine 2002. godine prepoznali taj problem kao društveni problem i u tom pogledu izglasali uvrštavanje sredstava za tekuće održavanje Sigurne kuće u budžet grada, ali mi tada nismo imali objekat tako da ta odluka nikad nije ni realizovana.

Ove godine smo preko GAP projekta, projekta Upravne odgovornosti finansiranog od strane Švedske agencije za međunarodni razvoj i saradnju i Američke agencije za međunarodni razvoj dobili sredstva (64 000) za adaptaciju kuće. Takođe, sredstva za istu namjenu odobrena su nam od strane Gradske uprave kroz budžet grada namijenjenog Centu za socijalni rad (50 000).

Osnovni preduslov za otvaranje sigurne kuće za žene i djecu žrtve porodičnog nasilja jeste uvrštavanje troškova tekućeg održavanja Sigurne kuće na budžet grada Banjaluka kako bi kada je otvorimo imali zagarantovan rad Sigurne kuće.

7.10. 2005. godine potpisan je Memorandum o razumijevanju i saradnji između Udruženih žena Banjaluka, Administrativne službe grada Banjaluka, Centra za socijalni rad, Doma zdravlja Banjaluka, Javnog tužilaštva RS. Ovim memorandumom kao strana potpisnica nave-



den je i Centar javne bezbjednosti Banjaluka, koji do današnjeg dana nije potpisao memorandum kojim se obavezuje da će obezbijediti 24 – satnu zaštitu sigurne kuće, sa obrazloženjem da oni nisu zaduženi za obezbijedivanje zaštite objekata ovog tipa, ali i obećanje da će po pozivu izaći na teren.

Sigurna kuća je ograničenog kapaciteta na 22 osobe. Žene i djeca žrtve porodičnog nasilja će u kući imati mogućnost boravka najduže do 3 mjeseca. Za to vrijeme uz pomoć stručnog tima Sigurne kuće žene i djeca će proći prvi korak resocijalizacije.

Strucni tim će korisnicama biti na raspolaganju 24 sata. Prijem u Sigurnu kuću obavljaće se preko komisije koja će se formirati za tu svrhu od strane predstavnika/ca Centra za socijalni rad i predstavnica "Udruženih žena".

Bitno je naglasiti saradnju sa Sigurnom kućom nevladine organizacije "Budućnost" iz Modriče u koju smo smještali poneku klijenticu i na taj način do određene mjere uspjeli ublažiti činjenicu da Sigurna kuća ne postoji na teritoriji grada Banjaluka.

Mi se nadamo da će ova i naredna godina biti godina u kojoj će se konačno otkloniti sve prepreke otvaranju kuće. Nadamo se da će po završetku rekonstrukcije kuće Gradska skupština odobriti budžet u kome će biti predviđena sredstva za tekuće održavanje Sigurne kuće kako bi žene i djeca žrtve porodičnog nasilja u momentu akutnog nasilja imale gdje da se smjeste.

AMELA BAŠIĆ

Psihologinja, Udružene žene, Banjaluka

SOS LINIJA ZA ŽENE ŽRTVE PORODIČNOG NASILJA

Nasilje u porodici predstavlja svaki oblik kršenja osnovnih ljudskih prava, a osnovno ljudsko pravo svih nas podrazumijeva pravo na život bez nasilja u javnoj i privatnoj sferi. Nasilje ostavlja dugotrajne i teško izlječive posljedice, budući da se njime ugrožava fizički, psihički i društveni integritet žene. Nasilje u porodici može imati različite forme, kao što su fizičko, psihičko, ekonomsko i seksualno nasilje. Između ovih pojava oblika je teško povući jasnu razliku jer se u većini slučajeva žene suočavaju sa višestrukim oblicima nasilja od strane istog nasilnika. Međutim, ono što je zajedničko za sve oblike nasilja jeste kontrola i zloupotreba moći.

Najbolji način za pružanje pomoći ženama žrtvama nasilja jeste uspostavljanje ženske trijade: SOS telefona, savjetovaništa i Sigurne kuće.

U periodu od marta 1997. godine do kraja aprila ove godine u kancelariju za besplatnu pravnu i psihosocijalnu pomoć se obratilo ukupno 3.985 žena, koje su u 95% slučajeva bile žrtve nasilja. Takođe SOS telefon za žene i djecu žrtve nasilja u porodici je u vremenskom periodu od 1997. godine, tačnije od samog početka rada SOS telefona do kraja mjeseca oktobra evidentirao 5.803 poziva žrtava nasilja u porodici.

Uz podršku Gender centra Republike Srpske 01. avgusta 2005. godine je uspostavljen zajednički broj SOS telefona za žene i djecu žrtve nasilja u porodici **1 2 6 4**. Nvladine



9

organizacije uključene u ovu inicijativu su "Budućnost" – Modriča, "Ženski centar" – Trebinje, Organizacija žena "Lara" – Bijeljina i "Udružene žene" – Banjaluka. SOS pozivi se od strane Telekoma Republike Srpske preusmjeravaju organizacijama koje su najbliže lokaciji poziva.

U proteklom periodu od tri mjeseca Udružene žene Banjaluka su na kratki broj SOS telefona za žene i djecu nasilja u porodici primile ukupno **303 poziva**. Najveći broj poziva je primljen od strane žrtava nasilja u porodici, dok su neki pozivi primljeni i od strane nekog od člana porodice ili su bile u pitanje anonimne dojave upućene od strane savjesnih građana i građanki naše regije

U 294 SOS poziva, prijavljeno je nasilje nad ženama, u 2 slučaja nasilje nad muškarcima i u 7 slučajeva nasilje nad djecom.

Pozivi su u 65% slučajeva bili upućeni od strane žena starosne dobi od 31 – 50 godina, 85% žrtava se nalazi u bračnoj zajednici i u 65% slučajeva žene imaju jedno ili dvoje maloljetne djece.

Podatak da 64% žena ima srednje obrazovanje i stalno zaposlenje (44%) govori protiv široko rasprostranjenih predrasuda da se nasilje u porodici dešava neobrazovanim i nezaposlenim ženama, tačnije ženama koje su najčešće ovisne o nasilniku.

Najčešći oblici nasilja prijavljeni na SOS telefon su kombinovani oblici fizičkog, psihičkog i ekonomskog nasilja u 68% slučajeva i to u vremenskom trajanju od 4 – 10 godina u čak 57% slučajeva.

73 % žrtava nasilja u porodici je izjavilo da nasilnik nema nikakav oblik psihičkog oboljenja, a 60% nasilnika ni problem sa nekim oblikom ovisnosti bilo da je riječ o alkoholizmu, narkomaniji ili kocki. Ovi podaci su također kontradiktorni sa predrasudama, prema kojima su nasilnici mentalno oboljele osobe i najčešće ovisne o alkoholu.

68% žrtava nasilja u porodici nikada nije potražilo pomoć od institucija. Identifikovane institucije kod kojih bi žene žrtve nasilja mogle potražiti pomoć su policija (18%) i Centar za socijalni rad (9%). Od ukupnog broja žrtava koje su potražile neku vrstu pomoći 17% njih tu pomoć nikada nije dobilo.

ALEKSANDRA PETRIĆ

Savjetnica za ljudska prava

10. Decembar – Međunarodni dan ljudskih prava u svijetlu ženskih ljudskih prava

1950 godine, Ujedinjene Nacije su proglasile 10. decembar za svjetski dan ljudskih prava. Dvije godine prije toga, na isti dan, usvojena je Univerzalna deklaracija o ljudskim pravima, koja je obilježila prekretnicu u modernom shvatanju ljudskih prava. Interesantno je napomenuti da je u procesu koji je prethodio donošenju ove Deklaracije, za ljudska prava je korišten termin "men's rights" ili muška prava. Delegacija jedne Afričke države je upitala Eleonoru Ruzvelt, predsjedavajuću Komisije koja je radila na izradi Deklaracije, da li to znači da će se prava definisana Deklaracijom primjenjivati samo na muškarce, s obzirom da u njihovoj kulturološkoj tradiciji žene i nemaju pravo biti subjekt pravne zaštite. Nakon ovog pitanja, gospođa Ruzvelt je pokrenula inicijativu da se prethodno korišteni izraz mens rights promjeni u human rights, i u tome je uspjela, dajući time jasno do znanja da žene i



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muškarci moraju biti jednako tretirani u svijetlu međunarodne pravne zaštite.

Univerzalna deklaracija o ljudskim pravima je prethodila čitavom nizu međunarodnih propisa koji se odnose na ženska ljudska prava, od kojih je svakako najznačajnija Konvencija o eliminaciji svih oblika diskriminacije žena iz 1979 godine, koja predstavlja sastavni dio Dejtonskog ustava i kao takva je direktno inkorporirana u naš pravni sistem.

Nasilje nad ženama – jedan od najizraženijih oblika kršenja ljudskih prava žena

Zahvaljujući podršci nevladine organizacije Kvinna till Kvinna iz Švedske, Udružene žene Banjaluka i Helsinški parlament građana Banjaluka, već devetu godinu rade na pružanju besplatne pravne i psihosocijalne pomoći ženama žrtvama nasilja u Banjaluci. U periodu od marta 1997. godine do kraja aprila 2005 godine u kancelariju za besplatnu pravnu i psihosocijalnu pomoć se obratilo ukupno **3.985** žena. U 90% slučajeva korisnice naše pravne i psihosocijalne pomoći su bile žrtve direktnog ili indirektnog fizičkog i psihološkog nasilja od strane bračnog ili vanbračnog partnera ili nekog od drugih članova porodice.

SOS telefon za žene i djecu žrtve nasilja u porodici je u vremenskom periodu od 1997. godine, do kraja Oktobra 2005 godine evidentirao **5.803** poziva žrtava nasilja u porodici. Uz podršku Gender centra Republike Srpske 01. avgusta 2005. godine je uspostavljen zajednički broj SOS telefona za žene i djecu žrtve nasilja u porodici **1 2 6 4**. Nевladine organizacije koje su uključene u ovu inicijativu su "Budućnost" – Modriča, "Ženski centar" – Trebinje, Organizacija žena "Lara" – Bijeljina i "Udružene žene" – Banjaluka. SOS pozivi se od strane Telekoma Republike Srpske preusmjeravaju organizacijama koje su najbliže lokaciji poziva. U proteklom periodu od tri mjeseca Udružene žene Banjaluka su na kratki broj SOS telefona za žene i djecu nasilja u porodici primile ukupno **303** poziva.

Pored pružanja pravne i psihosocijalne pomoći ženama žrtvama nasilja, naše dvije organizacije svoje aktivnosti usmjeravaju na ostvarivanje uticaja na nedostatak efikasne politike zvaničnih institucija u borbi protiv nasilja i svih oblika diskriminacije žena. Zalažemo se za uspostavljanje jasnih procedura i konkretnih aktivnosti na pružanje pomoći ženama žrtvama nasilja i u tom pravcu sarađujemo sa policijom, policijom RS naročito u smislu organizovanja edukacije policijskih službenika o problemu nasilja u porodici, pružanja efikasne zaštite žrtvama nasilja i unapređenje saradnje sa nevladinim organizacijama na ovom problemu. Udružene žene Banjaluka i Helsinški parlament građana Banjaluka su aktivno učestvovali u procesu kreiranja novog Zakona o zaštiti od porodičnog nasilja, koji je u Februaru 2005 godine usvojen u FB&H, a trenutno se nalazi u proceduri pred Narodnom skupštinom RS. Donošenje ovog Zakona smatramo veoma značajnim, jer se njime predviđa uvođenje čitavog niza zaštitnih mjera usmjerenih na obezbjeđivanje zaštite žrtava nasilja u porodici, kao što je osiguranje zaštite lica izloženog nasilju, zabrana približavanja žrtvi nasilja, obavezno liječenje od zavisnosti i sl.

Članice smo B&H mreže ženskih organizacija koje se bave problemom nasilja nad ženama i aktivno sarađujemo sa drugim organizacijama u RS i FB&H koje se bave pružanjem pravne i psihosocijalne podrške ženama žrtvama nasilja.

Sigma kuća za žene i djecu žrtve nasilja u porodici u Banjaluci

Udružene žene Banjaluka već dugi niz godina lobiraju za finansijsku i institucionalnu pomoć u otvaranju sigurne kuće-skloništa za žene i djecu žrtve nasilja u Banjaluci. U novembru 2003 godine, zahvaljujući finansijskoj pomoći Vlade RS i Fonda otvoreno društvo u BiH, kupili smo kuću za namjenu otvaranja skloništa u Banjaluci. Tokom 2004 godine, uspjeli smo obezbjeđiti dodatna finansijska sredstva za rekonstrukciju kuće i privođenje upotrebnoj



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namjeni, zahvaljujući Ministarstvu vanjskih poslova Danske.

Trenutno, u realizaciji rekonstrukcija krova i nabavka jednog dijela namještaja za šta smo dobili podršku preko projekta Upravne odgovornosti – GAP – finansiranog od strane Švedske agencije za međunarodni razvoj SIDA i USAID. Nadamo se otvaranju sigurne kuće početkom 2006 godine, ukoliko dobijemo podršku od strane opštinskih vlasti.

Ravnopravnost polova i učešće žena u javnom i političkom životu Bosne i Hercegovine

Budući da će se opšti izbori u Bosni i Hercegovini održati sljedeće godine, smatramo da je izuzetno važno u javnosti ukazati na problem neravnopravnog položaja žena u javnom i političkom životu u BiH, posebno na problem marginalizacije žena u strukturama izvršne, zakonodavne i sudske vlasti na svim nivoima i zanemarljiv uticaj žena na procese donošenja važnih političkih odluka.

I pored toga što je Vlada Republike Srpske učinila značajan napredak i u svojim strukturama trenutno ima tri ministarke, to se nikako ne može smatrati ravnopravnošću polova u izvršnoj vlasti Republike Srpske.

Fenomen "staklenog plafona" za žene u procesu donošenja odluka je još uvijek veoma relevantan da opiše situaciju u organima vlasti na svim nivoima B&H. Podsjećamo vas da u kolektivnom Predsjedništvu BiH nema žena, Predsjednici RS i FB&H su muškarci, samo je jedna ministarka u Vijeću ministara B&H. Rezultati lokalnih izbora u B&H pokazuju da samo 3 žene obavljaju funkcije načelnica opština, od 150 opština u Bosni i Hercegovini. U parlamentima na državnom i entitetskim nivoima žena ima manje od 30% – najdrastičniji je primjer Vijeća naroda Parlamentarne skupštine BiH, u kojem nema niti jedne žene.

U postratnom periodu, Bosna i Hercegovina je imala samo tri žene predsjednice političkih partija – Srpskog narodnog saveza, Seljačke stranke BiH, i Liberalne partije BiH, čija je trenutno predsjednica Lamiya Tanović, bivša ambasadorica BiH u Danskoj. Ovo govori u prilog tezi da muške poli-



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tičke elite dominiraju u političkom životu BiH.

Bez obzira na pozitivne korake, žene su još uvijek ne učestvuju u procesu donošenja važnih političkih odluka koje se tiču BiH, kao što su oblast reforme policije i vojske. Udružene žene i Helsinški parlament građana Banjaluka su do sada nebrojeno puta ukazivali na ovaj problem i uputili apele vlastima BiH da uključe žene u političke pregovore. Smatramo da je učešće ministrice finansija RS ne može smatrati ravnopravnim učešćem žena u ovim procesima, te da sve političke stranke u BiH trebaju razmotriti uključivanje svojih predstavnica u ove procese.

Udružene žene i hCa Banjaluka već dugi niz godina rade na osnaživanju žena u političkim partijama da učestvuju u vlasti kroz interaktivne radionice, javne tribine u BL i drugim gradovima RS, predizborne kampanje, radio i TV emisije.

Tokom narednog perioda ćemo nastaviti sa ovim aktivnostima.

Ravnopravnost polova u medijima Bosne i Hercegovine

UŽ i hCa smatraju da je važno napomenuti da je tokom 2005 godine učinjen značajan napredak u pogledu broja medijskih izvještaja o pitanjima koja se vezuju za zaštitu ženskih ljudskih prava – posebno ukazivanju na problem nasilja nad ženama i problem nedostatka učešća žena u javnom i političkom životu BiH. Međutim takođe je važno reći da ovaj pomak u kvantitetu ne ide skupa sa kvalitativnim promjenama, jer je još uvijek vidljiv diskriminacijski pristup u prezentovanju problema žena i pitanja ravnopravnosti polova, koji još uvijek reflektuje rodne stereotipe i podržava diskriminaciju žena.

Kao primjer, navela bih slučajeve medijskih izvještaja i članaka o slučajevima silovanja, seksualnog uznemiravanja, i nasilja u porodici gdje novinari u novinskim tekstovima u TV izvještajima veoma često otkrivaju kompletne informacije o ženama koje su prijavile silovanje – njihov identitet, porodičnu situaciju, detalje o zaposlenju, prijateljima i podatke koje ukazuju na "sumnjivi moral" žrtava. U isto vrijeme, ovakve priče ne uključuju slične informacije o osumnjičenim licima i obično se predstavljaju samo njihovi inicijali. Osim toga, medijski izvještaji o nasilju u porodici imaju tendenciju "senzacionalnosti" – novinari obično traže od žrtava da izađu u javnost sa svojim pričama i predstave svoja iskustva čime ih izlažu dodatnim opasnostima, čak i ako prikriju njihov fizički identitet. Do sada se nismo susretali sa novniskim člancima ili izvještajima u kojima su tražene izjave od nasilnika, o razlozima zašto čine nasilje prema svojim suprugama, partnerkama, kćerkama i drugim članovima porodice. Ove primjere iznosimo kako bi ukazali da ovakav način izvještavanja podržava socijalne tabue i predrasude i ne doprinosi borbi protiv spolno uslovljene diskriminacije.

Drugi primjer podrške rodnim stereotipima kroz medije je to što se žene iz nevladinih organizacija, političarke i predstavnice raznih institucija obično pitaju o tzv. "ženskim temama", kao što su nasilje nad ženama, trgovina ženama i slično, dok su takozvana goruća politička pitanja komentirana u medijima gotovo isključivo od strane političkih lidera muškaraca.



9

INFORMACIJE O ORGANIZATORIMA



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O NAMA

Udružene žene Banja Luka je nevladina organizacija osnovana 16. avgusta 1996 godine u Banja Luci. Razlog zbog kojeg smo se, u to vrijeme, osnovale, je bio da podržimo žene kako iz urbanih, tako i iz ruralnih sredina. Zalažemo se za unaprijeđenje društvenog položaja žene i njeno pravo na život bez nasilja u porodici i javnom životu i povećanje broja žena na rukovodećim pozicijama i u zvaničnim institucijama Republike Srpske i Bosne i Hercegovine.

NAŠA VIZIJA

Žena svjesna svoje moći, ravnopravna, poštovana, zaposlena i sretna.

NAŠA MISIJA

Jačanje i afirmisanje žena kroz zalaganje i rad na sprovođenju ženskih ljudskih prava.

Opštin ciljevi našeg djelovanja:

- Javno zalaganje za jačanje položaja žena u našem društvu i smanjenje diskriminacije žena u političkoj, ekonomskoj i društvenoj sferi;
- Osnježivanje žena da uzmu učešće u društvenim promjenama kroz njihovu aktivnu ulogu u formiranju javnih politika i političkom odlučivanju na lokalnim, entitetskim i državnom nivou u Bosni i Hercegovini;
- Podizanje javne svijesti o nasilju u porodici i porodičnoj zajednici i javno zalaganje za izmjenu diskriminirajućih zakonodavnih propisa u korist zaštite žena i djece žrtava porodičnog nasilja;
- Podizanje javne svijesti o trgovini ljudima u Bosni i Hercegovini i javno zalaganje za efikasniji rad zvaničnih institucija Republike Srpske i Bosne i Hercegovine u sprečavanju trgovine ljudima;
- Praćenje pozitivnih zakonskih propisa i pokretanje postupaka, odnosno inicijativa za izmjenu diskriminirajućih zakona u cilju postizanja ravnopravnosti žena i muškaraca u javnom i privatnom životu;
- Smanjenje ili potpuno eliminisanje problema žena korisnica Centra za besplatnu pravnu i psihosocijalnu pomoć "Žena i pravo" koje se tiču specifičnih pravnih pitanja i psihosocijalnih poteškoća. Žene i djeca žrtve nasilja imaju mogućnost dobijanja besplatne pravne i psihosocijalne pomoći i kontaktiranja SOS linije za podršku ženama i djeci žrtvama nasilja;

Pregled dosadašnjih aktivnosti:

- Za žene u devastiranim ruralnim zajednicama Republike Srpske i rubnim područjima dva sela smo obezbijedile koke nosilje;



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- Pomogle smo da se obnovi biblioteka u jednoj Osnovnoj školi u Banja Luci;
- Kurseve stranih jezika (engleskog i njemačkog), kurs moderne sekretarice i rada na računaru u Banja Luci;
- Kurs šivanja u Ribniku;
- Ginekološki i mamografski pregledi;
- Podjela steonih junica na području Republike Srpske i Federacije Bosne i Hercegovine;
- Konferencija o implementaciji Konvencije o pravima djeteta u saradnji sa UNICEF–om, održana u Banja Luci 1997 godine;
- Od 1997 godine, Centar za pravnu i psihosocijalnu podršku ženama **"Žena i pravo"**, u saradnji sa Helsinškim parlamentom građana Banja Luka;
- Od 1997 godine implementacija projekta **"Žena danas"** u saradnji sa Helsinškim parlamentom građana Banja Luka;
- 1998 godine, učestvovalle smo u akciji javnog zalaganja **"Nas je više"**, u saradnji sa 13 nevladinih organizacija širom Bosne i Hercegovine, u cilju povećanja broja žena u zakonodavnim tijelima Bosne i Hercegovine, kao i ostvarivanja uticaja na svijest žena glasačica o važnosti podrške ženama kandidatkinjama na izborima u Bosni i Hercegovini;
- 1998 godine, organizovale smo medijski projekat **"Kako ponovo živjeti zajedno"**. Svrha projekta je bilo uspostavljanje komunikacije između građanki Banja Luke koje pripadaju domicilnoj populaciji, građanki Banja Luke koje su kao izbjeglice ili raseljena lica došle u naš grad i građanki Banja Luke koje su za vrijeme rata izbjegle iz Banja Luke a sada su se vratile;
- U periodu oktobar 1999. – februar 2000 godine, sprovele smo istraživanje **"Nasilje nad ženama u Bosni i Hercegovini"** u saradnji sa Medika Infoteka Zenica i organizacijom Žene ženama Sarajevo;
- 2001 godine, organizovale smo medijski projekat **"Demokratija, šta je to"**. U okviru ovog projekta smo organizovale TV emisije na teme demokratije i ljudskih prava, građanskog društva, žene i privatizacija i demokratizacija društva kroz razvoj civilnog sektora;
- 2001 godine, organizovale smo medijski projekat **"Kampanja o ženskim pravima i položaju žena u društvu"** koji se sastojao od serije televizijskih emisija i istraživanja usmjerenog na pravni i stvarni položaj žena u društvu, trgovina ženama u svrhu prostitucije, nasilje nad ženama u porodici i porodičnoj zajednici, uloga žene u javnom životu i prioriteta i strategije javnog angažmana žena u Bosni i Hercegovini;
- 2001 godine, organizovale smo projekat **"Zajednički život i pomirenje"** u saradnji sa Corridor Sarajevo, Medika Zenica i Žene ženama Sarajevo, koji se odnosio na psihosocijalno rješavanje konflikta kroz radionice uspostavljanje dijaloga u selima širom Bosne i Hercegovine;
- 2000/2003 godine facilitirale smo seriju treninga za Vijeća za saradnju roditelja i nastavnika u osnovnim i srednjim školama u Banja Luci, Prijedoru, Doboju i Gradišci, u saradnji sa CRS BiH;
- 2002 godine, organizovale smo predizborni projekat **"Žene na izborima – žene i muškarci glasajte za žene"**, u saradnji sa "Lara" Bijeljina i "Budućnost" Modriča. Projekat je bio usmjeren na podizanje svijesti o važnosti ženskog učešća u procesu donošenja odluka, podizanje svijesti i znanja o funkcionisanju izbornog procesa i važnosti glasanja, povećanje broja žena i mladih ljudi koji glasaju na izborima i povećanje broja žena koje učestvuju u radu zvaničnih institucija i procesima donošenja



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odluka;

- 2003 godine, učestvovala smo u izradi alternativnog izvještaja po **1979 Konvenciji o eliminaciji svih oblika diskriminacije nad ženama** (CEDAW Konvencija), za dio koji se tiče nasilja nad ženama i trgovine ženama u Bosni i Hercegovini, u saradnji sa brojnim ženskim nevladinim organizacijama i grupama širom BiH, uz podršku Međunarodne pravne grupe za ljudska prava;
- 2003 godine, u saradnji sa organizacijom "Lara" Bijeljina organizovale smo okrugli sto **"Saradnja između zvaničnih institucija i nevladinih organizacija na borbi protiv trgovine ljudima u BiH"**;
- 2003/04 godine, organizujemo medijski projekat **"Ona i okruženje"** usmjeren na promociju 1995 Pekinške deklaracije o pravima žena i njene Platforme za akciju, te obaveza koje u tom pogledu Vlada RS treba da ispuni u smislu unapređenja položaja žene u javnom i privatnom životu u BiH;
- 2003/04 godine, u saradnji sa Centrom za žene Žar iz Sarajeva smo organizovali projekat **"Od zakona do stvarne ravnopravnosti"**. Projekat je usmjeren na razvoj strategije za stvarnu primjenu Zakona o ravnopravnosti polova BiH i formulisanja Platforme za akciju nevladinih organizacija.
- 2004, u saradnji sa nevladinom organizacijom "LARA" iz Bijeljine, organizovali smo projekat **"Zaštiti se 'Akcija protiv trgovine djecom i omladinom u BiH,"** usmjeren na stvaranje uslova za uspješnu zaštitu djece i omladine u Bosni i Hercegovini od problema trgovine ljudima u zemlji i inostranstvu.
- 2005/2007 – organizujemo projekat **"Ravnopravnost polova u Bosni i Hercegovini – Informisano javno mišljenje i gender sensitivni mediji."** Cilj projekta je stvaranje uslova za smanjenje diskriminacije po osnovu pola u svim sferama društvenog, ekonomskog i političkog života u Bosni i Hercegovini kroz omogućavanje građanima i građankama Bosne i Hercegovine da se upoznaju sa Zakonom o ravnopravnosti polova u BiH, kreiraju informisano javno mišljenje o spolno uslovljenoj diskriminaciji i da se uključe u borbu za poboljšanje položaja žena u našem okruženju.
- 2005/2006 – preduzimamo radove na završnoj adaptaciji **sigurne kuće-skloništa za žene i djecu žrtve nasilja u porodici u regiji Banja Luka.**
- 2006 – **"Od Zakona do stvarne ravnopravnosti"** – projekat usmjeren na podizanje svijesti o pitanjima ravnopravnosti polova kod članova i članica parlamentarnih političkih partija u 11 gradova Bosne i Hercegovine kroz edukativne radionice, javne diskusije i radio emisije o ravnopravnosti polova u javnom i političkom životu.

Donatori zahvaljujući kojima smo uspjele realizovati naše aktivnosti:

Ambasada Velike Britanije u Bosni i Hercegovini, Westminster Fondacija za demokratiju – Velika Britanija, OXFAM – Velika Britanija, Nezavisni biro za humanitarna pitanja IBHI – kancelarija u BiH, Woman Global Fund – Sjedinjene Američke Države, Methodist Church – Sjedinjene Američke Države, Inicijativa žena Bosne i Hercegovine – BWI, Vlada Republike Srpske, GAP – Projekat upravne odgovornosti – SIDA i USAID, Mama Cash – Nizozemska, Ministarstvo vanjskih poslova Danske, Pakt stabilnosti za jugoistočnu Evropu, SIDA – Kvinna Till Kvinna – Švedska, EED Njemačka, Fond otvoreno društvo BiH



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Fax + 387 51 432 752
E-mail: hcabl@blic.net,
web: www.hcabl.org

Helsinški parlament građana (HPG) Banja Luka je registrovan 16. avgusta 1996. godine kao lokalna nevladina organizacija u Republici Srpskoj/Bosni i Hercegovini.

Od tog vremena, HPG Banja Luka je aktivno uključen u promociju, jačanje i povezivanje civilnih inicijativa, radeći na pomirenju i osnaživanju zapostavljenih grupa za političko djelovanje na lokalnom i regionalnom nivou.

Danas je HPG Banja Luka organizacija za zalaganje i podršku, te resursni centar, koji usmjerava svoje aktivnosti u tri programska područja:

- Jačanje civilnog društva i transformacija javne vlasti u servis građana
- Zalaganje za rodnu jednakost
- Stvaranje uslova za intenzivnije uključivanje mladih u javni život.

Naša misija: **Helsinški parlament građana Banja Luka je organizacija koja podržava i stimuliše autonomnost i slobodu svih građana, uključivanjem marginalizovanih društvenih grupa u demokratske procese, naročito žena i mladih.**

Naša vizija: **Društvo jednakih mogućnosti za sve.**

Neki od programa HPG Banja Luka u proteklom periodu:

- **10 godina mira** – Obilježavanje desetogodišnjice mira u Bosni i Hercegovini, uličnom kampanjom i objavljivanjem i promocijama knjige "Hvala što ste me pitali kako mi je" koja donosi 350 ispovijesti građana i građanki BiH o njihovim iskustvima, patnjama i lijepim trenucima u proteklih deset godina kao i njihovim planovima za budućnost. Knjiga je objavljena na našim i na engleskom jeziku.
- **Trening centar "Otvoreni Univerzitet"** – Centar za edukaciju o ljudskim pravima i civilnom društvu, biblioteka sa oko 1200 knjiga o ovim temama i resursni centar, u okviru Helsinškog parlamenta građana Banja Luka. Kroz naše programe obuke prošlo je više od 1000 polaznika. Treninge vodeiskusni treneri edukatori sa višom i visokom stručnom spremom, koji su dodatno usavršavanje prošli u domaćim i inostranim nevladinim organizacijama, institucijama i medijima.
- **Nacionalne manjine: SUSTANARI** – Registracija i osnaživanje Saveza nacionalnih manjina Republike Srpske i drugih udruženja nacionalnih manjina, podižući svijest javnosti o njihovim problemima, kroz kampanje za poboljšanje njihovog statusa. Partner: Savez nacionalnih manjina Republike Srpske, Banja Luka
- **Od lokalnog do globalnog dijaloga** – stvaranje komunikacije između građana i gradske uprave u Modriči, Tesliću i Banjoj Luci, kroz javne rasprave o funkcionisanju lokalne uprave i izdavanje mjesečnog informativnog biltena. Partneri: NVO "Budućnost" Modriča, Omladinski savez Teslić.



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- **Žena danas** – Partnerski projekat sa "Udružene žene", Banja Luka s ciljem uključivanja što većeg broja žena u javni život BiH i postizanja ravnopravnosti polova u javnom, posebno političkom životu. Projekat traje od 1997. godine, a sastoji se od javnih tribina, radionica, radio i TV emisija, kampanja.
- **Žena i pravo** – Kancelarija za besplatnu pravnu i socijalnu pomoć ženama i SOS telefon za žene žrtve nasilja, partnerski projekat sa NVO Udružene žene Banja Luka, koja radi od 1997.
- **Podrška ženskim ljudskim pravima na Zapadnom Balkanu** – izrada studije o nasilju u porodici sa osvrtom na postojeće zakonske norme, aktivnosti nadležnih institucija i organizacija i stanje na terenu. Partneri: "Žene ženama" Sarajevo, "Lara" Bijeljina, Humanistisch Overleg Mensenrechten (HOM), Holandija
- **"Žene u BiH: Da se vide, da se čuju"** – Neformalna ženska mreža koja ima za cilj jače uključivanje žena u procese donošenja odluka i institucije u lokalnim zajednicama. Mreža broji više od 160 aktivistkinja nevladinih organizacija, političkih partija, zaposlenih u institucijama i kulturnim organizacijama u 16 gradova i opština BiH (Banja Luka, Bosansko Grahovo, Bratunac, Drvar, Gacko, Glamoč, Kupres, Livno, Ljubuški, Milići, Mostar, Nevesinje, Sarajevo, Srebrenica, Tomislavgrad i Višegrad).
- **YOUTHMOVE – promijeniTI** – od 2004. program osnaživanja mladih u političkim partijama s ciljem stvaranja nove generacije političara koji će biti spremni da rade na poboljšanju uslova života u njihovim lokalnim zajednicama.
- **Omladinska mreža BiH** – zajedno sa hCa Tuzla, od 1997. godine. Mreža je neformalni skup vanstranačkih organizacija, grupa i osoba, koje zadovoljavaju potrebe mladih u entitetima, aktivno ih uključujući u izgradnju demokratskih vrijednosti i jačanje civilnog društva. Iza nas su brojni susreti članica mreže, konferencije, ljetne škole, radionice, omladinske kampanje. Web stranica: <http://www.omladinskamrezabih.org>
- **Budućnost** – edukacija nastavnika i učenika osnovnih škola u razvijanju nenasilnih oblika komunikacije i unapređivanju multikulturne saradnje u šezdeset osnovnih škola Republike Srpske (2001–2002). Aktivnosti su uključile 120 nastavnika i oko 3600 učenika osnovnih škola. Časovi nenasilne komunikacije po završetku projekta uvršteni su u nastavni plan i program, a kao udžbenici koristi se materijal štampan za potrebe projekta. Partner: Prosvjetno pedagoški zavod, RS.
- **Alternativa = Mir** – serija osmodnevnih programa obuke za mlade aktiviste sa prostora bivše Jugoslavije o izgradnji mira i jedna konferencija koja je uključila 60 polaznika programa (2001/2002)
- **4. sesija Civilnog dijaloga Bosna i Hercegovina, Savezna Republika Jugoslavija, Republika Hrvatska** – organizovali smo u saradnji sa Forumom građana Tuzle, Antirratnom kampanjom iz Zagreba i Beogradskim krugom, sa temom "Ekonomske, socijalni i politički aspekti obnove i razvoja" (Banja Luka, juna 1997.g.)
- **Izvršni organizator 2. sesije "Dejton – nastavak u BiH"**, sa temom "Građansko društvo u BiH, ometano ili stimulirano od međunarodnih nevladinih organizacija" (Banja Luka, juni 1997.god.) u saradnji sa Pravnim centrom iz Sarajeva i hCa Internacional.
- **Konferencije žena u BiH – Prostor za razgovor** – projekat implementiran sa hCa Sarajevo i Tuzla organizovali smo u Zenici (juni 1996.god), Banjoj Luci (decembar 1996.god) i u Mostaru (juli 1997.god).

Naš rad u proteklom periodu podržali su: Evropska Unija, SIDA / Kvinna till Kvinna Foundation – Švedska, Olof Palme International Center – Švedska, Interchurch Peace

Council (IKV) – Holandija, HIVOS – Holandija, Westminster Foundation for Democracy – Velika Britanija, Humanistisch Overleg Mensenrechten (HOM) – Holandija, CORDAID – Holandija, National Endowment for Democracy (NED) SAD, USAID – SAD, Open Society Fund – Soros Foundation, Friedrich Ebert Stiftung – Njemačka, Henrich Boell – Njemačka, Franciscan sisters – Holandija, Haella Stichtung – Holandija, Press Now – Holandija, Ambasada Kraljevine Holandije Sarajevo, Council of Europe Youth Directorate, Grad Banja Luka



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WOMAN TODAY

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INTRODUCTION

Here we are presenting you the publication with overview of all activities implemented during 2005 within the project "Woman Today," by women and men activists of "United Women" and "Helsinki Citizens Assembly" Banja Luka.

Aim of the project is elimination of all forms of discrimination of women, and creating environment where women and men would have equal possibilities.

We are implementing this project for the past nine years, thanks to the support of the Kvinna till Kvinna Foundation.

In this publication, we are presenting the texts of introductory presentations from public discussions and regional conference that were organized during 2005. Through these activities, we discussed numerous issues of crucial importance for democratization of our society, and strengthening women's social position. As a part of cycle of public discussions under title "Actual Moment" we examined topics related to the politics in Bosnia and Herzegovina – influences, and responsibilities, issues related to introduction of value added tax system, analysis of the Election Law in B&H in the light of Gender Equality Law in B&H, constitutional changes in B&H in the light of European Integrations, and domestic violence.

Nada Golubović
Lidija Živanović
Project Coordinators



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PUBLIC DISCUSSIONS
ACTUAL MOMENT

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POLITICS IN BOSNIA AND HERZEGOVINA – INFLUENCES AND RESPONSIBILITIES

I. INTRODUCTION: Theoretical Discussions

Although the central topic of this presentation is quite precise (but also universal): **Politics in B&H – influences and responsibilities**, I must direct your attention to several universal points that could be important, and certainly can contribute to better understanding of politics in our environment.

Here I will use quotation of Đuro Šušnjić, eminent professor from Belgrade, which wrote the following thoughts in his comment on book of sociologist Čedomir Čupić:

"Plato was the first, and perhaps the last person that demanded for wise people to govern the World: this shows that he was idealist. In his time, being engaged in politics and doing well was the same thing. Real politics is possible when it is based on ethic. This old notion of politics was effective until the past century, and then it was changed for the new one: the essence of politics is based on ruthless struggle around distribution and control of social power! Engaging in politics and doing evil – is equal. Separation of politics from ethic is tragic: now politics really works as the ethic principles do not exist at all. Through these principles, political life became meaningless in its essence. Today perhaps political life represents the only thing that morally disfigures and spiritually deprives a human being: nice personality and elevated thought cannot be seen here.^{31"}

I certainly do not have intention to make somebody dislike politics, but I am afraid that we are living in community with obvious abuse of politics. Sociologists are saying for these communities that they using politics for manipulating and betraying. "In such political communities, majority of people are falling into deep apathy and resignation, and minority of people on power are strengthening and stabilizing themselves on power, through 'operating' and terrorizing.^{32"}

We often hear objection, even from the side of politics that our public is indifferent and lethargic, and acts as this is not happening to us. Reason for this indifference perhaps rests in misuse from the side of politics. Why I am introducing the public here? It is because democratic politics in its essence represents the public politics. At least it should be like that. "Public in democratic politics means freedom, openness, clear-headedness, tolerance, critical re-questioning, and consent in joint decisions and actions. It does not represent only the public of majority, but the public of diversity. In such concept, the public does not tolerate anybody – not even minority.^{33"}

"Neither freedom can exist without public, nor public can exist without freedom. Speech and

31 Đuro Šušnjić in the book "Politics and Evil" by Čedomir Čupić, "Čigoja Print" Faculty of Political Sciences, Belgrade

32 Čedomir Čupić, Politics and Evil, "Čigoja Print" Faculty of Political Sciences, Belgrade, 1997, Page 23

33 Čedomir Čupić, Politics and Evil, "Čigoja Print" Faculty of Political Sciences, Belgrade, 1997, Page 29



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mind are necessary for both of these things.³⁴ Therefore, speech and mind, freedom and public are "mutually directed to each other." In addition, "their political space is democracy."³⁵ In Bosnia and Herzegovina, Enes Osmančević was writing about public, and he says that the public here exists only in its embryo form, as some form of latent public that relies on traditional media in its self-development.³⁶

"Additional problem in Bosnia and Herzegovina is schematic and standardized division of already poorly developed traditional public into three nationally determined publics, with small mutual interaction. Each of these public structures, confronts, and comes into agreement within itself."³⁷

Actually, in this introductory and general (more theoretical part) I wish to point on special paradox of politics. History shows us that politics caused more evil than good to the people. However, we cannot neglect the fact that politics enabled people to grow up, and become more resistant toward life misfortunes. Politics enabled creation of certain rules, mechanisms, and instruments of control for people to defend themselves from evil. What we can do as individuals? We often hear that individuals are helplessness and have difficulties to oppose to everyday evil, especially those in politics. I do not know and do not have the recipe. Maybe I will shelter behind Lešek Kolakovski, which recommends that each of us should restrain internal evil, because on this way we can contribute to restraining evil in a community. I do not think we can solve the problem on this way. On the other hand, we would certainly make one-step toward more endurable life.

Word politics has Greek origin. It draws from the word **polis** that means city – **state**. In latter period, several other words were drawn from this word, such are "**politeia**", "**politika**", "**politike**".

Antique meaning of politics – Political life of antique Greece, public life, and freedom of antique human were developing in polis. For antique Greece, political life was public, active, and practical life. "Active life meant searching for something good, just, and useful for a whole community. Since this searching concerns all members of a community, precisely all (free) citizens – universal concern – it is not possible without one special connection among all citizens. This connection is given in speech (žlogosž). For that, reason praxis and logos are immediately directed to each other: there is no acting without speaking. Accordingly, speech represents a tool of mutual influence, communication, and understanding. For antique nations, there were no real politics that was not mediated with speech, conversation, and agreement. This is the reason why conversation (ždialoguež) represents correct form of political opinion and correct form of political communication. Existing and acting in polis meant organizing all common affairs through dialogue and agreement, not only without usage of materials and things, but also without coercion and violence. People in Antique Greece believed that force is mute, and as such, it goes beyond level of politics as the way of communication between people."³⁸

For people of antique Greece, politics was the notion for organized public life of people. Its goal was common good, justice, benefit, and rising of free people's character.

34 See further explanation at the end of the text

35 Ljubomir Tadić, Experiment in Public, University Word, Nikšić 1987, Page 28

36 Enes Osmančević, History and Characteristic of the Public in B&H, Views, Number 8, Tuzla July, 2001, Page 1

37 Enes Osmančević, Internet, Traditional and Virtual Public, master thesis, Sarajevo 2003, University Press, Page 2

38 Ljubomir Tadić, Science about Politics, Labor, Belgrade, 1988, Page 18–19

New Age meaning of politics – Contrary to antique (valuable) determination of politics, New Age meaning of politics is technical and calculative. "Politics started to deal with issues of fairly calculated rules, relation, and institutions, the issues of one mechanism that could be instrumentally governed, and accomplishing optimally efficient results in performing political profession or mastery of management with people as things."³⁹

Actually, in line with this thought is also reflection that "politician became a calculating person, and politics became calculus, "which embodied "new spirit of rationality." I will complete this theoretical part with Max Weber, which provided us with the deepest and the most developed meaning of New Age politics. He determined politics as "the aspiration toward participation in power or toward influence on distribution of power, either between states or between groups of people within a state where they are living."⁴⁰ According to Weber, all people that are engaged in politics are striving to power.

II. POLITICS IN B&H: INFLUENCES AND RESPONSIBILITIES

For understanding of our politics, perhaps it is important not to forget that in these areas we did not have political culture based on participation, and that we are actually coming out of subjected culture, which essentially determines our behavior.

Within this section, I will not present anything new that is not known already to all of you. Ten years after end of the war, Bosnia and Herzegovina still cannot be seen as the functional state. Certainly important question is who could be responsible for current situation in the country.

However, we should go in order, to connect politics in Bosnia and Herzegovina with questions of influences and responsibilities. The international community incarnated through the institution of the High Representative and his Office has the greatest influence in B&H. Considering the authorities of this Office, we can rightly say that B&H is under specific protectorate, although, never officially proclaimed. Additionally, it is the fact nobody from the representatives of the international communities bear consequences of failed politics and thoughts in the country. Although citizens of B&H are aware that country development would be much more difficult without the international community, some things happened that contributed to the general discontent and apathy of the greatest part of the population. High Representative for the B&H removed some people from public and political life (in the package with dismissals for assisting to the persons indicted for war crimes), accusing them for severe criminal activities, without starting judicial procedures against these people. With such attitude that the High Representative for B&H can dismiss in any time the people elected by citizens of B&H on the elections is contributing to the increase of abstinence. In the same time, the High Representative for B&H left on positions the people for which auditors determined they were mercilessly spending the money of already poor taxpayers.

Naturally, with this I do not have intention to find an excuse for local political leaders, especially those on position, which brought the country in political, economic, and social dead end. It is the fact that Bosnia and Herzegovina cannot enter the Europe with the effective institution of the OHR. Not because someone likes or dislikes the High Representative, but because this speaks about unfitness of political elites and non-existence

39 Ljubomir Tadić, *Order and Freedom, Culture*, Belgrade, 1967, Page 26

40 Max Weber, *Politics As Profession in Collection of Critics of Collectivism*, Filip Višnjić, Belgrade 1988, Page 56



9

of standards that are effective in the society of European Union.

This means that political leaders must be competent enough, and have a vision of normal development of the country, without need for guardian personified in the Office of the High Representative, which is not at all the case now. I am deeply convinced that the international community made crucial mistake in the moment when it accepted horsemen of war for peace builders, and amnestied them for their devastating politics during 90-ties. Of course, the international community very often sheltered behind cliché about will of voters that must be respected. As Enes Osmančević said, our publics are nationally determined, therefore B&H still functions exclusively on national principles, distant from ideals of citizens' state. In addition, the largest problem is that the national affiliation is incorporated in a system as determining factor. Therefore, appointment of people on certain positions is occurring based on affiliation to certain nationality, not based on expertise, and qualification for performing certain job.

Consequently, representatives of the international community also have the responsibility because they were practically making decisions about all-important issues of the country, just as the local politicians, which mainly had their private interests above common interests. We as the individuals cannot be amnestied from part of the responsibility for situation in the country.

B&H is specific country where we have special expression of influences from neighboring states, which reflects on the relation of citizens of Bosnia and Herzegovina toward their own state. The greatest tragedy of one state is that greater part of its population does not experience it as their country, and consider themselves more as members of one of the neighboring countries. This should not surprise us because there are voices in the same direction coming from official places and certain institutional structures. Politics and signals sent from neighboring countries are essentially determining politics in B&H. This was clearly visible through example of the presidential elections in Croatia, as well as mobilizing of Serb politicians from Serbia on the protection of Republika Srpska. Because of that, what kind of political options are ruling in neighboring states is very important for this region. I believe that tones that are coming from the institutional levels are important for the citizens. For many years, we were listening from former political leaders in Republika Srpska that Republika Srpska is the state. This became integral part of the consciousness of majority of people in this B&H entity, and it was difficult to change this perception. For many years, our political leaders were refusing and opposing existence of crimes committed by members of our nation, which lead us into complete depravity of system of values, where criminals were raised on pedestal of heroes. The same situation existed in the whole region, and one's crime was relativized and justified with a crime of other side. We as nations simply did not face with our own history. Until we do that, I am afraid that we cannot work on building of our future, especially in Bosnia and Herzegovina. We know how much time we needed to face with Srebrenica.

Apart from these influences, there are also internal influences incarnated in subjects such as political parties, which have the greatest responsibility for situation in the country, above all leading political parties. Majority of political parties in B&H is not profiled, neither in ideological nor in program sense. Additionally, they are not internally democratized. Majority of political parties are based on leadership, and majority of decisions are made by narrow circle of people within the political party. There is no visible difference in many issues and positions among political parties. It is happening sometimes that quasi-democratic parties are more nationalistic than national political parties are, as this country certainly lacks



9

strong political party with civil orientation.

Media partially succeeded to be free from direct political influences. However, they are often exposed to political and economic pressures, which make their work more difficult. It is also true that media revealed many scandals, and even documented it, but other public institutions, before all public prosecutors' office, and judiciary did not follow these actions. Influence of nongovernmental sector differed from organization to organization. State had selective approach to this sector, and even instrumentalized some of these organizations for its own political gains.

CONCLUSION

Bosnia and Herzegovina represents the state of paradox. I will illustrate this fact with one example – there are people in joint B&H institutions that advocate more for interests of neighboring states, while taxpayers of this entity are paying some people in Republika Srpska that do not recognize RS and strongly advocate for abolishing it. There is no mutual respect and trust. Citizens are living more difficult with every day, and young people want to leave this country. Influence of the international community is more visible, and there is less and less trust in political elites. Sociologists say that citizens are especially apathic and resigned where abuse of politics exist. Is there any solution?

Some people believe solution is in joining of B&H to the European Union. However, B&H cannot skip the normal process that all countries passed before they joined the EU. This means that some country needs to reach suitable internal standards first. When we reach it, many present life difficulties will disappear. It is not likely that this would happen in the next ten years.

We are extremely nationally oriented society, and as such, I am afraid we are not good candidates for Europe. We in B&H do not know or do not want to talk with each other. Positions are hard and non-flexible, but also pragmatic sometimes. Dominant motive of various politics are primarily personal interests of individuals. Here nongovernmental organizations and media can help with public pressure and monitoring that would be more visible, as they can be watchdogs of failed politics. I cannot see other solutions. It is very important for us to sensitize public for essential European values, especially in the field of human rights protection, and attitude toward crimes. B&H misses solid confrontation with the past that obviously goes with numerous difficulties and pain.

We should think about ourselves, and insist for arresting of persons indicted for war crimes, in order to remove responsibility from entire nation(s). This gives us right to call for responsibility of those people who are hiding persons indicted for war crimes, especially in our neighborhood.

In order to develop successful strategy for progress of B&H, we first need to organize the population census. Can you imagine the country that does not know how many people live on its territory, or what kind of resources it possesses.

Each person has certain responsibility, regardless how demagogic it might sound.

Sincerely, I am not optimistic at all when we talk about B&H. We should examine what Ralf Dahrendorf said after the fall of Berlin' Wall in his *Reflections About Revolution in Europe* (1992) – "six months is enough for changes of political system, six years is necessary for changes of economic system, and at least sixty years is necessary for building of civil society (and civil and political culture and democracy)". It is difficult to expect that we would experience fundamental changes so soon. However, we can shape and influence these changes. This is, of course, if we act responsibly toward our children and ourselves.



9



NOTE:

Footnote 4) "Tolerating free speech is the way for preparing and developing liberation. This is not because there is no objective truth, and because improvement would require compromise of different opinions, but because there is objective truth that could be discovered and negotiated, so we can understand and realize what it is, what it could be, and what we need to do in order to improve destiny of humankind. This common historical 'should' is not immediately obvious – it should be discovered through 'cutting', 'splitting', and 'dividing' of given material – separating correct from wrong, good from evil, truth from falsehood". (Herbert Marcuse, Barrington Moore, Robert Paul Wolf, *Critic of Pure Tolerance*, Cultural Worker, Zagreb 1984, page 85)
Banja Luka, February 3, 2005

SUMMARY OF THE PUBLIC DISCUSSION:

POLITICS IN B&H – INFLUENCES AND RESPONSIBILITIES

Prepared by: Olga Lola Ninković

Why is important for women and men citizens to have opinion about actual problems in a society, how much are citizens, and how much are politicians responsible for what is happening in our country– these are only some of the issues that have been discussed by women and men participants on first public discussion in Banja Luka.

After introductory presentation of political analyst Tanja Topić from Friedrich Ebert Foundation, which was very informative, participants had constructive discussion with dominant negative views about politics and politicians in B&H, as well as about B&H as state of "paradoxes," as many participants said during discussions.

The fact that we still do not have population census supports the statement that B&H is the country of paradoxes. Furthermore, politicians that guided this country into the war are still not responsible for their acts.

As Tanja Topić said, and many participants agreed, the biggest mistake of the international community is the fact that it allowed politicians that guided Bosnia and Herzegovina into the war to become constructors of peace, and practically amnestied them from dangerous politics they advocated during 90ties.

The biggest discussion was about the issue why local politicians do not have moral responsibility, and why they are not called for responsibility for their (in)action? Participants asked if existing institutional mechanisms and laws are representing sufficient framework for eradication and punishing of negative occurrences when they happen. Majority of participants believe that laws are not guarantee that politicians must comply with moral principles, because they are rarely called for responsibility about anything. Some participants also talked about examples of current resignations of politicians from RS after replacements and restrictions by the High Representative for B&H. Participants of the public discussion believe these were hypocritical acts since politicians did not place their resignations when they were requested by pensioners and students, but only when this was suitable to the



9

narrow interests of political parties, and their personal interests.

This discussion was introduction for the question how much women and men citizens contributed in development of such situation, especially because of the fact that our officials are on positions thanks to our votes. Do we have right to ask for their responsibility?

General opinion was that citizens should ask for this responsibility from politicians.

However, this is absurd in our country, because the High Representative for B&H and the international community are arranging everything.

What is the essence of democracy, and why someone would vote at all, when the High Representative could easily replace him/her?

As woman participant said, both B&H and its citizens are under some type of protectorate.

The country is under protectorate of the international community, while citizens are under protectorate enforced by local politicians. Although local politicians have responsibility toward their voters, they are neither accountable to them nor they work in the voters' interests. Paradox of our state is that local politicians are accountable to the international community and High Representative for B&H and not to the citizens who elected them.

Is there any critical mass that could be bearer of changes? There are different opinions about this issue. One group of the participants on public discussion believe there is a critical mass in those group of voters that are refraining from elections, and using this for expressing their revolt about social situation. Another group of participants believes there is no critical mass. They talked about numerous examples of citizens' protests, which happen when other mechanisms are not functioning, so people search for their rights through street protests. However, it happens often that they do not persist in their demands, and soon they become a subject of manipulation of politicians and their politics. Some participants believe people are going out on the streets without any plans. Soon they lose their objectives, and give up easily from things they fight for, and want to change.

On this public discussion, there were many pessimists' opinions about situation in our society. It is comforting what Nada Golubović, President of the United Women Banja Luka said that women did not have influence on politics in B&H, and this is the reason why they should have more chances in the governance.

Two key conclusions on this public discussion were following: we need to insist on population census, and we need to question mechanisms for holding politicians accountable for their actions.

Statements of Participants on the Public Discussion

Nada Golubović, President of the United Women Banja Luka: "In pessimistic image of B&H, the only optimistic thing is that women did not have any role in creation of this image.

Politics in B&H would probably be different if women had greater influence in our country".

Branka Pavić, (DPS): "We are in local protectorate created by our politicians. They are placing resignations because of their personal interests, not for our interests. And we are citizens that voted for them".

Nada Tešanović (SNSD): "Accountability is the key of everything. The essential mistake is that we allowed politicians that lead us into the war to lead us in the peace. We are responsible for it".

Miodrag Živanović, Professor, Faculty of Philosophy in Banja Luka: "Politicians we elected are not accountable to us. They are accountable to the High Representative for B&H. This is one of the essential reasons why B&H represents country of paradoxes. People could be accountable only if there are persons or institutions that could hold him/her accountable.



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Unfortunately, our politicians have no persons or institutions that could ask for their accountability".

Ulfeta Kobašić (SDP BiH): "There is a critical mass of people that could be bearer of changes in B&H. This mass is made of citizens that did not vote on the elections".

Franc Šošnja: "The problem in B&H is that there is no development strategy. We only know what we do not want, and this is exactly what 'the other side' wants".

Banja Luka, February 4, 2005

**To the political parties in B&H
To the Election Commission in B&H
To the media**

On February 3, 2005, Helsinki Citizens' Assembly Banja Luka and United Women Banja Luka organized public discussion in Banja Luka, with support of the Swedish Foundation Kvinna till Kvinna. The title of the discussion was **"Politics in B&H – Influences and Responsibilities"**.

Introductory speaker was Tanja Topić, MSc, political analyst.

Participants were fifty (50) women and men from different political parties and nongovernmental organizations.

The recommendations were adopted, as follows:

1. In order to eliminate discrimination of women in Bosnia and Herzegovina, and to ensure better and more efficient implementation of gender equality, it is necessary to adjust Article 15. of the Gender Equality Law in B&H and Election Law of B&H with the Constitution of RS, Constitution of FB&H, and Constitution of B&H.

In order to accomplish this, it is necessary to:

2. Request the Amendment of the Constitution of B&H and Constitutions of both entities in B&H with objective of ensuring constitutive status of both sexes, on the following way: "Both male and female sexes have constitutive status in the whole territory of B&H. In order to ensure constitutive status of both sexes, women and men will be equally represented in legislative, executive and judicial governance, as well as in all public institutions, state bodies, and local self-governance bodies, in management bodies of companies, political parties, and all other profit and non-profit organizations in B&H, FB&H, and RS. As constitutional principle, such equal representation will be based on the results of population census in 1991, until new population census is conducted, and from than further based on the latest population census results.

Nada Golubović, United Women Banja Luka
Lidija Živanović, Helsinki Citizens' Assembly Banja Luka
Participants of the Public Discussion

WHAT WILL VAT (VALUE ADDED TAX) BRING TO US?

What is VAT?

- It is all-phase tax system that imposes taxes on all phases of production and circulation of goods.
- It belongs to the group of indirect taxes such as sales tax, customs, and various tax obligations.
- It was introduced for the first time in France during 60ties.
- It is effective tax system in 120 countries in the world.
- It is obligatory tax system in European Union, and all countries that seek membership in this association must introduce VAT during negotiations and candidacy.

Essential Principles of VAT Model:

Net all – phase sales tax;

Disposable types of VAT – all procurements are excluded from the tax base;

Credit methodology during determination of tax obligation – it is a difference between tax obligation for deliveries and tax obligation for purchases;

Principle of destination – imposing tax on circulation of goods and services based on the place of consumption.

Who Pays VAT and When?

All persons (subjects) that are taxpayers;

VAT should be paid in the time of business (transaction);

VAT should be paid for business in the country's territory;

VAT should be paid when sale is not tax-free.

Advantages and Negative Sides of VAT

Advantages:

- 1) Evenly burden all phases of production and sale;
- 2) Improves financial discipline and reduces needs for control (everybody has interests to pay taxes on the entrance);
- 3) It reduces space for smuggling and grey economy – avoiding payment of taxes;
- 4) It is more plentiful for the state because it comes sooner to the state treasury, and the state does not share a risk with companies;
- 5) It promotes export and shortening distribution channels.

Negative Sides:

- 1) It complicates keeping records in companies, and requires extra costs;



9

- 2) In the initial phase, it has influence on liquidity of companies since it requires extra means on the beginning of the reproduction cycle;
- 3) Companies are solely responsible for market risks of successful business, and state has no responsibility for it.

How Other Countries Deal with VAT?

Zero VAT rate is effective in 13 (out of 25) countries of European Union. It mostly applies for human and animal food, child supplies, medical and communal services, medicines, seeds, and services of printing and publishing books and magazines. Possibility of reduced lower rate is used in 11 countries, while only Denmark and Slovakia has one VAT rate. This means that 23 of 25 EU countries have more than one VAT rate. Croatia introduced zero VAT rate for bread, milk, books, scientific magazines, and medicines on special list. This is effective since 2004.

COUNTRY	Zero VAT Rate	Reduced Lower VAT Rate	Lower VAT Rate	Higher VAT Rate
Belgium	yes	—	6	21
Czech Republic	no	—	5	22
Denmark	yes	—	—	25
Germany	no	—	7	16
Estonia	yes	—	5	18
Greece	no	4	8	18
Spain	no	4	7	16
France	no	2.1	5.5	19.6
Ireland	yes	4.3	13.5	21
Italy	yes	4	10	20
Cyprus	yes	—	5	15
Latvia	yes	—	9	18
Lithuania	no	5	9	18
Luxembourg	no	3	6	15
Hungary	no	—	12	25
Malta	yes	—	5	15
The Netherlands	no	—	6	19
Austria	no	—	10	20
Portugal	no	5	12	25
Poland	yes	3	7	22
Slovenia	no	—	8.5	20
Slovakia	yes	—	—	19
Finland	yes	8	17	22
Sweden	yes	6	12	25
United Kingdom	yes	—	5	17.5

Macroeconomic implications

Reduced possibilities for smuggling and avoidance of paying taxes – MORE MONEY IN THE BUDGETS. Paying taxes immediately when purchasing goods – LESS MONEY IN COMPANIES – ENDANGERED LIQUIDITY

Everything is taxable – 17% tax rate – PRICE INCREASES

Increased prices of reproductive material and services – increased prices of product – DECREASE OF DEMANDS

Lower demand for products and lower liquidity – REDUCED PRODUCTION AND OFFER

Increased prices of basic means – REDUCED INVESTMENTS – SLOWING DOWN OF DEVELOPMENT

Increased prices – pressure on salaries – indexation –INFLATION

Smaller demand – smaller offer – poorer liquidity – decrease of investments – RECESSION

Banja Luka, April 14, 2005

SUMMARY OF THE PUBLIC DISCUSSION

WHAT WILL VAT BRING TO US?

Prepared by: Olga Lola Ninković

In the case of value added tax (VAT), similar as in the cases of all systemic laws and reforms, authorities of entities and the state of B&H did not consult citizens. Authorities did not organize public discussions, so nongovernmental sector could have a chance to participate in decision making and creation of essential issues related to the future of Bosnia and Herzegovina.

Participants of the public discussion were unique in opinion that January 1, 2006, when VAT system will likely enter into the force, would be one of the most dramatic days in newer history of B&H.

"Are we going to face situation such it is in Argentina?", "Are we all going to be hungry after January 1, 2006?", "Is everything going to be more expensive?", "What will happen with small companies and private business that barely pay already existing taxes?", "Is it necessary to introduce VAT system in B&H?"

These were only some of the questions answered by Damir Miljević, MSc. President of the Union of Employers of RS.

His opinion is that VAT system of one rate – 17% was made by the state administration for its own needs, without any consideration of what would happen to the citizens. How everything is now, citizens will likely be victims of the state treasury.

Beginning with January 1, 2006, citizens of B&H could expect price increases for 30%.

Forecasting are that price of electricity would triple.

Damir Miljević explained that everyone in the chain of purchasing repro-materials– producers – consumers – would pay VAT of 17%.

Through explaining of positive and negative sides of this tax reform, Damir Miljević



9

emphasized that the state did not make enough efforts to protect citizens and producers from "VAT shock".

The state will make profit of 84 millions of KM only on increase of bread price, while it planned only 40 millions of KM for entire social program in B&H.

General opinion was that the state could do much more to prevent negative influences of VAT. It is still not too late for the state to do it. However, it is questionable if there is an interest for it within the state administration.

On the other hand, authorities in B&H could avoid unique rate of VAT, and to introduce zero rate, as some of the countries in our environment did. This saved them from price increase of basic groceries (bread, milk), books, baby equipment, and similar products. Starting with January 1, 2006, we will obviously get an opportunity to say we have "the most valuable books".

What would be the birthrate in B&H after January 1, 2006? Citizens of B&H will speak about having children as the most expensive investments, because baby food and equipment is already very expensive for majority of the population of our country. In the same time, birthrate in B&H rapidly decreases.

Participants at the public discussion asked if we could allow that having children would be a privilege of small circle of people.

Why the state did not do anything? Why it brought solutions that are devastating for its citizens?

One view is that local politicians could not do anything, as they are blindly obedient to the international community. Unprofessional and incompetent representatives of the international community just present plans and documents, and set up a deadline for implementation. This kind of scenario was already seen in our region – deadlines, blackmails, and pressures.

Citizens believe that this kind of practice should change. Obedient relation of local authorities toward the international community should change. Citizens of B&H should also change their relation toward those who they voted for, and those who are leading our country. Citizens of B&H also have obedient mentality in relation to their elected representatives. They do not insist on responsibility of their leaders, neither have they insisted on creation of mechanisms that would allow them to participate in creation and adoption of important decisions and policies.

Damir Miljević said that text of Law about VAT has many bad solutions, but it is also translated poorly, so it says that nongovernmental organizations and philosophical (probably humanitarian) associations are tax exempted.

According to his opinion, it is essential for citizens to request public discussions and transparency of process, when it comes to creation and adoption of systemic laws that would affect their lives too. Current constitutional solutions do not regulate obligatory public discussions, which open a space for the international community and local politicians to manipulate with citizens, and independently create important policies that are negatively affecting citizens.

One of the basic conclusions of this public discussion was related to the request for obligatory organization of public discussions in the process of developing systemic policies, reforms, and laws. Another important issue identified by women and men participants is that introduction of VAT should be supported with examples of its justification and efficiency. Simulation of VAT implementation would probably enable further discussion or correction of currently proposed VAT rate.



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Participants supported suggestion for extensive education about principles of collecting this new tax system, having in mind numerous questions related to the survival of small and middle companies, farmers, and private entrepreneurs after introduction of VAT.

General impression is that people know very little about VAT, especially about its advantages and disadvantages, since international community representatives and local politicians informed citizens only about those issues they thought citizens should know about.

Key opinion of Damir Miljević was that VAT system was created to satisfy the state, not for the benefits of citizens in B&H. He believes the state of B&H should find a way to secure financing for additional 56 institutions that should be established to comply with the European standards. However, it is not right to create new institutions and keep the old institutions active. This will place additional burden on citizens of B&H, as they would have to pay for double and triple institutions. Politicians did not agree yet how the state of B&H should look like, and their disagreement has the consequences – costs of the state are increasing every day, and the state administration is taking enormous finances that should be directed to the other places. For example, B&H has three tax administrations – two administrations on the entity levels, and one umbrella – Administration for Indirect Taxation of B&H, with the main office in Banja Luka. These institutions have huge costs, which are too high even for far more advanced countries than B&H.

B&H exceeded participation of 60% in public expenditures of gross national production. Half of the spending goes on the costs of public administration, which is difficult to pay for the wealthiest countries in the world. Many participants of the public discussion believe that current situation in B&H is the consequence of political way of thinking, and not economic rationalizing. Justifiable fear of participants is that beginning with the 2006, B&H would become liquid state with suspiciously liquid economy, and extremely poor population. It is unbelievable that VAT of 17% will be introduced in this social and economic situation, with high rate of unemployment and announcements of new lay offs for those people who are currently employed.

Participants of the public discussion developed and sent the initiative to the network of nongovernmental organizations and to the public to do something together on the systemic reforms. Nongovernmental organizations should not allow passivity. They should enable citizens' participation to reduce negative consequences of the systemic reforms.

Since Law about VAT entered the parliamentary procedure, and currently politicians are negotiating about the starting date for this tax system, we should not allow other systemic reforms to be adopted over night, as it happened with VAT.

Banja Luka, April 22, 2006

Office of the High Representative for B&H

Delegation of the European Commission in B&H

Parliamentary Assembly of B&H

People's Assembly of RS

House of Peoples in the People's Assembly of RS

Ministry of Finance in RS

Political parties in B&H

Media

On April 14, 2005, in Banja Luka, nongovernmental organizations United Women and Helsinki Citizens' Assembly organized public discussion under title:

WHAT VAT WILL BRING TO US

The introductory speaker and expert for this public meeting/discussion was Mr. Damir Miljevic, President of the Union of Employers in Republika Srpska.

Participants on this public meeting/discussion were women and men citizens of Banja Luka, women, and men members of various nongovernmental organizations, political parties, and private companies.

After discussions, the participants brought general conclusion that procedure for adoption of the Law about VAT and other laws about indirect taxes in Bosnia and Herzegovina were not transparent enough toward citizens, despite the fact that citizens were very interesting for these issues.

Having in mind that VAT represent inevitable part of life, and that its application will begin during 2006 in Bosnia and Herzegovina, women and men participants of the public meeting/discussion are suggesting following initiatives, in order to diminish negative consequences for citizens and small and middle enterprises in Bosnia and Herzegovina:

- It is necessary that parliamentary representatives at all levels of governance request and receive simulation for application of VAT in the practice. This would enable them to again discuss and reconsider this tax system, and perhaps make corrections in VAT rate (from zero to higher rate).
- Conduct corrections of text of the Law about VAT that has been badly translated, for example, Article 24, which mentions "philosophical" association – provide commentary and translation of the philosophical association.
- It is necessary for all systemic laws to go through public discussion before their adoption. The opinion of citizens is necessary in this process, and not only "elite" circles, having in mind the fact that systemic laws have influence on life and work of each individual in a society. The basic thing in democracy is for parliamentary representatives to know the opinion of their elective base before adopting the law.
- It is necessary to conduct education of "small" and "middle" companies, farmers, but also citizens that will be affected with introducing VAT.

Nada Golubović, United Women Banja Luka
Lidija Živanović, Helsinki Citizens' Assembly Banja Luka
Participants of the Public Discussion

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ELECTION LAW OF B&H IN THE LIGHT OF GENDER EQUALITY LAW IN B&H

Equal (im)possibilities for participation of women and men in public life of B&H

In its efforts to be founded as democratic state, on the principles of full respect for basic human rights and freedoms, Bosnia and Herzegovina accepted numerous international documents in the past few years. It is visible how much these efforts were strong through the fact that Constitution of Bosnia and Herzegovina regulates the highest level of the internationally recognized human rights and basic freedoms.⁴¹ The Constitution of B&H regulates that European Convention for Protection of Human Rights and Basic Freedoms (ECHR) and its protocols should be "directly implemented" in Bosnia and Herzegovina and "should have priority above all other laws".⁴² Basic human rights are listed in the separate Article.⁴³ Beside that, Article II, Paragraph 4 of the B&H Constitution regulates that the state is obliged to ensure enjoyment of rights and freedoms regulated in the Constitution or the international agreements for all persons without any form of discrimination. Annex I of the B&H Constitution lists additional human rights agreements that will be implemented in Bosnia and Herzegovina, including also UDIHR, CEDAW, CRC and CAT, ICCPR, and other documents.

Moments of accepting of these documents by official institutions of Bosnia and Herzegovina are not lighted with awareness about obligations of the signatory party toward provisions of these documents. This is the reason why the first reports about condition of some basic human rights and freedoms that B&H submitted in accordance with the international standards are showing there is no full access to certain rights for all citizens of B&H, and there are no efficient mechanisms for protection in cases of violation of guaranteed rights. Therefore, it is important to have all of this in mind when examining the issues of equal possibilities for participation of women and men in public life of B&H, especially in the field of examining legal base that guarantees the access to this right.

When discussing the right of equal possibilities for women and men, there is always the question about defining of equal possibilities. In that context, certain groups believe there are equal possibilities even if there is only a law that guarantees access to some right without discrimination based on sex. This kind of understanding of equal possibilities would be acceptable if we would not have numerous social factors that influenced creation of discrepancies during longer period. We cannot remove these discrepancies without external interventions, and without establishing certain short-time measures, with objective of creating equal starting positions. Simply saying, existence of influential factors, such are: tradition, existence of stereotypes about roles of men and women in a society, educational sys-

41 Constitution of Bosnia and Herzegovina, (December 1995, adopted in the context of the Dayton PEace Agreement), Article II: Human Rights and Basic Freedoms (Paragraph 1)

42 Idem, Article II (Paragraph 2)

43 Idem, Article II (Paragraph 3)



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tem, and similar things had for consequence decreased participation of women in certain fields of life in B&H. This led to the marginalization of women, and in some fields total social exclusion of women. As example, we can talk about the practice of registering private property on man, which leads to the consequence that woman does not have the access to loans. When woman is deprived of right on common property, she has to achieve this right in a court procedure, which brings extra costs for her.

I brought this example intentionally because the issue of arranging property relations between spouses represents the area of private life. However, it happens very often that narrow understanding of privacy has state responsibility as the consequence. If we return to B&H Constitution, especially Article II that regulates obligation of all official institutions to respect the highest human rights protection standards, then we can conclude that the state also has the responsibility for arranging property relations between spouses. It is the fact that B&H ratified all mentioned international documents, so the state is obliged to respect them and regularly report about their implementation to the suitable international protection mechanisms. The state is also obliged to adjust its domestic legislation to the international standards regulated in these documents. According to the international human rights standards, countries have obligation to prevent violation of human rights of individuals (negative obligation), and obligation to take steps for ensuring that individuals can enjoy guaranteed rights in reality (positive obligation). This means the state is also obliged to take measures for protection of individuals and their rights from violation made by other individuals. In order to fulfill this obligation, it is not enough for the state only to activate formal prohibitions. On the contrary, the states are obliged to work consciously and eagerly on prevention, investigation, and punishment of individuals who violate human rights, as well as to secure compensation for damage.

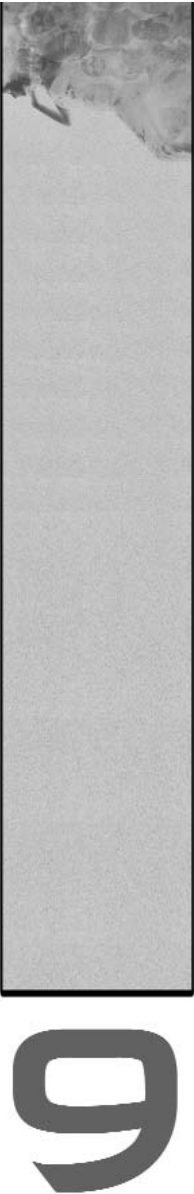
In relation to the case of common property of spouses – if the registration system for property is based on certain traditional beliefs and stereotypes, which create difficulties for one partner to access property, it is necessary that state would take active measures to prevent further violation of human rights of one citizen by another. We should return to our initial topic of equal possibilities for both sexes to participate in public life, and analyze legal framework for this issue.

It is certainly the most important for us to consider following international standards:

- Universal Declaration on Human Rights (UDHR)
- International Covenant on Political and Civil Rights (ICCPR)
- International Covenant on Economic, Social, and Cultural Rights (ICESCR)
- Convention on Elimination of All Form of Discrimination Against Women (CEDAW)
- Convention on Elimination of All Forms of Racial Discrimination (ICERD)
- Beijing Declaration – Platform for Action (PFA)

All mentioned documents have following foundations:

- No person should be treated differently or deprived of rights on the basis of race, sex, color, language, religion, political or other opinion, national or social origin, property, birth, or other status (Article 2 UDHR; Article 2.1 ICCPR; Article 2.2 ICESCR)
- Everyone has the right to live without any type of discrimination based on sex (Article 3 ICCPR; Article 3 ICESCR; Articles 1,2,3 CEDAW Paragraphs 214, 232 PFA)
- Each person has the right on self-determination, which includes the right on free choice of political status, as well as economic, social, and cultural development (Article 1 ICCPR, Article 1 ICESCR, and Paragraph 145 PFA)
- Each person has the right to be treated by law as any other person, and to be pro-



tected by law without any type of discrimination (Article 7 UDHR; Articles 14.1, 26 ICCPR; Articles 2c, ad 15.1, Article 5a ICERD, and Paragraph 232 PFA)

- Each person has the right on legal remedies if his/her right has been violated (Article UDHR)
- Each person has the right to participate in government, right to vote, and right on equal access to the public services (Article 21 UDHR, Article 25 ICCPR, Article 7 CEDAW, Article 5c ICERD, and Paragraphs 190,191,192,195 PFA)
- Right on representation of government, and participation in the international organizations (Article 8 CEDAW, and Paragraphs 190,191,193,195 PFA)

B&H Legislation

As we already mentioned, B&H Constitution, as well as the Constitutions of both entities are providing guarantees for the highest level of protection of human rights and freedoms. It is important to emphasize the constitutional provision that guarantees non-discrimination (Article II, Paragraph 4). This provision determines enjoyment of rights and freedoms listed in the Article II of the Constitution, as well as the international agreements listed in the Annex I of B&H Constitution. Enjoyment of these rights is ensured for all persons without any type of discrimination, such are sex, race, color, language, religion, political or other opinion, national or social origin, connection with national minority, property, birth, or other status.

Having in mind such constitutional framework in B&H, we expected that the Election Law of B&H, as *lex specialis*,⁴⁴ which regulates election rules and procedures, would determine as the starting principles prohibition of discrimination on any basis in the election process. We also expected that the Law would determine mechanisms for ensuring equal possibilities for all persons, taking into consideration the situation in the field.

Contrary to that, only Article 1, Paragraph 12, regulates that: "authorized bodies at all levels must not discriminate persons because of their affiliation with some political party or coalition, or because of providing support to some independent candidate or list of independent candidates".

Furthermore, it is disturbing how extremely large attention has been paid to ensure equal possibilities based on belonging to some national group. Article 2, Paragraph 5 of the Law determines that the Election Commission of B&H should have seven members – two members of Croatian nationality, two members of Bosnijak nationality, two members of Serb nationality, and one member representative of others.

The Article 4, Paragraph 19 of the Election Law in B&H is certainly disturbing. It regulates that every list of candidates should include male and female candidates. Candidates of less represented sex should be distributed on the list of candidates, using following procedure: one candidate of less represented sex between first two candidates, two candidates of less represented sex among first five candidates, three candidates of less represented sex among first eight candidates, etc. Number of candidates of less represented sex should be at least equal to the total number of candidates on a list divided with three, and rounded off on first lower whole number.

If we examine the election results after signing of the Dayton Peace Agreement, and especially after introducing quota system in the election process in Bosnia and Herzegovina, we

44 *Lex Specialis* – special law, which has priority above other laws (Latin)



9

can conclude that established legal framework was obviously not enough to ensure equal possibilities for men and women. Naturally, here we go back on the question of equal possibilities. It could be very interesting to involve statistical information that women make over 60% of population in Bosnia and Herzegovina that have active voting rights. In the same time, women's participation on the election lists, as reflection of their passive voting right, did not exceed 30%. If equal possibilities would mean equal right for participation, than both men and women would be represented on candidates' lists in percentages that each of them enjoys active voting right, or at least 50% of total number on the lists. It is obvious that women did not have equal possibilities to enjoy passive voting right during the past few years. Both explanations that women are not deprived of this right, and that this represent the question of their own choice are not acceptable. This especially because of existence of closed power centers within political parties with very low participation of women, which was visible during the last elections in some of the leading political parties – SDA, HDZ, and SDP.⁴⁵ Obviously, there is no difference in policies of political parties on this issue, regardless if they are leading political parties, or opposition.

This explanation is especially unacceptable by the official institutions that are obliged to respect the international standards, and take all necessary measures to ensure enjoyment of rights for all persons without discrimination based on sex. These measures should include changes of domestic legislation that is discriminatory for women, because it limits their passive voting rights. Limitations are visible through the quota system in the Election Law of B&H that is unacceptable for women because they make majority of population with the active voting right. Simply saying, this principle is not logical. We can also say it is unnatural and disproportional ratio, which has the consequence of giving more rights to the persons that are less represented in B&H population, and therefore they are less represented in active voting right. Awareness about inefficient protection of equal possibilities for men and women in public life and other social areas, and established standards through European directives imposed the need that Bosnia and Herzegovina should adopt special law for gender equality. Two years ago, Parliamentary Assembly of Bosnia and Herzegovina adopted the Gender Equality Law in B&H. When adopting this Law, parliamentary representatives had the biggest discussion about the Article 15 that regulates equal representation of women and men in public life. Since we had local elections in B&H after adoption of this Law, they could be good indicator of non-implementation of the Gender Equality Law by official authorities of Bosnia and Herzegovina. This means that the state of B&H directly violated rights of female citizens because it missed to establish system that would ensure possibility for female citizens to use their passive voting right.

If we would like to make an overview, it is obvious that B&H is adopting laws to ensure implementation of the international obligations. In the same time, these laws are good excuse for government, as they represent signs that government makes certain efforts to ensure access to the basic human rights and freedoms for its citizens. Current situation in local communities shows there is no efficient system in B&H that would ensure possibility for citizens to access their rights. This is visible from the results of the past local elections in B&H, as there is a high level of exclusion of women from local government. Such situation opens the question if there is awareness and political will within official authorities to ensure equal possibilities for men and women to participate in public life.

45 SDA – Party of Democratic Action, HDZ – Croatian Democratic Community, SDP – Social Democratic Party.



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Following facts are proving this claim:

- Only one woman, representative of the Election Commission of B&H has been appointed in the Working Group for changes of the Election Law in B&H. This body has seven members, and she is the only female member of this body;
- Authorities tried to replace foreign members of the Election Commission in B&H with citizens of B&H without open competition, and using completely non-transparent process. Naturally, previous working experience on conducting elections was, limiting factor for many women potential candidates, if we have in mind that men were dominating among election officials and members of local election boards. Instead of introducing positive measures aimed for reaching equal possibilities of men and women, B&H authorities are continuing the practice of imposing conditions for selection that are indirectly discriminating women.
- There is no gender disaggregated statistical information about results of local elections. This was obligation of the Election Commission of B&H, in accordance with the Article 18 of the Gender Equality Law in B&H. This Article regulates that "All statistical information that are collected and processed within official institutions at all levels, public services and institutes, state owned companies and private companies, and other subjects must be gender disaggregated, and must be integral part of statistical data bases and available to the public."

Here we should also examine the Article 21 of the Gender Equality Law in B&H that regulates following " Competent authorities shall undertake appropriate and necessary measures on all levels in order to implement provisions of this Law in areas of, but not limited to:

- Adopting sets of measures aimed at achieving gender equality in all areas and on all levels of government;
- Adopting new or amending existing laws in order to harmonize them with provisions of this Law;
- Ensuring judicial protection, both civil and criminal, in all cases of violations of provisions of this Law;
- Ensuring maintenance of gender-disaggregated statistics in all companies and enterprises, state owned and public, all state and public bodies and institutions, as well as access to such information.

Lack of action by official authorities to ensure equal possibilities for men and women directly reflected on implementation of the Article 15 of Gender Equality Law in B&H. This Article regulates that "*Bodies of the state and local self-governance, managerial bodies of companies, political parties and other non-profit organizations shall ensure and promote equal representation of men and women in the process of management and decision-making. In order to achieve goals set in Paragraph 1 of this Article, competent authorities shall undertake any interim measure to be used to improve gender misbalance in government bodies of all levels. Programs and plans shall contain measures aimed at improving gender representation.*

In order to ensure equal representation of both sexes, percentage of women in government bodies on all levels including the judiciary, the legislative and the executive, as well as all other public offices, committees and boards, including participation in bodies representing the state internationally shall, as a rule, reflect equal gender representation.

It is obvious that non-implementation of these obligations did not have any consequences for persons that failed to respect the Law. However, in that light, we should raise the ques-



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tion of passivity of those women who were discriminated because of non-implementation of the Law by the official authorities, especially because of the consequence of women's exclusion, not only from the public life, but also from all activities related to this area.

As there is often the question related to determining discrimination, it is certainly important to have in mind the definition of discrimination provided in the Article 3, of the Gender Equality Law in B&H, with special emphasis of indirect discrimination:

"For the purpose of this Law, gender discrimination is any distinction, exclusion, restriction or preference based on gender, legal or factual, which has the purpose of nullifying or impairing the recognition, enjoyment or exercise of human rights and freedoms by individual/s in political, educational, economic, social, cultural, sports, civic or any other field of public life.

Discrimination may be direct or indirect.

Direct gender discrimination is any situation wherein an individual has been, is, or may be treated less favorably than another individual may in a similar situation, based on sex.

Indirect gender discrimination is any situation wherein an apparently neutral legal norm, criterion or practice, equal for all, puts persons of one sex at a particular disadvantage compared with persons of the other sex.

Prohibited discrimination will not exist if a provision, criterion, or practice could be objectively justified by achieving legitimate aim, which is proportionate to undertaken necessary and justified measures.

In accordance with Paragraph 5 of this Article, special measures are allowed in order to promote gender equality and to eliminate the existing inequality, i.e. gender protection on the basis of biological determination."

It seems that women in Bosnia and Herzegovina are facing great challenge nowadays.

Response to this challenge could have long-term consequences, especially for future generations. If the rights of women as members of B&H society have been violated, especially if the state violated their rights, then it is logical need to take measures aimed for protection of violated rights.

One of the approaches should be directed certainly toward demands for taking measures for reaching equal possibilities for men and women to participate in public life. Currently, this would be taking measures of "positive discrimination" when electing new members of the Election Commission in B&H. Second measure would be involving women in the Working Group for changes of the Election Law in B&H.

In order to respect provisions of the Gender Equality Law in B&H, the Election Law should introduce following changes:

- Lists of candidates should be created in a way to have candidates of both sexes alternatively represented on the lists;
- Composition of the election bodies should reflect equal representation of both sexes;
- Establishing gender desegregated statistics data bases;
- Introducing simulative measures for political parties that are promoting equal representation of both sexes in their regular activities.

It is natural that we should consider protection measures, including court protection, in a case of lack of awareness about legislative obligation, but also lack of awareness about rights of dominantly represented population within active voting body.

Banja Luka June 14, 2005

SUMMARY OF THE PUBLIC DISCUSSION:

ELECTION LAW OF B&H IN THE LIGHT OF GENDER EQUALITY LAW IN B&H

Prepared by: Olga Lola Ninković

Although Bosnia and Herzegovina (B&H) adopted numerous international documents that are protecting basic human rights and freedoms, even nowadays, B&H citizens are facing with various forms of discrimination. Women and men participants of the public discussion concluded that the most widespread discrimination is the one that targets female population in relation to the issue of equal possibilities for men and women to participate in public life of B&H.

The main reason for this is visible through the work of political parties on the whole territory of B&H, where there are almost no women in the highest bodies. As a result, women are denied their right to reach certain positions, which represents special type of hidden discrimination. Participants raised the issue how women would have the possibility to compete for job in SIPA and other types of police structures, and Election Commission of B&H, when they objectively could not have similar previous working experiences in the past, because men were dominant on these positions. It is devastating fact that there is less than 10% of women in police structures of B&H, and that there is no women involved in current negotiations about police reform in B&H.

Women and men participants agreed that our society represents the regime of those political parties that launched dozen politicians during the past 10 –15 years that are unquestionable rulers of Bosnia and Herzegovina for all this time.

All participants in discussions agreed the Election Law of B&H should change, in order to be adjusted with Gender Equality Law in B&H. This is necessary in order to have all formal legislative conditions for equal possibilities for both sexes before general elections scheduled for autumn 2006.

It has been said once again that two years ago Parliamentary Assembly of B&H adopted Gender Equality Law in B&H, which regulates this issue through the Article 15. Official authorities in B&H were obliged to adjust all other positive legislation in B&H with this Law. This unfortunately did not happen.

Lists of candidates must be developed in a way to have candidates of both sexes alternately represented, and composition of the election bodies should reflect representation of both sexes. Namely, all participants noticed that high attention has been paid on national representation, while gender representation is absolutely neglected.

It is natural and logical to give priority to the gender structure over national structure. Furthermore, Election Law of B&H should establish statistic databases where information would be gender disaggregated. Participants emphasized that there were no gender sensitive statistic during past elections in B&H, so we do not have information how many women voted on the elections. Because of this, we cannot agree with opinions of male representatives in political parties that women are not represented in governments because women did not vote for women. As participants on this public discussions said, this represents typical manipulation with information, especially because this information could be integral part of



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the election reports. However, it is obvious that someone had an interest to keep this information out of the public eyes.

The Election Law of B&H should integrate simulative measures for political parties that are promoting equal representation of both sexes in their activities.

Jasminka Džumhur emphasized that only one woman has been appointed as a member of Working Group for changes of the Election Law in B&H. She is also the only female member in the Election Commission of B&H.

Women cannot expect much from the upcoming general elections if we do not something to change ratio of representation of women and men in these bodies.

Jasminka Džumhur emphasized that women make approximately 60% of B&H population, and raised the question what would happen if women would not vote on the next elections – if we would call them to use their passive voting right instead of active voting right?

This would question the election process, and encourage citizens of B&H to think not only about involvement of women in public life, but also about their values and needs of greater participation of women in decision making.

Women representatives of political parties emphasized again that only with systemic changes, amendments of existing laws, and changes of discriminatory legislation they could hope for better position of women in political parties. Although they are loyal members of their political parties, many of women politicians said that men rule main bodies of political parties. Women politicians also believe they should fight for space in these bodies, as men would not easily give up their privileges.

Participants of the public discussion also noticed that representatives of the international community and the international organizations in general only support current trends of political parties to have discriminatory relation toward women, as they also discriminate women in their activities and do not respect Gender Equality Law in B&H. Reality is that very few women are holding certain high positions, and have influence in the international circles, and they should also lobby for women in Bosnia and Herzegovina.

As reference to that, conclusions from this public discussion related to changes of the Election Law in B&H will be sent to the Ambassador of Turkey, and Embassies of Canada and Sweden, as the countries that are far advanced in protection of women's human rights. In discussion about relation of the international community and its activities in B&H, participants made conclusion for sending recommendations to the Peace Implementation Council to appoint woman on the position of a new High Representative for B&H, when the current High Representative for B&H finish his term in October – November of 2005. This request was supported with arguments about high level of discrimination against women, and violation of human rights in B&H.

Participants of the public discussion also adopted recommendations for municipality administration to ensure equal representation of men and women in municipality bodies and councils of local communities. This was because alarming information from the field that there is only one woman among ten members of these bodies in local communities.

Gender Equality Law in B&H enables implementation of this request, and participants said it is necessary to ask for support of the Gender Center of Government of RS in these activities. Regardless how some initiative might be good and socially useful, they still need to reach official institutions, and should be approved by political parties.

In relation to that, participants of the public discussion made recommendation for changes of the Law about Political Parties in B&H, and its harmonization with the Gender Equality Law in B&H.

Participants emphasized that many political and economic problems in B&H cannot be solved without paying attention on the gender equality issues. All participants of the public discussion recalled that June 2005 was very positive in terms of fighting for equality of women in B&H, and we should hope this public discussion would also make an important contribution in terms of initiating changes of the election rules. This would open a space for completely different picture of women's participation in public and political life of B&H.

Banja Luka, June 15, 2005

**To the Political Parties in B&H
To the Election Commission in B&H
To the Media**

On June 14, 2005, Helsinki Citizens' Assembly Banja Luka and United Women Banja Luka organized public meeting/discussion:

ELECTION LAW IN THE LIGHT OF GENDER EQUALITY LAW IN BOSNIA AND HERZEGOVINA

Equal (im)possibilities for participation of women and men in public life of B&H

Women and men participants of the public meeting/discussion developed following

CONCLUSIONS AND RECOMMENDATIONS

1. Working Group for changes of the Election Law in B&H should expand in accordance with the Gender Equality Law of B&H, and to involve women and men representatives of civil society.

2. In order to respect provisions of the Gender Equality Law in B&H, Election Law in B&H should incorporate following changes:

- Candidate lists should be composed on a way to secure alternating representation of both male and female candidates;
- Structure of election bodies should reflect equal representation of both sexes;
- Establishing gender segregated statistical data bases;
- Establishing stimulating measures for political parties that would promote equal gender representation in their regular activities.

It is necessary to consider protection measures, including judicial protection, in case of lack of awareness about legal obligations, but also rights of dominant population within active voting body.

Nada Golubović, United Women Banja Luka
Lidija Živanović, Helsinki Citizens' Assembly Banja Luka and
Participants of the Public Discussion

FOR EQUAL POSSIBILITIES OF BOTH SEXES IN THE ELECTION LAW OF B&H

On the initiative of the Gender Equality Commission in the Assembly of Tuzla Canton, Gender Equality Agency of B&H and Gender Center of RS and FB&H organized the round table "Harmonization of the Election Law in B&H and the Law about Local Management and Self Governance of B&H with the Gender Equality Law in B&H." This round table was held in Sarajevo, on May 19, 2005.

The invitation for this round table was sent to the cantonal and entity commissions for gender equality and Commission for Gender Equality in the Parliamentary Assembly of B&H.

Following materials were used in preparation of the round table:

- Election Law of B&H, Convention on Elimination of All Forms of Discrimination Against Women;
- Beijing Declaration and Platform for Action; (section related to the issues of women in governance and decision making),
- Gender Equality Law in B&H (especially the Article 15), Recommendation REC (2003) 3 adopted on March 12, 2003 by the Board of Ministers of the COE and Communication in Explanations,
- Codex of Good Behavior in Election Issues, adopted on the 52nd session of the Venetian Commission from October 2002.

Article 15, Paragraph 3 of the Gender Equality Law in B&H regulates that "In order to ensure equal representation of both sexes, percentage of women in government bodies on all levels including the judiciary, the legislative and the executive, as well as all other public offices, committees and boards, including participation in bodies representing the state internationally shall, as a rule, reflect equal gender representation".

Election Law of B&H regulates that election of members of all official bodies should be conducted on the basis of general and equal voting right, through direct and secret ballot, if not regulated differently in the other special law. The Election Law of B&H regulates different procedure for election of delegates in the House of Peoples of the Parliamentary Assembly of B&H, House of Peoples of the Parliament of Federation of B&H, and Council of Peoples in the People's Assembly of Republika Srpska.

Codex of Good Behavior in the Election Issues also regulates equality and parity of sexes, as follows: "Regulations about minimal percentage of persons of both sexes among candidates should not be observed as opposite to the principle of equal voting rights, if they are based on the Constitution." (Article 2, Paragraph 5) Explanation of this regulation says if there is certain constitutional base for adopting rules that ensure certain balance between sexes in representative bodies, or even the parity. However, if there is no constitutional base, this could be considered as violation of principles of gender equality and freedom of association.



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The recommendation of Board of Ministers of the Council of Europe says that we could say we have balanced participation of men and women when representation of men or women in any official body of political or public decision-making is not less than 40%. Especial attention is paid to the provision of the Election Law in B&H that established obligation of creating mixed lists of candidates. Article 4, Paragraph 19, of the Law regulates that each list of candidates should have both male and female candidates. Those candidates that are less represented should be distributed on the candidate lists on a way that at least one candidate of less represented sex should be represented among first two candidates, two candidates of less represented sex among first five candidates, and three candidates of less represented sex among first eight candidates. This provision enables having at least one-third candidates of less represented sex on candidate lists. In B&H context, this means at least one-third women on lists of candidates.

Participants of the round table had an opportunity to examine results of elections in legislative bodies in Bosnia and Herzegovina, in the period from 1996 until 2004. This information is presented in following charts

Information about participation of women in legislative bodies at all levels of governance in Bosnia and Herzegovina in the period from 1996 until 2002										
Election Level	Year									
	Before Introducing Quota System				After Introducing Quota System					
	1996		1997		1998		2000		2002	
	% women cand.	% elected women	% women cand.	% elected women	% women cand.	% elected women	% women cand.	% elected women	% women cand.	% elected women
Municipalities	—	—	9,6	5,4	21,31	26,61	32,9	17,9	34,8	21,7
Cantons	10,1	6,1	—	—	24,9	18,2	35,3	19,7	35,4	21,9
People's Assembly of RS	7,6	2,4	11,7	2,4	19,5	22,9	31,9	18,1	35,5	16,9
House of Representatives of the Parliament of FB&H	10,5	5	—	—	24,2	15	36,1	17,1	34,8	21,4
House of Representatives of the Parliamentary Assembly of B&H	9,4	2,3	—	—	28,8	30,2	28,3	7,1	35,3	14,3

1. Information related to 12 municipalities from local elections held in 1998. These are municipalities divided by entity line in Dayton, so one part of the municipality is in FB&H while other part is in RS

2. Information presented in the column of municipalities are from the elections held in Žepče municipality



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Results of the Local Elections in 2004

Gender desegregated information about number of candidates for the local elections held on October 2, 2004										
	Number of Women and Men Candidates					Number of Elected Women and Men Delegates				
	Total	M		F		Total	M			
		No.	%	No.	%			No.	%	
Federation of B&H – 78 municipalities	13147	8514	64,7	4633	35,3	1839	1514	82,3	325	17,7
RS 62 municipalities	13260	8688	65,5	4572	34,5	1378	1162	84,3	216	15,7
Assembly of Brčko District	639	412	64,5	227	35,5	29	28	96,5	1	3,5
City Council of Mostar	213	128	60	85	40	17	13	76,5	4	23,5

Results of candidacy and the elections show there is at least one-third of less represented sex – women on the lists of candidates. However, minimum of one-third of less represented sex – women has not been elected in the legislative bodies. It is important to emphasize that the election results depend on will of voting body, and voters gave greater support to the male candidates in the past elections that were organized on the principle of open lists.

Having in mind all these facts, participants of the round table made following conclusions:

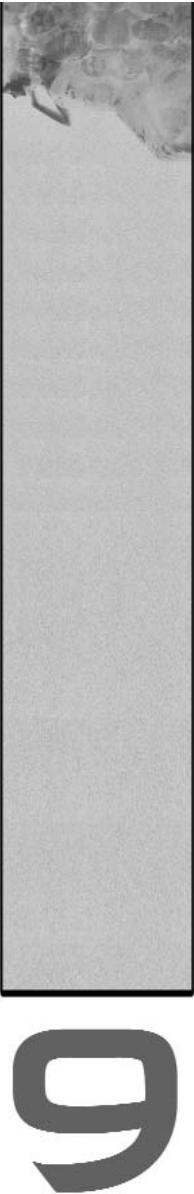
1. The election results, including the percentage of participation of both sexes in bodies of legislative governance, are depending on support of voting body.

However, process of candidacy opens a space for determining legislative obligations of equal representation of both sexes on lists of candidates. Therefore, participants recommended that the Election Law in B&H should determine obligation of all political subjects that are participating in elections to make lists of candidates on the way to have every second candidate of opposite sex.

Beside that, it is necessary to include in the Election Law in B&H obligation for all political subjects that are submitting lists of candidates for certain level of governance (entity and state level) to have at least one-third of bearers of candidate lists should be of less represented sex (until now, less represented sex were always women).

Example: *The Election Law in B&H determines there are six election units for election of representatives in the People's Assembly of Republika Srpska. If we adopt the election rule that at least one-third of bearers of candidate lists should be of less represented sex, than each political party that submits lists of candidates for all of six election units would have bearers of lists of candidates from less represented sex in at least two election units. These recommendations are requesting changes of the Article 4, Paragraph 19 of the Election Law in B&H.*

2. Enlargements of provisions of the Election Law in B&H that are related to candidacy process in House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina, House of Peoples of the Parliament of Federation of B&H, and Council of Peoples in the People's Assembly of Republika Srpska in a way to have, as a rule, equal representation of both sexes on lists of candidates.

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3. Determining legislative obligation that composition of bodies (election commissions and voter's boards) should be mixed in a way to reflect equal representation of both sexes.
 4. Having in mind the Article 44 of the Unique Rules for Developing Legislative in Institutions of Bosnia and Herzegovina(Official Gazette of B&H, No. 11/05), it has been recommended that the Election Law in B&H use feminine gender expressions. Namely, the Article 44 of the Rule determines that "expressions in the legislative documents should be made only in one gender – either masculine or feminine."
 5. Determining obligation of the Election Commission of B&H to establish databases that would include gender desegregated statistics for each part of the election process, including voter's lists, and voting results on the elections.

Example: Analysis of the election results that are conducted after the elections require analysis of voting desegregated by sex (how many women and men voted on the elections). This requires supplementing of the forms for election results on pooling stations in a way to include also information about number of men and number of women that voted on that pooling station.

After the issues related for changes of the Election Law in B&H, participants also developed the following recommendations:

It is recommended to official authorities to consider possibilities for introducing legislative obligation of providing financial stimulation for those political parties that are promoting equal representation of sexes through their regular activities (equal representation of men and women in internal bodies of political parties, equal representation of men and women on lists of candidates, equal representation of men and women in executive governance, etc.)

This recommendation is based on the Recommendation no. REC 2003/3 of the Board of Ministers of Council of Europe "Recommendations about Equal Participation of Men and Women in Decision Making Processes in Public and Political Life."

One of the ways of implementation of this recommendation is to create legislative obligation of establishing financial fund of 20% dedicated for the work of parliamentary political parties.

Participants of the round table initiated development of the State Law about Political Parties in B&H where we could precise obligations for political parties to ensure equal representation of sexes in their internal bodies, as well as to ensure equal possibilities for male and female candidates to access media and other forms of promotion during pre-election campaigns.

Having in mind the Article 15, Paragraph 1 of the Gender Equality Law in B&H, women and men participants of the round table concluded it would be useful to send recommendation to all political parties to ensure equal representation of men and women in the process of forming the highest internal bodies of their political parties. This recommendation has been implemented through the Gender Centers of FB&H and RS.

Participants agreed to send these conclusions to the authorized bodies of the Parliamentary Assembly of B&H that are working on preparation of amendments on the Election Law in B&H. This has been done through the Gender Equality Agency of B&H.

President of the Board for Equal Possibilities of the People's Assembly of RS

(Summary of the presentation)

I

- Election Law in B&H (Official Gazette of B&H, No. 23/01, 9/02, and 20/02) regulates election of members and delegates of the Parliamentary Assembly of B&H, and members of Joint Presidency of B&H, as well as essential principles for elections at all levels of governance;
- Election for all levels of governance has been guaranteed on the basis of general and equal voting right, through direct and secret ballot;
- Each citizen of B&H has right to vote and to be elected with reaching eighteen years – **voting right**, if he/she is registered as voter;
- Prohibitions and restrictions (regulated in the Article 1, Paragraphs 6, 7 and 8)
- Election Law in B&H – widening and further democratization of the Rules of Temporary Election Commission, great progress for B&H in the time of adoption;
- Current readiness of the official authorities for changes – "searching" for improvements – chances for further improvements of the election system, but also corrections of deficiencies, and striving for **equal possibilities of women and men**;
- From first to last provision of the Election Law in B&H (as well as the other laws in B&H and the entities) all titles of functions and status terms (citizen, voter, etc.) are written in masculine gender, except the "mysterious" Article 4, Paragraph 19, which regulates that " **each list of candidates will include female and male candidates.**" We are facing the challenging question of equal possibilities of men and women, although we cannot deny existence of legal possibilities provided by Law – **what is reality?**

II.

- Institutions authorized for organization of the elections – Election Commissions and Election Boards (they are other requirements, not gender equality, ad from the previous period we know that men were majority members of these bodies); **these are decision making bodies, and sometimes they make crucial decisions**;
- Lists of voters, registration of voters, temporary lists of voters – lists of voters on the day of elections;
- Introducing rules about equal representation of women and men in bodies for organization of the elections? How to "punish" durable non-implementation of the Gender Equality Law in B&H?
- Is it better system for equal possibility – to be a voter, but also a candidate, and to be elected and realize your right directly on the day of elections (without registration). Problems with lists of voters, "transfers" from one place to another, voters are registered in temporary lists of voters, but not in final lists of voters...

Election law of each country, our country as well, represents the part of general legislative system. The biggest problem is not to adopt law, but to implement it. This is the reason why we have all these problems, and lost of normatively recognized equal possibilities:

- Exception of the entire Election Law in B&H is the Article 4, Paragraph 19 that mentions existence of sexes, but here term "female candidates" is not explicitly used.



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Instead of advantages and step forward with this Law, some "special interpreters" found solution, and wrote, "Less represented sex" = woman!

- The Election Law in B&H was used in the same form since its adoption. Therefore, I am not for asking questions, but for making suggestion to change the Article 4, Paragraph 19 of this Law, as follows: "Each list of candidates should equally include male and female candidates, alternately distributed on the general list of candidates of each election unit."

Additionally, to change and adjust other paragraphs of this Article, for example Paragraph 23, etc.

Only with clear and precise definition of legislative norm, an opportunity for equal possibilities would become a chance, and would bring positive changes in representation of men and women and better future for Bosnia and Herzegovina.

We are not asking anything more but only something, which represents an essential need for all of us!

Banja Luka, October 27, 2005

SUMMARY OF THE PUBLIC DISCUSSION:

FOR EQUAL POSSIBILITIES OF SEXES IN THE ELECTION LAW OF B&H

Prepared by: Olga Lola Ninković

Women are not giving up of fight for equality, and intention to use all permitted means to secure legal environment and basis for reaching equality of men and women in Bosnia and Herzegovina.

This was a message from the public discussion "For Equal Possibilities of Men and Women in the Election Law of B&H." This public discussion was held in Banja Luka, and it was unique because of two women introductory speakers – Ms. Ane Jakišić from Gender Center of Federation of B&H and Ms. Nevenka Trifković, President of the Board for Equal Possibilities in the People's Assembly of RS. This public discussion was unusual also because large number of women and men participants, representatives of the political parties, nongovernmental organizations, and media.

Almost 60 participants on the public discussion was reason for us to conclude that political parties and media give more and more importance to discussions on these events.

The focus of discussions was again the Election Law of B&H. Women believes this Law should be changed in order to enable their greater participation in election process, which automatically means their greater chances to be elected.

Ana Jakšić said that previous practice of the elections in B&H showed women bearers of lists of candidates were elected usually.

Beside systemic changes that should be changed in the Election Law of B&H, based on the Gender Equality Law of B&H, participants of the public discussion emphasized again



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hidden types of women's discrimination, such is the rule about writing laws exclusively in one gender – either masculine or feminine.

Apparently insignificant for success of women in politics and decision-making is the fact that all laws are written with exclusive usage of masculine terms. However, this creates impression that practically there was no intention to secure equality of men and women by the law in all fields of society regardless positive trends in gender equality during past several years.

Focus of the public discussion was the obligation of political parties to create mixed lists of candidates, and to have at least one-third of candidates of less represented sex (meaning women), as this is regulated by the Election Law of B&H. Results of candidacy and elections showed that there are less than one-third of elected women regardless respecting of the Article 4, Paragraph 19 of the Law. It is true that election results are depending on support of voters, but women and men were not equal in the election process, and women have had less and less chances in the election race.

Participants of the public discussion again emphasized the need for harmonization of the Election Law of B&H with the Gender Equality Law of B&H. The Election Law of B&H should regulate obligation of all political subjects that are participating in elections to have alternating representation of male and female candidates on the election lists.

Participants agreed that conclusions of the public discussion should be send to the Election Commission of B&H from all political parties and nongovernmental organizations that participated in the public discussion.

Women and men participants said there is no other chance for women to improve their position but to introduce legislative obligation for all political parties to ensure equal representation of male and female candidates as bearers of the election lists.

The same situation is with the composition of the election bodies, usage of the language in the Election Law of B&H, as well as distribution of the compensatory mandates that should be distributed to less represented sex according to the election results, starting with the top of the lists.

One of the conclusions was that Election Law of B&H should respect the obligation from the Gender Equality Law of B&H in the part that regulates obligation of keeping gender disaggregated statistic information in all official bodies at all level, public services and institutions, state and private companies, and other subjects. Participants of the public discussion request amendment of the form for determining results of the elections on polling places, which should include information about number of women and men that voted on individual polling place.

Participants expressed dissatisfaction with the fact that B&H authorities did not organize population census. Currently there is no agreement about this issue and we should not expect that population census should be organized soon. It would certainly show that women are majority population in B&H. This would be strong argument to request a ratio of women's participation in all fields of life adjusted to women's representation in total population of Bosnia and Herzegovina.

Women and men participants of the public discussion supported proposal for introducing of the passive registration of voters for future elections, having in mind that B&H as CIPS network of personal information about citizens of B&H. Participants supported this proposal with numerous examples of non-voting on the elections because of late registration, incomplete information, and similar issues. These problems caused abstinence of significant number of voters during previous years, especially youth people "that are not interested

enough," and older citizens that could not solve these issues because of their immobility and illness.

Women and men participants of the public discussion are waiting for changes of the Election Law of B&H with optimism. They expect that recommendations of this public discussion would be considered, and incorporated in the final text of changes of the Election Law of B&H, as this would mean progress for both women and men citizens of Bosnia and Herzegovina.

Participants also discussed election of the three-member Presidency of B&H, and chances if at least one woman would be appointed as a member of this body. This would mean respecting not only constitutive statues of three peoples, but also constitutive status of both sexes.

Since Constitution of B&H proclaims gender equality, women participants of the public discussion noticed with a reason that resistance to changes of this "male bastion" in Joint Presidency of B&H is at least inappropriate.

This proposal was not included in recommendations from the public discussion because of technical reasons, having in mind announced constitutional changes, and requests of the international community for having only one president in B&H.

Banja Luka, October 18, 2005

To the Election Commission in B&H
To the International Organizations in B&H
To the Political Parties in B&H
To the Nongovernmental Organizations
To the Media

On October 27, 2005, Helsinki Citizens' Assembly Banja Luka and United Women Banja Luka organized the public discussion under title:

"FOR EQUAL POSSIBILITIES OF BOTH SEXES IN THE ELECTION LAW"

The Swedish Foundation Kvinna till Kvinna supported the public discussion. Women introductory speakers were Ms. Ane Jakšić, from Gender Center of Federation of B&H, and Ms. Nevenka Trifković, President of the Commission for Gender Equality in the People's Assembly of Republika Srpska. Participants on the public discussion were 58 women and men from different political parties, nongovernmental organizations, and women and men citizens from Banja Luka and other cities of Bosnia and Herzegovina.

The main objective of this public discussion was to analyze how much the Election Law of B&H secures and respects gender equality, and to develop recommendations for the changes of this Law.

Women and men participants emphasized the following facts:

- The Constitution of Bosnia and Herzegovina prohibits all types of discrimination, of course gender based discrimination as well;

- Two years ago, B&H Parliamentary Assembly adopted the Gender Equality Law in B&H, which regulates the issue of equal representation of women and men in public life (Article 15). The state of B&H took over the obligation to adjust positive legislation with this Law within the six months of its adoption, and this was not fully respected until today;
- The Election Law of Bosnia and Herzegovina determines obligation of creating mixed candidate lists. Article 4.19. of the Election Law in B&H enables at least one third of the candidates of less represented sex on the candidate lists. In Bosnia and Herzegovina, it means that these candidates are women;
- Results of candidature and election show that there are one third of less represented sex candidates – women on the election lists. However, there are no one third of elected women in legislative bodies;
- Election results are depending on a wish of voting body, and in the past elections organized on the principle of open lists voters were giving greater support to the male candidates;
- The recommendation of the Council of Ministers of COE says that we can speak about even participation of women and men, in relation to this recommendation, when their participation in any body of political or public decision making is not lower than 40%;
- The election result, including the percentage of participation of men and women in the bodies of legislative governance, is depending of support from voting body.

RECOMMENDATIONS:

1. The Election Law in Bosnia and Herzegovina should be adjusted with the Gender Equality Law. Accordingly, we are suggesting that the Election Law in B&H determines obligation of all political subjects that are participating in elections to create the candidate lists on the way to secure alternating representation of male and female candidates.
2. All political subjects should be obliged by the Law to offer equal representation/ratio of men and women bearers of candidate lists during the process of creation of the candidate lists for all levels of governance.
3. Enlarging of the provisions of the Election Law in B&H related to the process of candidacy for House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina, House of Peoples of the Parliament of Federation of Bosnia and Herzegovina, and Council of Peoples of the People's Assembly of Republika Srpska, in order to secure equal representation of women and men candidates on the candidate lists.
4. Determining legal obligation that composition of bodies (election commissions and voter's boards) should be mixed, to reflect equal representation of both sexes.
5. Securing usage of gender sensitive language in the Election Law of B&H.
6. In the process of distribution of compensatory mandates, defining their distribution to the less represented sex, according to the election results, starting with the top of election list.



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7. Integrating into the Election Law of B&H the obligation regulated by the Article 18 of the Gender Equality Law in B&H that "all statistic data and information that are collected, recorded, and processed by the official institutions at all levels, public services and institutions, state and private companies, and other subjects, shall be gender disaggregated, and shall be integral part of statistical records and available to the public."
8. It is necessary to amend the form for determining results of elections on pooling stations in order to show number of women and men voters that voted on that pooling station.
9. We are supporting the efforts of the Election Commission of Bosnia and Herzegovina to introduce passive registration of voters for the future elections.

Nada Golubović, United Women Banja Luka
 Lidija Živanović, Helsinki Citizens Assembly Banja Luka
 Participants of the Public Discussion

ŽELJKO MIRJANIĆ, PROFESSOR

CONSTITUTIONAL CHANGES AND EUROPEAN INTEGRATIONS

/Thesis for Discussion/

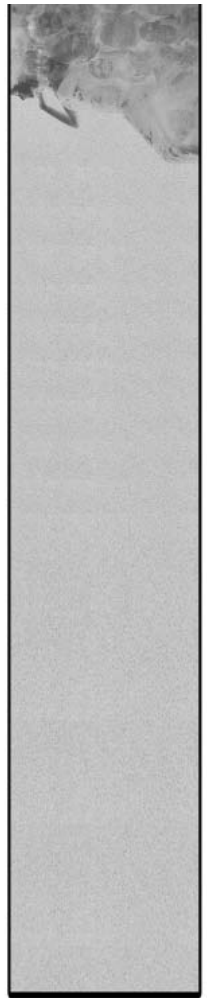
1. Initiative for Constitutional Changes

Initiative for changes of B&H Constitution has been based on the opinion of the Venetian Commission prepared on request of the Council of Europe. Initiative originates from the nongovernmental organization USIP (United States Institute for Peace), which came up in the role of organizer of the talks and negotiations.

3. Overview of the Basic Attitudes of representatives of the European Union

Following attitudes represent an essential view of EU representatives related to participation of Bosnia and Herzegovina in the process of European integrations:

- It is necessary to open and continue with discussion about "evolution" of the B&H Constitution, to reach constitutional structure that would be optimal for European integrations through "evolutional jumps",
- B&H Citizens should support "evolution" of B&H Constitution,
- Consensus of citizens is needed for joining of B&H into EU,
- B&H, as modern and functional state should be ready for integration, and constitutional system should be compatible with other European countries (there are different models for EU members, there is no special model for B&H),
- Solutions are in B&H – citizens and their representatives should provide answers alone,



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and constitutional changes cannot be "imposed",

- It is necessary to continue with reforms.

3. Approach to the Constitutional Changes

Following assumptions could be emphasized as starting thesis for discussion:

- B&H institutions should be responsible for negotiations, development, adoption, and functioning of laws that are necessary for reaching European standards related to European integrations, and respect of principles, priorities, and demands developed by European Union.
- B&H institutions should establish mechanisms for coordination and cooperation with institutions at other levels of governance, so B&H could fulfill all conditions related with the membership in the European Union.

4. Procedure and Way of Changes of the Constitution

Parliamentary Assembly of B&H could adopt constitutional amendments. Two-third of candidates from the House of Representatives and House of Peoples should vote for changes of the Constitution in order to make positive decision. (It is necessary to have agreement of representatives and delegates from all three constitutive peoples.)

5. The Most Important Issues that are Topic of the Current

Discussion About Constitutional Changes

Important questions related to the function of the head of state:

- **President or Presidency** composed of one president and two vice-presidents (in a way not to have more than one member from one constitutive peoples),
- **Election Procedure** – direct or indirect elections, members of the Presidency elected by the Parliamentary Assembly of B&H.
- **Authorities and Duties of the Presidency** (the most important): appointing candidate for President of the Council of Ministers of B&H, making decision about dismissing of the Parliamentary Assembly of B&H, collective civil commander, ratifying international documents...
- **Authorities and Duties of the President of Joint Presidency** (the most important): representing B&H in the country and abroad, announcing parliamentary elections for the Parliamentary Assembly of B&H, giving accreditation for B&H ambassadors, granting individual amnesties...

Important questions related to the **legislative governance**:

- **Composition of the Parliamentary Assembly of B&H** – Parliamentary Assembly with two houses (House of Representatives with 84 members and House of Peoples with 30 delegates).
- **Procedure for Election of Members of House of Representatives** – several places are guaranteed for representatives of national minorities, in accordance with the Election Law of B&H.
- **Procedure for Election of Delegates in House of Peoples** – indirect elections – 10 delegates are elected by the People's Assembly of RS in a way to elect certain number of delegates of Serb, Bosnijak, and Croat peoples, and 20 delegates are elected by the Parliament of FB&H in a way to elect certain number of delegates of Serb, Bosnijak, and Croat peoples.

- **Authorities and Duties of House of Peoples** – laws adopted in the House of Representatives are sent to the House of Peoples that implements legislative procedure in shorter period, participation in approval of ratification of the international documents, budget...

6. Reality and Preconditions of the Constitutional Development

Discussion about constitutional development is related to legal, political, and other parts of social order, as well as the whole society. This is political, legal, social, and cultural issue (but also universal issue). Majority of citizens observe this and other issues related to the state development through negative economic and social development.

Particularities of social reality in this country are such that the constitutional development is objectively burdened with compromises and agreements. There are different approaches, but we should ask where they are leading us. In reality, we still do not have explicit answer if democratic and tolerant multiethnic society should develop through democratic processes and modalities for solving the most important issues, such is the issue of constitutional development.

Perspective of B&H citizens is related to the respect of European system of values, and using of experiences in organization of system of governance according to these values. Integration is the process that requires from B&H to function as other European states, and accession of B&H into EU represents verification that we accomplished this.

Banja Luka, November 24, 2005

SUMMARY OF THE PUBLIC DISCUSSION:

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CONSTITUTIONAL CHANGES IN B&H AND EUROPEAN INTEGRATIONS

Prepared by: Olga Lola Ninković

Women and men citizens of Bosnia and Herzegovina (B&H) are witnessing this year as a year of numerous reforms and beginning of fundamental processes that should bring our country closer to European Union. The most important reform we are facing is constitutional–al–legal reform that should be completed until March of next year. B&H politicians already started negotiations on this issue.

Although constitutional changes in Bosnia and Herzegovina are not condition for entering negotiations about stabilization and accessing European Union (for which our country already received "green light"), official authorities are aware that Bosnia and Herzegovina cannot become a full member of European Union with existing constitutional framework. Scenario is the same in this case as it was in the case of negotiations about reforms of army and police structures in B&H – exclusive right on creating solutions and decision belongs to the authorities of B&H and the international community, far from the eyes of public and opinion of those who would be the most affected with these changes– women and men citizens of this country.



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What are opinions of women and men citizens of B&H about constitutional changes, what are their rights, and what kind of fears and expectations they have from the process – these are only some of the issues that were discussed on the public discussion "Constitutional Changes in B&H and European Integrations." The introductory speaker was Željko Mirjanić, PhD. Professor of the Law School in Banja Luka.

It is generally known that ambience of life of women and men citizens in one country depends from the constitutional characteristics, which directly influence quality of their lives, their rights and freedoms, and their standard. There is no doubt that we should be concerned with constitutional changes and future look of our country, and that we have right to say what we think about it, although we do not have direct position in the process of creating and negotiating changes. Accidentally or not, constitutional changes will precede the elections in 2006. The elections would be perhaps the only chance for us to vote for political parties, and show if interests and expectations of common people have been satisfied.

None of this would be a problem if we would not live in the country composed of two entities, and where political parties know well how to manipulate their voters. All of this was the reason why many women and men participants of the public discussion concluded that constitutional changes in the light of elections in 2006 would be the key background for pre-election campaigns, and national homogenizations that would lead us back to the years of national divisions that caused civil war in B&H. In that sense, there is very little optimism, which is reflection of negative mood and distrust of public opinion toward current B&H political leaders.

Participants of the public discussion believe it is positive tendency that in the process of constitutional changes B&H politicians for the first time initiated changes, and offered their views, instead of waiting for imposed solutions.

It is disturbing that offered solutions from the representatives of Serb nationality, and representatives of Bosnijak and Croat nationality from RS, and politicians from FB&H are diametrically opposite.

Women and men participants of the public discussion do not believe that authorities of B&H would find compromise solutions and reach agreement without interference and imposing of the international factor. If this happens, it would certainly be a precedent. Participants were also suspicious about public statements of representatives of the international community and American administration that B&H authorities are responsible for constitutional changes, and the international community will not impose any solutions.

Essential dilemma is if Bosnia and Herzegovina is capable with its own resources to make a Constitution that would be acceptable for all – Serb, Croats, Bosniaks, and other citizens of B&H

One participant asked why B&H politicians could not find solutions in 1991 and 1992, and on that way to prevent the war. Politics in B&H did not change much, as well as the positions of leading national political parties. It is questionable if Bosnia and Herzegovina has politicians that are thinking about its future.

Majority of participants on the public discussion believe B&H should finally become a normal country, where budget would be spent on developmental and social programs, employment, and improving living standards of population, and not on the state administration. Additionally, there is fear that strengthening of the state institutions with one president and one prime minister would not satisfy interests of all peoples in B&H.

Previous members of the Joint Presidency of B&H were representing only interests of their



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nationality. When leading the Presidency, none of them represented the interests of all citizens, but only the interests of their political parties. Because of these experiences, women and men participants of the public discussion agreed the time did not come for B&H to be represented only by one politician.

Participants were especially critical about non-transparent process of negotiations about constitutional changes, as well as the negotiations with the European Union. Majority of participants believe citizens of B&H know very little or nothing about what they should expect in a future in terms of fulfilling conditions for joining the European Union, and necessary reforms.

Some participants are thinking that everything has been agreed in advance, and politicians intentionally create false atmosphere of democratic talks, where they are making efforts to protect interests of B&H citizens.

Majority of participants are thinking this is another previously developed plan of leading political parties before the elections.

Problem is that experts are not participating in these processes, but only politicians with very narrow knowledge and skills, and deep passion of their national being.

Negotiations about constitutional changes could be a last test for local politicians to verify finally their incapability to lead B&H citizens into a better future. Participants rightly asked if Europe needs another poor country, which did not solve essential issues, such is the question of constitutional organization.

One of the conclusions was that B&H faces deeper problems than its Constitution.

Problems are certainly lack of tolerance and widespread discrimination that were encouraged for many years by local politicians in B&H. The only solution is changing of consciousness in a whole B&H society, but we cannot expect that to happen for many years.

As professor Željko Mirjanić noticed, the essential problem is not in relation of B&H toward the state, but in relation of B&H citizens toward other peoples. This is something we all should work to correct, improve, and normalize, which is very difficult in current political situations, and tasks that our country should complete.

Professor Mirjanić expressed his opinion that Bosnia and Herzegovina is not ready yet to join the European Union, and some participants challenged this view.

Participants again emphasized that women are marginalized in these reforms. It is ironic, however, that the B&H reached consensus in Washington were documents related to human rights and freedoms.

Unfortunately, the only conclusion is that B&H represents the state of paradoxes. Its peoples and citizens are hostages of both internal and external political games.

Although the B&H Constitution should not be an exclusive political question, it became a tool of political bargaining between political parties, where winners are only those people who are participating in the game. Women and men citizens of B&H have the only solution to wait for elections in B&H, and to be cautious not to catch into political games, and to be drawn from essential issues that are important for common and more prosperous future of all, being in European Union or not.

"FAMILY VIOLENCE – FROM RESEARCH TO STRATEGY"

After a little more than a year of research implemented by Helsinki Citizens Assembly Banja Luka, Women to Women Sarajevo, and Lara from Bijeljina, we got the study about family violence, first of that kind in Bosnia and Herzegovina.

This does not mean there were no researches, questionnaires, and analyses about this issue in B&H society. However, this study, which should be published soon, we have unified overview of legislation at all levels (state, entity, cantonal, and Brčko District) related to family violence, an overview of all previously implemented researches, field information from police stations, nongovernmental organizations, centers for social work, and developed recommendations for governmental and nongovernmental organizations that are actively working on this issue.

I will try to present and discuss some of the key conclusions of the research – to see how far we get in "exposing" family violence as the most severe violation of women's human rights, and what has been done regarding this issue by nongovernmental and governmental organizations.

Following are some of the key conclusions of the research:

- Number of reported cases of family violence constantly increases
- Governmental institutions do not fulfill their obligations from ratified international documents
- Laws and practice are not harmonized between different administrative levels
- Public awareness about family violence is still on the very low level

I will illustrate the increase of reported cases of family violence with information we received from Ministry of Interior Affairs of Republika Srpska. During 2003, this Ministry registered 263 cases of family violence. During 2004, there were 393 reported cases of family violence, which is increase for 49,45%.

Nongovernmental organizations also record the increase of reported cases of family violence. For example, women's shelter in Modriča run by nongovernmental organization "Budućnost" (currently the only women's shelter in RS) provided shelter for 291 victims of violence in 2004, which is approximately 15% increase in comparison with number of victims that were placed in the shelter in 2003.

According to information from women's shelter in Modriča, women are two-third (2/3) of victims of family violence, with average 44 years of age. One-third (1/3) of victims are children, from three months to 17 years of age. It happens also that persons in seventh or eight decade of life are asking for help.

However, family violence is much more present in our society than these statistics are showing us. Experiences of organizations and experts that are working on this issue show that many cases of family violence have not been reported, and victims are silent.

Estimations of degree of these unreported cases are called "dark," "gloomy," or "grey" number. Nongovernmental organizations are symbolically calling these unreported cases "top of an iceberg."



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Estimations of "dark number" by women NGO activists are different, starting with an estimation that for each reported case, there are at least two more women that are silent about violence⁴⁶, and estimation that there are ten more unreported cases of family violence on each reported case.⁴⁷

One of the findings of the Study is that governmental organizations are not fulfilling obligations from ratified international documents. Here we focus primarily on the Convention on Eliminating of all Forms of Discriminations Against Women (CEDAW). This international document regulates implementation of preventive and protection measures for victims of family violence, which have not been implemented by our governments. Since there are at least several positive exceptions, perhaps it would be fairer to say that governmental organizations are implementing these measures "with shyness," as they do not recognize their real obligations in terms of consistent implementation of the international legal norms.

Nongovernmental organizations in B&H are the only institutions that are working on protection of victims of family violence through providing shelter. According to the information we collected during field research, there are six shelters in B&H (Sarajevo, Modriča, Tuzla, Zenica, and two in Mostar), and nine SOS telephone lines. Beside that, nongovernmental organizations are providing free legal and psychosocial assistance for victims of violence.

Laws that are regulating the issue of family violence are Gender Equality Law of B&H, Criminal Code of RS, Criminal Code of the Federation of B&H, Family Law of the Federation of B&H, and Laws for Protection Against Family Violence in both B&H entities. Law for Protection Against Family Violence in Federation of B&H has been adopted in April 2005, and its implementation in the practice starts in October 2005. Since there still are no bylaws, implementation of this Law has been on hold.

Public discussion about Law for Protection Against Family Violence has been finished in Republika Srpska, and this Law will soon reach the members of the People's Assembly of RS. There are many confusions and vagueness about implementation of this Law.

Banja Luka, December 6, 2005

46 Estimate of women from nongovernmental organizations, participants of the national conference "Experiences in Fighting Family Violence," held in the period December 17–18, 2004 in Bijeljina, in organization of NGO "LARA," as the part of international project of Dutch Humanist Committee for Human Rights "Support for Women's Human Rights in Western Balkans."

47 "If we accept this claim as correct, that there are 642 cases of reported family violence in Center for Social Work in Sarajevo, we would reach the information that family violence exists in 6420 families in Canton Sarajevo. If we multiply this number with 4 as an average number of family members, than we get 25.680 persons that are directly or indirectly exposed to family violence." "Women's Wisdom, Family Violence and Human Uneasiness," Women's Association "Women to Women," Printing Firm, Sarajevo, 2004, page 60



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SUMMARY OF THE PUBLIC DISCUSSION:

FAMILY VIOLENCE – FROM RESEARCH TO STRATEGY

Prepared by: Olga Lola Ninković

Increasing number of reported cases of family violence in Bosnia and Herzegovina impose another obligation for our society – to start treating this issue systematically, and to speak about it openly without taboos and prejudices.

The issue of family violence is not phenomenon of modern age. It appeared when people started to form families. Until now, it has been well known what kind of consequences it could have on physical and psychological health of people. Because of that, many advanced countries approached to this issue seriously, and established prevention and protection mechanisms that show good results. In B&H, nongovernmental organizations were those who solely engaged on this issue and many other social issues as well. Nongovernmental organizations are facing many difficulties because lack of support from official institutions, and lack of domestic legislative in this area.

The Study about Family Violence in B&H demonstrated how much this problem exists in B&H. This Study is the first of this kind in B&H, and it is product of a yearlong research conducted by the "Helsinki Citizens Assembly" Banja Luka, Women's Association "Women to Women" Sarajevo, and Women's Association "Lara" from Bijeljina. Dragana Dardić from hCa Banja Luka was the introductory speaker on the public discussion and she presented the findings and recommendations of the Study.

Although family violence has not been associated especially with any country, nation, time, poor or rich, it should have a special treatment in our country because of many objective reasons. Civil war has ended in Bosnia and Herzegovina only ten years ago, and it left its population with traumatic consequences, poverty, and general uncertainty. These facts are favoring appearance of family violence, and we could only estimate that this problem is much bigger than we register.

Dragana Dardić emphasized that some estimations of family violence rate show that number of cases of family violence is ten times bigger than it has been registered, which represents so called "dark number".

This estimation should not surprise us since we are in postwar transitional period. Furthermore, B&H is patriarchal society where traditional but also primitive ideas are creating moral values.

Participants emphasized widespread prejudice that families with lower social and educational status are more exposed to this issue. Unfortunately, researches are showing that women and men intellectuals are also victims of family violence, and they are capable to commit violence too. Family violence also exists in well-situated families that do not have financial problems. It is the fact that women are the most frequent victims of violence in such environment. They are frequently hesitant to report violence, because of patriarchal believes and shame, and because of role, they have in a society.

Women and men participants of the public discussion, and large number of journalists were impressed with findings of the Study, especially because it presented statistical overview of



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the family violence, structure, causes and consequences, but also recommendations for prevention and treatment of this issue.

Major discussion of the participants was related to the critics of institutions, especially lack of their activities related to fulfilling obligations from domestic legislation and international documents ratified by B&H.

Domestic laws in this area are Gender Equality Law in B&H, Criminal Code of RS, Criminal Code of FB&H, and Family Law of FB&H, while laws for protection against family violence are still not effective in both entities of B&H.

Implementation of the Law for Protection Against Family Violence in FB&H (adopted in April 2005) is delayed. Public discussion about this Law in RS is just completed, but implementation of this Law is still questionable. Ministry of Health and Social Protection of RS and Ministry of Interior Affairs of RS still have to adopt suitable bylaws.

Participants send the appeal to the Government of RS and People's Assembly of RS to adopt the Law in urgent procedure, and request from authorized official institutions to develop social program that would incorporate special measures for protection of victims of family violence. This request was based on the fact that majority of victims do not report violence because of economic dependency from abusers. Participants also requested harmonization of the legislation, especially the Labor Law of RS and the Law on Social Protection of RS, in order to identify victims of family violence as special categories in the area of social protection at all levels. Participants supported the idea of special lines in official budgets for supporting of existing mechanisms developed by nongovernmental organizations, but also establishing of new mechanisms.

Safe houses or shelters for victims of family violence are part of the protection measures for victims of family violence. They exist in some parts of Bosnia and Herzegovina, thanks to the extensive advocacy efforts of nongovernmental sector. Currently, there are six shelters in the country. Although one of the biggest regions in B&H, Banja Luka still does not have a place for temporary shelter of victims of family violence, largely women and children. Thanks to the financial support from the Government of Republika Srpska, two nongovernmental organizations bought objects aimed to provide shelter for women and children victims of violence. However, they still did not open for beneficiaries because they lack financial means for buying necessary equipment and covering of the basic running costs. Nada Golubović, President of the United Women Banja Luka explained that this association succeeded to reconstruct partially the house they bought in Banja Luka, thanks to the support of the Danish Ministry of Foreign Affairs. Currently, United Women Banja Luka is working on additional reconstruction and adaptation of the house, thanks to the support of the "Governance Accountability Project," supported from the Swedish SIDA and USAID. If the City Administration Banja Luka approves financial support for running costs of the shelter through the city budget for 2006, United Women Banja Luka would be able to open the shelter for first beneficiaries during spring 2006.

All participants of the public discussion agreed it is necessary to have this kind of support for women and children victims of family violence. However, they also emphasized that more should be done on prevention of family violence in order to decrease number of persons that would require shelter.

Work of the official institutions and existing legislative in this area should improve, and there should be better cooperation between official institutions and nongovernmental organizations on prevention and providing assistance for victims of family violence.

Unfortunately, there are many reported cases of family violence, when victims are facing lack



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of understanding and even humiliation by police officers. This issue requires better cooperation between all stakeholders that are involved in work on fighting family violence. Some of the participants said there is noticeable improvement in sensitivity of police on family violence, as local NGOs that are working on this issue have better cooperation with police when dealing with concrete cases of violence. The fact that representatives of the Ministry of Interior Affairs of RS attended this public discussion signals their openness for positive changes. Many NGO representatives said that significant cooperation has been established also with the centers for social work and health institutions. However, there is always space for more positive experiences, since family violence represents very complex problem.

According to the effective laws in B&H, victims of family violence should have medical examination and opinion of a physician as legal proof that physical violence actually occurred. This examination and accompanying documentation costs approx. 50 KM, and majority of victims do not have money to pay this important document. This represents one of the reasons why we do not have a clear picture about scope of family violence in our environment. Introductory speaker on this public discussion mentioned there are 15 women that are currently serving a prison sentence in Republika Srpska. Nine women prisoners are sentenced for homicide, and four of them were victims of family violence.

She also emphasized there are no programs for work with abusers in Bosnia and Herzegovina, while only nongovernmental organizations have specialized programs for work with victims of family violence.

Media reports about cases of family violence represent a special problem. As example, Dragana Dardić mentioned media monitoring information that are part of the Study, which show that media have key role in marginalization of family violence since news about family violence are usually parts of crime reports and dark pages. One case of family violence was the exception – but only because its consequence was homicide as result of long-term family violence.

When contact local NGOs that are working on the issue of family violence, media are often asking for interviews with victims of family violence, because they need exclusive news and shocking stories. It is understandable that majority of women victims of family violence would not dare to go public with their experiences. Many of them suffer from psychological traumas, and they have no guarantees someone would protect them from abusers.

There is a huge need for understanding of victims, and offering them psychological counseling. This is clearly visible from experiences of SOS telephone lines, where women call very often not just to report violence, but also to share their problems with someone.

This public discussion was also an opportunity for women and men from numerous local NGOs from B&H to speak about the issues they face in their work. Many of them emphasized lack of financial support, and difficulties to reach sustainability while working on this issue, because they cannot charge for services they provide to the victims of family violence. Furthermore, there are no clear criteria for accessing municipal and entity budgets funds for nongovernmental sector.

As conclusion, we can say that family violence represents the problem of entire society, and it should be treated as such. Beside nongovernmental organizations, which proved their support to the victims, future activities should equally involve all institutions of the system: police, judiciary, and centers for social work. Media in B&H should increase their role in raising awareness of women and men citizens about family as the obstacle for development of entire society.



Banja Luka, December 6, 2005

MEDIA STATEMENT

On December 6, 2005, nongovernmental associations Helsinki Citizens' Assembly Banja Luka and United Women Banja Luka organized the public discussion "Family Violence – From Research to Strategy." After presentation of the study about family violence and mechanisms of protection and prevention, and discussion of women and men citizens, and representatives of the official institutions that are working on family violence (social workers, police, and lawyers), we are sending the following public appeal:

1. To the Government of Republika Srpska, Government of Federation of Bosnia and Herzegovina, Council of Ministers of B&H, and executive authorities at all levels, to change and harmonize existing legislation related to family violence, especially the Labor Law and Law about Social Protection, in order to identify victims of family violence as special category in the field of social protection at all levels,
2. To the Government of Republika Srpska and People's Assembly of Republika Srpska, to adopt the Law for Protection Against Family Violence in RS in urgent procedure, in order to enable implementation of protection measures in the practice as soon as possible,
3. To the governments at all levels in Bosnia and Herzegovina, to introduce special budget lines, and secure financial support for existing mechanisms of protection for victims of family violence developed by nongovernmental organizations,
4. In urgent procedure, to adopt social program that would also provide measures for protecting victims of family violence.

This public discussion was organized as a part of global campaign – 16 Days of Activism Against Violence Against Women – from November 25 – International Day of Fighting Against Violence Against Women, and December 10 – International Human Rights Day.

Nada Golubović, United Women Banja Luka
Lidija Živanović, Helsinki Citizens' Assembly Banja Luka
and participants of the public discussion

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OLGA LOLA NINKOVIĆ

OPPORTUNITIES AND OBSTACLES FOR COMMON ACTION

It is certain that women and men citizens of Bosnia and Herzegovina will remember 2005 as the year of turbulent political events and troubles. Advocacy for gender equality and human freedoms in general stayed on margins of public life, and was ignored again by creators of our destinies.

Arguments for such pessimistic vision came from women and men representatives of non-governmental organizations and political parties that participated at the round table organized by Helsinki Citizens Assembly Banja Luka and United Women Banja Luka. Similar views were dominant on public discussions and events that were organized throughout this year. However, this is a reason more for nongovernmental sector to strengthen its activities in a future, because it is obvious that B&H society needs their support and actions.

As the representatives of these two nongovernmental organizations said, they will remember 2005 as one of the most dynamic years, because political and social situation in the country required reactions and continuous public advocacy actions.

Numerous public appeals, requests, and warnings developed and sent by women from the public discussions were mostly ignored by official authorities and institutions, but also the international community. And women were just requesting real implementation of their legal rights.

Many women participants of the round table asked how we can access our political leaders, and make them see and understand the needs of common citizens that voted for them. It is very difficult to answer the question if political leaders have moral consciousness, when they do not have public responsibility for their actions. As a rule, many of the politicians are losing feelings and compassion when they reach power positions – they do not see their colleagues from political parties, but also they do not think about needs of common people.

This year was marked with numerous reforms – military reform, police reform, and tax reform – and politicians perfidiously avoided participation of women in these processes. According to the latest official statistic, women make approximately 53% of population in Bosnia and Herzegovina. They were persistent in their requests to share responsibilities and give their contribution in creating of all past and new reforms that would open us the possibilities to enter the European Union and better life for all.

Unfortunately, political leaders simply did not want to listen, as they were afraid to endanger their positions, and their personal interests because of common good.

Currently, we are all witnessing negotiations of political leaders in B&H about constitutional reforms. Again, there are no women on the places where they discuss future functioning and arrangement of Bosnia and Herzegovina. It is less known in the public that political leaders agreed about the part related to human rights and freedoms before they even start formal negotiations. We could only guess how much they care about this social issue, when none of them even tried to start discussion. They only issued the public statement that this part consist of documents related to human rights and freedoms, and naturally as



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proven "democrats and humanists," they accepted everything without any dilemmas. It is the same procedure how Bosnia and Herzegovina signed and accessed the international conventions and documents related to human rights and freedoms, and adopted the Gender Equality Law in B&H. There were no sincere intention to implement and respect these documents and laws in the practice.

Many public opinion researches done by nongovernmental organizations and media show citizens of Bosnia and Herzegovina do not have knowledge about their human rights. In their possessed race for power positions, political leaders did not have time to speak about these rights in the public, but also to learn about the existing human rights system in B&H.

As example for this, women participants of the round table pointed at recent suggestions developed by the Working Group for Changes of the Election Law in B&H that are not harmonized with the Gender Equality Law in B&H. Except nongovernmental associations and Gender Centers in both B&H entities, there were no reactions on such discriminatory proposals, not even from the international community.

By this proposal, participation of women candidates on the closed election lists would decrease on 20% and their chances to be elected would be equal to zero.

This open discrimination and violation of existing legislative, Working Group is trying to diminish the rights that women acquired in the past period thanks to the persistent advocacy actions of the women and men human rights advocates. This Body simply ignored the Amendments proposed by the women's NGOs and institutional mechanisms for gender equality.

Many women NGO representatives were critical toward the silence of women in political parties, and this opened discussion about position and treatment of women in the political parties. Women politicians said there is only small improvement in position of women in political parties, despite enormous efforts, lobbying and public actions. Women improved their positions only thanks to the accidental luck. As example, some women politicians said more women were appointed on decision – making positions because of numerous replacements of politicians, representatives, and delegates by the High Representative in B&H.

Many high positioned women in political parties are hesitant to say what they think because they are afraid they would not be on the lists of candidates for the next elections. They are facing difficult situations to reconcile between policies of their political parties, and their determinations for gender equality, as these two ends are in conflict very often. It is the fact that Bosnia and Herzegovina still has very low percentage of women in politics, and almost no women on leadership positions in political parties, and this explains their minor positions in political parties.

One of the positive things that happened in this year was the adoption of the Law for Protection Against Family Violence in both entities of B&H. Many participants said it was encouraging that representatives in the People's Assembly of Republika Srpska adopted all the amendments on this Law, that were on parliamentary agenda because of strong lobbying from women parliamentary representatives.

Participants of the round table said it is also encouraging that the City Administration of Banja Luka doubled budget lines for support of nongovernmental initiatives in 2006. Together with the adoption of the Law for Protection Against Family Violence in RS, this would probably enable opening of the Safe house in Banja Luka. Increase of the budget line was introduced thanks to the advocacy of women delegates in the City Assembly Banja



9

Luka.

Many women politicians emphasized importance of cooperation with nongovernmental associations through numerous projects and activities. This enabled women politicians to increase their knowledge and experiences, and to try to implement it in their work.

However, work on increasing awareness of women politicians about their rights and problems would be needed very much in a future period. Position of women in our society has been observed through our culture, tradition, and mentality, and it shows that women are facing with various types of hidden discrimination.

Since Bosnia and Herzegovina will soon enter negotiations with the European Union, and that B&H is forming negotiation teams, participants of the round table concluded we should act, and demand involvement of women in these teams. We must insist that politicians pay attention on women's human rights and gender equality during these negotiations.

Participants of the round table send request to the official institutions to integrate women's human rights in the Constitution of Bosnia and Herzegovina through provision that constitutive people are women and men Serbs, Bosniaks, and Croats.

As conclusion, we can say that this year was one of the cornerstones in struggle for equality of women in B&H society, regardless the fact that results do not offer much optimism for a future.

During past years, male political leaders did not take seriously women's struggle for equal participation in decision making, and their equal share of power. Male political elites were so certain that nothing could endanger their power positions, and agreed on certain concessions that enabled women to get on lists of candidates, and to reach certain positions.

We gained a lot's of experiences in this process, but also encouragement to continue to fight for increasing numbers of women in legislative and executive governance at all levels in B&H. We now see increase of women in executive positions, and three women ministers in the Government of Republika Srpska. However, although male politicians believe this is too much, women believe this is too little.

An open confrontation happened when male politicians felt that women are real competition, and that number of women on lists of candidates increases every year.

Banja Luka, December 27, 2005



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REGIONAL ROUND TABLE

**REAL AND LEGAL POSITION OF
WOMEN IN THE REGION OF
SOUTHWESTERN BALKANS**

BANJA LUKA, OCTOBER 1 – 2, 2005

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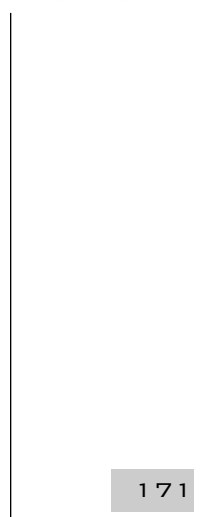


Nongovernmental organizations United Women Banja Luka and Helsinki Citizens'Assembly Banja Luka organized Regional Conference with title "Real and Legal Position of Women in the Region of Southwestern Balkan". The conference was organized on October 1–2, 2005, thanks to the support of our long-term partners from the Kvinna till Kvinna Foundation. The Conference aimed to gather women activists of nongovernmental organizations, women politicians, and women in official institutions, and to enable an overview of legislative and its implementation. The Conference also enabled exchange of experiences and information about these issues in the countries of this region. Women participants analyzed gender mechanisms and needs of female population from the angle of nongovernmental sector. They discussed problems in the work, and possibilities for improvements in future activities. In the final part of the conference, women participants developed recommendations and proposals for future activities.

We sincerely hope this Report will enable other women activists to gain useful information, and encourage them to express their views about the issue of real and legal position of women in this environment through further communication with us.

We wish to express our gratitude to all women participants for their contribution in our activities.

Nada Golubović and
Lidija Živanović



WOMEN PARTICIPANTS AT THE CONFERENCE:

Aida Arsović	Helsinki Citizens' Assembly Banja Luka, B&H
Aleksandra Petrić	United Women – hCa Banja Luka, B&H
Alma Spahić	Center for Legal Assistance for Women Zenica, B&H
Ane Jakšić	Gender Center of Federation of B&H, B&H
Azra Hasanbegović	Women BiH Mostar, B&H
Biserka Momčinović	Center for Civic Initiatives Poreč, Croatia
Bojana Genov	Women's Network of Croatia, Lošinj, Croatia
Bojana Jovanović	Lara Bijeljina, B&H
Branka Rajner	Human Rights Office Tuzla, BiH
Brita Bergstrom	Kvinna till Kvinna Foundation, Sweden
Cyme Mahmutaj	Office of the Kosovo Prime minister for Equal Possibilities and Labor Issues, Pristine, Kosovo
Danica Jovanova	Center for Political Education Skopje, Macedonia
Desanka Rađević	House of Peoples of the Parliamentary Assembly of RS, SDS Gradiška, B&H
Dijana Šehić	Global Rights Sarajevo, B&H
Dubravka Kovačević	Most, Višegrad, B&H
Gordana Vidović	Future Modriča, B&H
Irena Soldat Vujanović	Ministry of Education and Culture of RS, B&H
Jelena Milinović	Gender Center of RS, Banja Luka, B&H
Johanna Forberg	Kvinna till Kvinna Foundation, Sweden
Lana Jajčević	United Women Banja Luka, B&H
Lidija Živanović	Helsinki Citizens' Assembly Banja Luka, B&H
Ljiljana Čičković	Women's Center Trebinje, B&H
Ljupka Kovačević	Anima, Kotor, Montenegro
Maja Marjanović	Dayton Project – Program for Civil Dialogue in B&H, Sarajevo, B&H
Nada Golubović	United Women Banja Luka, B&H
Nada Tešanović	People's Assembly of RS, SNSD Banja Luka, BiH
Nuna Zvizdić	Women to Women Sarajevo, B&H
Sanja Srdić	Helsinki Citizens' Assembly Banja Luka, B&H
Selvete Gërxhaliu	Advisor for Family Violence and Trafficking of People in the Ministry of Labor and Social Protection, Pristine, Kosovo
Seida Beširević	Gender Center of Federation of B&H, Sarajevo, B&H
Sonja Drljević	AŽIN Belgrade, Serbia
Spomenka Krunić	Gender Center of RS, Banja Luka, B&H
Svetlana Cvetkovska	SOZM Program for Political Education, Skopje, Macedonia
Rada Kapetanović	Kolo srpskih sestara, Zubin Potok, Kosova
Tanja Ignjatović	Voice of Difference, Belgrade, Serbia
Valentina Novkovska Trajkovska	VMRO NP Skopje, Macedonia
Vesna Ivanović	Women's Forum, Bratunac, B&H
Željka Jelavić	Center for Women's Studies, Zagreb, Croatia

WORKING AGENDA OF THE CONFERENCE

Friday, September 30	
Afternoon	Arrival of women participants – Hotel "Palace"
19.30	Reception for women participants – Hotel "Bosnia"
Saturday, October 1	
09.30	Registration for the Conference
10.00	Welcome speeches, and opening
10.30	Recording broadcast of the TV Talk Show "BUKA"
12.00	Break
12.30	Introductory panel
13.00	Panel I Kača Đuričković – "Real and Legal Position of Women in Montenegro"
13.30	Discussion
14.00	Break
16.00	Panel II Selvete Gerxhaliu – "Real and Legal Position of Women in Kosovo"
16.30	Panel III Svetlana Cvetkovska – "Real and Legal Position of Women in Macedonia"
17.00	Discussion
17.30	Break
18.00	Panel IV Tanja Ignjatović – "Real and Legal Position of Women in Serbia"
18.45	Closing of the day
Sunday, October, 2	
09.00	Opening
09.30	Panel V Željka Jelavić – "Real and Legal Position of Women in Croatia"
10.00	Panel VI Dijana Šehić and Gordana Vidović – "Real and Legal Position of Women in BiH"
11.00	Break
11.30	Discussion
13.00	Break
15.00	Working Groups: Group I: Differences and Similarities in Legislation and Institutional Mechanisms Group II: Advocacy and Lobbying for Implementation and Changes
16.30	Break
17.00	Presentations and recommendations of the Working Groups
18.30	Evaluation and closing



9

With to inform wide public about real and legal position of women in the region, we started the Conference with recording broadcast of the TV Talk Show BUKA. This TV Program has been broadcasted two times – on Alternative Television Banja Luka and Radio Television of Republika Srpska. TV Talk Show BUKA has great viewer's rate in the whole territory of Bosnia and Herzegovina.

Participants of the TV Program were Cyme Mahmutaj, Bojana Genov, Gordana Vidović, Ljupka Kovačević, Tanja Ignjatović, and Valentina Novkovska Trajkovska.

In spontaneous and relaxed conversation with TV journalist Aleksandar Trifunović, women participants emphasized numerous issues of women in the region. They said that tradition and prejudices represent one of the key obstacles for real implementation of legislative that protect women's human rights.

Nuna Zvizdić, Nada Golubović, and Lidija Živanović were moderators of the working sessions at the Conference. At the beginning of the working part,

Nada Golubović had welcome speech for women participants.

Dear friends!

I am very pleased to welcome you all in our city, and wish you all a pleasant stay in the name of two organizations – Helsinki Citizens Assembly and United Women Banja Luka. We gathered here to analyze real and legal position of women in our countries. As hosts of this event, we wish you all pleasant stay in our city and successful work. Before we start with formal work on this Conference, I would like to introduce you with the Bosnia and Herzegovina, as the country of controversies where women live on margins of all social events. Of course, I will not speak about issues that will be presented to you by women panelists from Bosnia and Herzegovina. I will just share some of my thoughts with all of you.

War in Bosnia and Herzegovina ended with signing of the Dayton Peace Agreement, and we now have the state organization that has been defined with this Agreement. Women of Bosnia and Herzegovina were not deciding about the course and reasons for war, neither were they asked about the war. Women of Bosnia and Herzegovina were certainly not asked about enormous human victims and sufferings, as well as enormous and meaningless material destructions. We did not decide also about questions and conditions of peace.

Ten years after Dayton Peace Agreement, one can hardly say that women and men citizens of Bosnia and Herzegovina acquired what they expected with the peace. War and peace are without domestic winner, and with many losers. For the past ten years, we were living in peace that official authorities in Bosnia and Herzegovina did not use wisely.

When they were signing the peace in Dayton ten years ago, all of us hoped that upcoming years would bring true peace, promised investments, economic reconstruction, communications, contacts, and trust among people. Very few people could believe that only few things will move forward for the past ten years:

- Mistrust between three constitutive nations in Bosnia and Herzegovina still exists,
- Economy is slowly recovering,
- Only limited funds that are entering Bosnia and Herzegovina are used for wellbeing of women and men citizens of this country,
- Communication between elected officials and common citizens are alive only from elections to elections, and we can say this communication is more restricted than open,

- There is general mistrust and uncertainty about better tomorrow,
- Refugees and displaced persons did not return really, and majority of them have no place to go,
- Roads are often without direction,
- Women have marginal position in a society.

We can say that economy is devastated, and male elites are ruling throughout the country. Our hopes for better life are not accomplished. Progress is very slow and painful, as if some force is dosing it drop by drop.

War brought many disappointments for those people that were opposing it and opposing dissolution of the country, as well as for those people that hoped for accomplishing national and other objectives through the war. There is general apathy, distrust, despair, revolt, criminal, corruption, and amorality. We have twisted system of social values, and many people have difficulties to deal with it. Currently, the country is in unprecedented political, economic, cultural, and moral crisis.

Beside abovementioned, we are facing the period of reconstruction of the country. This is not only our need, but also a need of our youth people and children that are future of this country.

As women, we were on social and political margins for a long time, but now we cannot stay behind because we make more than half of the population in Bosnia and Herzegovina, and we are the source of a new life, in a literal sense. For many years, we are working on rebuilding trust among citizens. I believe now is the time for us to act in the area of reconstruction of economic, spiritual and cultural connections, on reconstruction of households, families and population. Beside local activities, the most important thing is that we want to participate in reconstruction of the country in all fields of life.

In order to accomplish these tasks, first we must rebuilt and determine our own consciousness about our social and political importance, and consciousness about multiply interrelated needs of mutual interests. Now is the time for us to say to the country officials where the place is for women in political, cultural, and economic life.

There is no family without a woman, there is no state without a family, and there is no progress without peaceful and organized state. We did not lead the war, neither had we encouraged it. We want to make decisions about peace, and in peace. Women did not bear retrograde political views and ideologies, women bear victims of such ideologies and politics. We are not for current cold peace full of dangers, but we are for true peace and cooperation.

We do not agree that our children should die and become invalids for somebody else's political ideologies and profit.

For the past decades, and especially for past several years, we were victims of various ideologies. Our vision should be ordinary life and work, building, not devastation. If we do not start to work on rebuilding connections and trust, future generations will not forgive us for it, nor will they be able to understand our hesitation. We do not agree to live in isolated country, but we want to be equal and useful part of the Europe and the world community. We are not people that are poorer than others are. We are people to whom their own history was unfortunate, dividing us according to someone else's criteria and needs. There are only few of us to be divided even further, we are too similar to allow permanent alienations, and we are too connected and mixed to easily and without damage separate our individual and collective interests.

In present Europe that is uniting by a need of historical and evolutionary reasons, we do



9

not have a right to work on disintegration, and act anti-historically and anti-revolutionary. Those who are against this process do not have a sense of time, and looking from the perspective of our general needs, they are not working with the best intentions. Peoples of Bosnia and Herzegovina are brothers by blood and belong to old European nations; no one has the right to separate us from the Europe and its historical movements. It is certain that war, poverty, and backwardness do not represent our interests. On the contrary! We are aware that peoples are instrumentalized for the interests of political oligarchies and unscrupulous world capital. We need to know that we can enter the future through different roads than those that are marked out to us as a route by local and foreign politicians during a past few years. We need to search for our own road, no matter how uncertain and durable it looks for us now. Every road has its first step, and this is what we want to do today, regardless how the centers of political power will accept our needs for active and equal participation of women. This is unavoidable, and politicians in Western Balkan must recognize it, where there is necessity of cooperation and it will persist as a fundamental need. We need to be directed to each other in order to transform our environment in the center of peace, not always a gunpowder keg. We cannot create peace without offered hand of reconciliation, and we cannot offer a hand clenched in a fist, as Indira Ghandy wisely said once.

Now are the time for women in Bosnia and Herzegovina and all other countries of Western Balkan to go out from the shadow, and take a social place that belongs to them.

There is no reconstruction without a woman, there is no state without a reconstruction, and there is no future without a woman. No one should be deceived that we will passively wait that someone else decides how we will live and die!

Dear guests, in a next few days, we will have an opportunity to exchange opinions, ideas, and experiences. I hope we will get some useful recommendations through analysis of the situation in our countries. I hope that male political elites would pay attention on our views. I truly believe that most of us have similar thoughts and feelings about our misfortunes, and I hope we will be successful in the task that gathered all of us here.

This is also an opportunity for us to say thanks for our friends from Kvinna till Kvinna Foundation from Sweden on their support in organizing this Conference, but also their long-term support and cooperation with us.

KAĆA ĐURIČKOVIĆ

REAL AND LEGAL POSITION OF WOMEN IN MONTENEGRO

About General Legal Frameworks

The Constitutional Charter of the State Community of Serbia and Montenegro, proclaimed respect of human rights for all persons under its jurisdiction as one of the objectives of the state community. In that sense, it has been regulated that the states members are developing, securing, and protecting human rights and minority rights, and citizens' freedoms on its territory (Article 9, Paragraph 1). Provisions of the international conventions



about human rights and minority rights and citizens' freedoms that are effective for the territory of Serbia and Montenegro should be directly implemented (Article 10).

According to the Constitutional Charter, ratified international documents and generally accepted rules of the international law have priority over law of Serbia and Montenegro, and laws of member states (Article 16).

Charter About Human Rights, Minority Rights, and Citizens' Freedoms regulates that everyone has the obligation to respect human rights and minority rights guaranteed by the Charter, that these rights should be implemented directly, developed directly, secured, and protected by the Constitutions, laws, and policies of the member states. The Charter guarantees equality of all by the law, and equal legal protection, without discrimination. It prohibits both direct and indirect discrimination on any basis, including gender-based discrimination.

The Constitution of Montenegro guarantees freedom and equality of all citizens, regardless any special or personal characteristics, and equality of all by the law.

Real Position of Women in Montenegro

Despite clearly defined legal frameworks that proclaim the principle of equality, it is understandable that even the most developed legal systems do not always provide mechanisms for equal possibilities of all people.

Looking from the gender perspective, this relates especially on women. For many centuries, women were living in system and environment that were developed for men. More often, women simply adjust to these systems, rather than they change these mechanisms and legal frameworks. There are different views of what type of development would be the most favorable for Montenegro. However, all activists of women's movement, rare employees of some official institutions, and international organizations are unique in opinion that women are in disadvantaged position in Montenegro.

Recently published Official Report about implementation of millennium development goals clearly outlines position of women in some fields of society in Montenegro. Here is some of the information:

Economic Position of Women

Based on various field researches, there are following indicators about disadvantaged economic position of women in Montenegro:

- Approximately 53% of women are employed in Montenegro, 31% of women work in informal sector, or searches for job, and 16% of women were never employed. Only 7,2% of women work on managerial positions in companies.
- As the average, women have lower salaries than men for 18%.
- Unemployment rate of women is higher than unemployment rate of men – approximately 38%
- Women have more difficult conditions to find a job
- Women are waiting for job longer than men
- Women face open and hidden discrimination in professional development (there are less women on higher professional levels)
- It is higher probability that women would be exposed to poverty, because they are dominantly supporting children after divorces, especially in the case of single mothers
- It is higher probability that women would be exposed to poverty in old age, as the result of relatively smaller number of women pensioners, and their lower pensions

(because of higher unemployment, and higher inequality of incomes between women and men)

- Women have lower professional qualifications and education, especially among older categories, while young women are more oriented toward further education
- In comparison to men, women are more frequent employees than employers (at least double difference)
- Extremely high percentage of women in category of "supported family members"
- Extremely high difference in unpaid housework between men and women.

Gender Inequality in Montenegro has been defined in this Report as the issue that requires urgent attention, especially in the part of gender aspect of poverty.

Currently, it is impossible to quantify the issue of gender inequality in Montenegro, because we lack legislative base for keeping gender disaggregated statistic information.

Based on statistics from media, experiences of NGOs, and some field researchers, we can make following conclusions:

- There is high level of gender discrimination, in favor of men, in traditionalistic approach to the inheritance rights. Although they have right to inheritance directly in the first line, daughters and mothers are giving up these rights, especially on land and houses, which by traditional law should go to men – sons and brothers;
- There is gender discrimination in terms of choosing profession (especially in textile industry, health services, educational system, state administration, etc. In principle, women are getting less paid positions), and gender (in)sensitive language is also an indicator of how women dominated professions are socially degraded – e.g. it is common to use terms cleaning lady, tailor woman, but not women president, women manager, women minister, etc.
- In decision –making field, especially politics, and managerial and leadership positions, there is clear and easily recognized discrimination in favor of men,

There are 12% of women in the parliament, government has only two women ministers, and there are two women majors, out of 21 municipalities. There are 55 women delegates in municipal assemblies.

- Direct gender discrimination in the process of education is not clearly visible, although there is stereotypical division on so-called "male" and "female" professions, and other types of gender stereotypes.
- Psychical or psychological violence against women represents one of the easily recognizable types of discrimination in Montenegro, and it is still taboo topic,
- Process of anomalous changes that are accompanying transition, especially poverty, led us to enforced deterioration of human dignity where women are perceived as sexual objects. It is enough to look into one of the daily newspapers, and to receive information about dozen hot lines for men. Women are represented as objects in photos that are accompanying daily news, and above-mentioned advertisements.
- Gender discrimination within families is visible through strict division of jobs, and level of engagement, and inferior position of women in family planning.

Trafficking of people became another serious international and national problem, with visible influence, especially in the Southeastern Europe. Because of geographical position, Montenegro became a transit country for victims of human trafficking coming from Eastern Europe and Balkans, and trafficked to the countries of European Union. However, Montenegro also became the country of origin, where victims are exploited for prostitution, forced labor, begging, or even trade with human organs. Majority of foreigners, victims of



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human trafficking that received assistance in Montenegro in 2001 was between 18 and 24 years of age. 16, 19% of victims were minors (between 14 and 17 years of age); 44% of victims were between 18 and 24 years of age, 25% of victims were between 25 and 30, and 14% of victims were over 30 years of age. 39% of adult women were over 24 years of age in the moment of their identification and asking for the assistance, which is very high rate in comparison with the other countries in the region.

MDG (Millennium Development Goals) Report defined following programs of the Government of Montenegro for promoting gender equality:

- 1) Enabling access to education for girls from categories affected with poverty
- 2) Promoting women's rights
- 3) Support for establishing efficient public sector directed on people that strive for higher representation of women in the government and other public institutions, in accordance with the international standards
- 4) Strong support for groups of women volunteers, etc.
- 5) Encouraging political representation of women in central and local government

National Action Plans are developed for:

- Prevention of human trafficking – adopted by the Government of Montenegro
- Improving gender equality – it should be discussed and adopted during autumn

It is important to mention that Montenegro is currently in the process of developing Gender Equality Law. This Law should be on public discussion during October 2005.

Existing Institutional Mechanisms for Gender Equality in Montenegro

Office for Gender Equality of the Government of Montenegro

On the session held on March 23, 2003, Government of Montenegro established the Office for Gender Equality. This first institutional mechanism for gender equality represents the first precondition for creating public policy of equal rights and possibilities for all citizens, in accordance with the constitutional principles and values in Montenegro.

In cooperation with the Stability Pact for Southeastern Europe – Working Group for Gender Equality – we established tight international cooperation with the institutions that are working on gender equality issues, especially on the regional level.

In accordance with its mandate, Office for Gender Equality of Government of Montenegro is implementing numerous activities, as follows:

- Monitoring changes and adjustments of the legislation in accordance with the international standards and ratified documents;
- Work on developing and adopting new laws and other regulations that are more clearly defining gender equality/equal rights and responsibilities, such is the Gender Equality Law;
- Work on implementation of the Convention on Elimination of All Forms of Discrimination Against Women – CEDAW, monitoring situation and preparing reports for the CEDAW Committee;
- Work on developing periodical National Action Plans to be adopted by the Government of Montenegro;
- Establishing cooperation with similar mechanisms for gender equality in the region and worldwide;
- Establishing cooperation with international and local nongovernmental organizations and citizens' associations;
- Cooperates with the Government, and represents advisory body in the field of human



rights – gender equality;

- Establishing cooperation with the parliamentary commissions, and other institutional mechanisms for gender equality, planning and implementation of the coordinated activities;
- Implementing social researches in the field of gender equality;
- Implementing education and activities on raising awareness of women and men citizens of Montenegro about the gender equality issues, and
- Conducting numerous activities related to the promotion of gender equality and policies related to equal possibilities of both sexes in following fields – education, health, politics, economy, sport, rule of law, and all other social fields of general and special importance.

During the past two years, Office for Gender Equality of Government of Montenegro implemented numerous projects, such as – "Women in Governance", "Regional Club of Women Parliamentarians", "Women Can Do It III", "Women's Map of Montenegro", "Women in Politics and Society", "Prevention of Violence", and magazine "Femina." These projects and initiatives have been characterized with numerous partnerships with the international and local organizations and institutions. They ensured important visibility of gender equality issues in the public in Montenegro, and influenced on significant improvement of general relations and policies, and work of the official institutions in the field of gender equality.

Commission for Gender Equality of the Assembly of Montenegro

On its session on July 11, 2001, Assembly of Montenegro adopted decision about establishing Commission for Gender Equality, as a permanent working body of the Assembly. Commission for Gender Equality examines and monitors implementation of the human rights and freedoms of citizens related to gender equality determined in the Constitution.

Furthermore, it performs following duties:

- Examining draft laws and other documents that are important for implementation of gender equality principles, encouraging implementation of this principle in the laws of Montenegro,
- Encouraging and proposing signing of the international documents related to gender equality, and monitoring implementation of ratified international documents in Montenegro,
- Suggesting measures and activities aimed for improving gender equality, especially in the areas of education, health, public information, social policy, employment, entrepreneurship, family relations, and decision-making, etc.
- Participating in preparation and development of documents and harmonization of legislative in this filed with standards and legislation of the European Union, cooperation with nongovernmental organizations that are working on gender equality.

Ljupka Kovačević presented the report about real and legal position of women in Montenegro instead of Kaća Đuričković that was planned as panelist for the Conference and unfortunately could not join us. Ljupka also expressed fear that all efforts for affirmation of women's human rights in Montenegro would stay in the shadow of political turbulences in this country. She emphasized that rumors about the possible war in this area look more and more realistic.

After this presentation, Sonja Drljević emphasized that key problem on the road for real affirmation of women's rights is economic empowerment and independency of women.

As reaction on presentation from Montenegro, **Biserka Momčinović** said she is deeply concerned with "announcement of possible war" in Montenegro. This problem ensured her that common reality of all women in Southwestern Balkan is far from optimism. Women participants of the Conference could hear numerous examples that women are still far from their guaranteed rights through following presentation from **Selvete Gërxhaliu** from Kosovo, which presented an overview of real and legal position of women in Kosovo today.

MR.Sc. SELVETE GËRXHALIU

Adviser on Domestic Violence and Counter-Trafficking Sponsored by OSCE Mission into the Ministry of Labour and Social Welfare

LEGAL AND REAL POSITION OF WOMEN IN KOSOVO

Introduction

When discussed, gender equality is usually thought to be an issue that pertains to women only. Gender equality however is not women's issue only, but an issue that concerns all. Advancement of women's rights and accomplishment of gender equality between women and men is an issue that concerns human rights and is premise for the social justice. Gender equality is not something made up by a wish, but is sanctioned in various legal acts and documents. Legal measures aim to accomplish full equality between men and women in the society. These measures seek to enable members of a certain gender to participate equally in all fields of civic and social life; eliminate factual gender inequality, and provide them the rights they did not enjoy before.

1. Legal Status of Women in Kosovo

In Kosovo, just like everywhere in Europe, law guarantees gender equality. According to the law, women and men have equal rights and responsibilities. Kosovo institutions have compiled and approved laws that are in force and that guarantee gender equality in all spheres of life. However, gender equality and real quality position of the women cannot be achieved if this issue is considered a problem only for legal acts.

Laws when enforced properly can be used to achieve gender equality, but again only laws are not sufficient to ensure real gender equality. Creation of specific institutions and mechanisms for the advancement and protection of gender rights is necessary.

Kosovo Government (UNMIK and PISG) are committed in the promotion and achieving women human rights. The Goal is to strengthen institutional mechanisms and legal bases to achieve gender equality. Government aims to:

- " Create an administration and civil service that guarantees international standards of human rights at the central and local level,
- " Promote, institutionalize the issues of gender equality and design policies that support the developed and improvement of the position of women in Kosovo



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" Establish a successful cooperation and coordination among the local and international institutions, civil society, and the citizens of Kosovo to bring life positive measures in order to achieve gender equality.

Legal and institutional framework and efforts of organizations and individuals have contributed to have some initial results, which are: Gender equality issues are institutionalized at central and local level; gender composition of the institutions in particular assembly 30% of the seats are held by women; Gender equality terminology is included in teaching curricula; research on gender statistics Man and women in Kosovo; NGO active role and network in cooperation with government.

On June 2002, UNIFEM facilitated a discussion which brought up the need to have a document based on what will be drafted the strategy to reach gender equality in five upcoming years. The document was called National Plan of Action on Gender Equality. Drafting of the Kosovo Action Plan on Gender Equality went in different phases, which made possible for all interested stakeholders to give their own suggestions and comments. Kosovo Action Plan on Gender Equality reflects ideas of different group and partners as well as government responsible officials who have to impellent this plan of action.

The biggest challenge stands on the implementation of Kosovo Action Plan on Gender Equality. Still is lack of expertise, general public has to be more targeted and outreached, monitoring of the implementation of this plan.

2. Core Legal Remedies Which Provide Gender Equality

In focus of this presentation will be some aspects of constitutional framework, gender equality, anti-discrimination, labor, family, and other laws in Kosovo.

Kosovo Constitutional Framework⁴⁸ guarantees for a government with human rights system. Therefore, it guaranties for gender equality. Convention on Elimination of all forms of Discrimination against Women – CEDAW, is applied directly as a part of the Constitutional framework with all the rights and freedoms foreseen in this convention.

The Law on Gender Equality in Kosovo (LGE)⁴⁹ also protects treats and establishes gender equality as a fundamental right in the democratic development of Kosovo society. LGE provides with equal opportunities for participation of women and men and their contribution in the political, economic, social, and cultural development as well as in other fields of social life.

Law on Gender Equality in Kosovo sets the conditions and opportunities for gender equality through policies that support overall development, especially for the improvement of the females' status so that they are entitled to authority in the family and society. This Law specifies measures that need to be undertaken for the provision of equal rights and specifies the responsible authorities and their relevant competencies.

Whereas the Anti –Discrimination Law⁵⁰ is adopted with the aim of preventing and combating gender discrimination in all fields of social life in Kosovo, implying that no direct or indirect discrimination will be allowed against person regardless of their gender, age, marital

48 UNMIK Regulation 2001/ 9– " On Constitutional Framework for provisional Institutions of Self-Government in Kosovo "

49 UNMIK Regulation 2004 /18 " On the Promulgation of the Law on Gender Equality in Kosovo "

50 UNMIK Regulation 2004 / 32 " On the Promulgation of the Anti- Discrimination Law adopted by Kosovo Assembly"

status, language, mental or physical disability, sexual orientation, nationality, religious or political beliefs, ethnic or social background, race, property, birth or other statuses

Labor and gender equality – Public and private sectors and legislative and executive institutions shall provide equal rights and opportunities for women and men in labor and employment sector.

Announcement of job vacancies shall not contain any words or expression that might cause gender discrimination.

Employer is obliged to pay an equal salary for both men and women, for the same work and for the work of the same importance, and shall provide equal employment and working conditions.

Harassment and sexual harassment in the working place is prohibited.

Marital status – Women and men are equal by law in all issues that come out of marriage and family relationship. Specifically, based on equality between husband and wife law ensures:

- a) The equal right to enter into marriage;
- b) The equal right to choose freely his/her spouse and enter into marriage only with their free and full consent;
- c) The equal rights and responsibilities during marriage and at its dissolution;
- d) The equal rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children;
- e) The equal personal rights as husband and wife, including the right to choose the family name, profession and occupation;
- f) The equal rights for both spouses in respect to ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration;

Domestic violence – Domestic violence in Kosovo is recognized and sanctioned through effective legal protection and established assistance mechanisms for victims of domestic violence. Protection from domestic violence is ensured through UNMIK Regulation 2003/12, on protection Against Domestic Violence.

Conclusion:

This is short description of same legal documents available currently in the Kosovo legislation on gender equality. The ongoing task is eradication of traditional roles of men and women in a society. This task is a long process but irreplaceable in achieving complete gender equality. In this process society and an overall cooperation of all societal cells is more than necessary.

Fundamental Legislation for Gender Equality in Kosovo

- UNMIK Regulation 2001/ 9– "On Constitutional Framework for provisional Institutions of Self-Government in Kosovo"
- UNMIK Regulation 2004 /18 "On the Promulgation of the Law on Gender Equality in Kosovo"
- UNMIK Regulation 2004 / 32 "On the Promulgation of the Anti-Discrimination Law adopted by Kosovo Assembly"



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- UNMIK regulation 2005/7 "On Promulgation of Law on Inheritance in Kosovo,
- Law on Marriage and Family Relations (official Gazette of SAP of Kosovo 1984, No 10)
- UNMIK Regulation 2003/12 "On Protection against Domestic Violence"
- UNMIK Regulation 2001 /19 "On the executive Branch of the Provisional Institutions of Self-Government In Kosovo"
- UNMIK Regulation 2000/45 "On Self -Government in Kosovo"
- UNMIK Regulation 2000/38 "On the Establishment of the Ombudsperson Institution in Kosovo"
- UNMIK Regulation 2000/4 "On prohibition Against inciting to National, Racial Religious or Ethnic hatred, Discord or Intolerance
- UNMIK Regulation 2001/36 "On Kosovo Civil Service"
- UNMIK Regulation 2001/27 "On essential Labor Law in Kosovo"
- UNMIK Regulation 2000/54 "Amending UNIMK Regulation No. 1999/1, as Amended on the Authority of the Interim Administration in Kosovo"
- UNMIK Regulation 2000/59 "Amending UNMIK Regulation no, 1999/24 On the Law Applicable in Kosovo"

All these laws can be found on UNMIK webpage: www.unmikonline.org

After presentation of the report from Kosovo, Rada Kapetanović mentioned example of positive discrimination in the UMNİK controlled area, were 50% of women are police officers.

"You can see that we have great accomplishments, but what is the real situation?" asked Nuna Zvizdić.

Selvete responded that everything looks perfect in laws, but it is far from being perfect in reality. As example, she mentioned the fact that women are only represented formally in all official institutions in Kosovo because of pressure from the international community. Women are also discriminated in educational sector. "If some family has to choose if they would send a boy or a girl to the school, they always choose a boy," said Selvete.

Cyme Mahmutaj again emphasized necessity of economic independency of women, and that difficult economic situation slows down democratization of a society in Kosovo.

REAL AND LEGAL POSITION OF WOMEN IN MACEDONIA

Constitution of the Republic of Macedonia from 1991, Article 9, promotes equality of all citizens of Republic of Macedonia regardless their sex. Government of Republic of Macedonia ratified following documents that are basis for reaching gender equality in legislation, in all fields of social life:

- Universal Declaration on Human Rights (1948)
- Convention on Political Rights of Women (1954)
- International Covenant on Economic, Social, and Cultural Rights (1966)
- International Covenant on Civil and Political Rights (1966)
- Declaration on Elimination of All Forms of Discrimination Against Women (1967)
- Declaration for Protection of Women and Children in Dangerous Situations and Armed Conflict (1974)
- CEDAW Convention (1979)
- Declaration on Elimination of All Forms of Discrimination Against Women (1993)
- International Convention on Prevention, Punishment, and Elimination of Violence Against Women (1995)
- Optional Protocol on CEDAW Convention (1999)
- Universal Declaration on Democracy (1997)
- Beijing Declaration and Platform for Action (1995)

Legal Status of Women

- **1998** Assembly of Republic of Macedonia adopted "Declaration for Greater Participation of Women in Public and Political Life"
- **1999** Government of Republic of Macedonia adopted "National Action Plan for Gender Equality"
- **2002** Government of Republic of Macedonia adopted "Law About Election of Representatives" that ensures representation of at least 30% of representatives from less represented sex.
- **2004** Changes of the Criminal Law, where Republic of Macedonia regulates family violence for the first time.
- **2004** Family Law – incorporated new Chapter no 7 about violation of marital and family relations, which also regulates the issue of family violence.
- **2005** Changes of the Labor Law, and introducing protection of women in employment field.
- **2005** Law about Local Elections, which ensures minimum of 30% quota for representatives of less sex on upper and lower half of a candidate list.
- **Law About Equal Possibilities** is currently in the official procedure, and its adoption is expected until the end of 2005. The main objective of this Law is establishing equal possibilities for men and women in politics, economy, social protection, and all fields of social life.



Position of Women in Governance and Decision Making – 2005

- *Executive Governance*
There are only two women – Minister of Foreign Affairs and Minister of Justice, out of total eighteen ministers in the current, coalition of Government of Macedonia
Woman is Deputy Prime minister of Republic of Macedonia.
- *Women Representatives in the Assembly of the Republic of Macedonia*
1990 – 4,2% – there is no quota for women in the Election Law
2002 – 18,3% –there is quota of 30% for less represented sex in the Election Law
- *Women in Local Governance*
1996 – No women majors, 6,1% women advisors
2000 – 2,4 % women majors, 8,4% women advisors
2004 – 3,5% women majors, 22,4% women advisors (quota introduced)

Position of Women in Rural Communities

- Dominant traditional type of households where women have very small influence in decision making and distributing of the house budget (2,1%)
- Researches show that women are not owners of the family property, and this represents male privilege
5% of women are owners of apartments and houses
1,9% of women are land owners
4,3% of women are owners of savings accounts
- Women are more engaged in households, upbringing of children, preparing food, working on land (84%), 4,3% of women are engaged in social activities, and 13,6% of women are members of political parties.

Position of Women in Media

In total of 70 media companies in Republic of Macedonia that were subject of research

- 52% of women are journalists in printed media
- 49% of women are journalists in electronic media

Positions	Printed Media	Electronic Media
Editors	33%	40%
Main Editors	25%	34%
Directors and/or Owners	14%	30%

Work and Employment

- Republic of Macedonia has 36,7% of unemployment rate, which represents the highest registered percentage of unemployment in the countries of Central and Eastern Europe
- Out of total number of unemployed persons, 36,3% are women
- Women are mostly employed in low paid professions (health, education, trade, and especially textile industry, where there is extremely visible exploitation and abuse of female labor)
- There is visible discrimination of women in employment. Job advertisements are mostly targeting young women below 30 years of age, without family obligations, and with attractive physical look, etc.

National Mechanisms for Prevention of Family Violence

1. Centers for Social Work – MTSP

2. Police
3. Daily hospitals for treatment of dependency illnesses
4. Medical institutions
5. Legal services
6. National SOS telephone line for victims of family violence
7. Five shelters for women victims of family violence (Skoplje, Kočani, Kumanovo, Strumica, and Bitola).

According to the official statistics of Ministry of Interior Affairs, there were registered 105 criminal acts, 578 minor offences, and 1823 reports during the period of first six months in 2005.

Women are the most frequent victims of all forms of family violence – 931 cases, parents are victims in 538 cases, children are victims in 259 cases, and men are victims in 195 cases.

Mechanisms for Reaching Gender Equality

- Department for Gender Equality within the Ministry for Labor and Social Policy.
- In 2000, **Macedonian Women's Lobby** – a group for pressure on institutions, public, media, and political structures. Macedonian Women's Lobby represents the coalition of women from different structures – NGOs, political parties, media, governmental institutions, women of different nationalities, political, and religious affiliation.
- 2003 – opened the office for logistical support for Macedonian Women's Lobby, and created the network in ten cities.
- 2003 – created **"Women's Parliamentary Club"** in the Assembly of Republic of Macedonia. This Club represents a neutral space where women parliamentary representatives can cooperate and coordinate their activities aimed for improvement of women's human rights and solving women's issues, regardless of their political affiliation.
- 2004 – established ten **Commissions for Gender Equality** in municipality councils, and offices for support in work of these commissions
- There is strong and organized women's movement in Macedonia, there are three networks of women's nongovernmental organizations
- OOZM – Network with ethnically Macedonian women's nongovernmental organizations
- SAZM – Albanian women's network
- SOZM – Multiethnic women's network

SOZM is women's network of 70 local nongovernmental organizations. It made an important contribution in promotion and reaching gender equality through different initiatives and implemented activities in following programs:

- Program of Political Strengthening of Women
- Economic Program
- Program Against Discrimination of Women and Family Violence
- Youth Educational Program
- Women's Studies

Priorities in Women's Movement for Future Period

- Improving status of the Department for Gender Equality on the sectoral level, increasing mandate, human resources improvement, and securing special budget.
- Implementation of the National Action Plan for Gender Equality
- Adoption and implementation of **Law About Equal Possibilities**
- Increasing number of women in decision making structures on local and national level
- Ombudsman for Women's Issues



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- ¢ Improving economic situation of women
- ¢ Continuous struggle against violence
- ¢ Strengthening awareness of women in urban and rural communities about their position and role in all fields of social and public life.

TANJA IGNJATOVIĆ

LEGAL AND REAL POSITION OF WOMEN IN SERBIA

Look Back: In 2000, on the conference of women members of political parties from democratic opposition, women representatives of nongovernmental organizations, trade unions, and media, prepared themselves for upcoming changes, and adopted "minimum of common women's interests."⁵¹ After the fall of regime, legislative changes introduced some important things – family violence, rape in marriage, and sexual harassment became criminal acts, trafficking of people was defined as organized crime, election laws introduced quotas for less represented sex, family law introduced measures against family violence, and labor law introduced protection against sexual harassment.

Government introduced gender aspects in strategic documents. Currently, Government is preparing Strategy for Fighting Violence, and Strategy about Women's Health. Representatives of ministries and national services are participating in educational seminars about gender equality issues. Gender Equality Council has been created as expert and advisory body of Government of Republic of Serbia. The Council is working on analysis, situation assessment, and measures for improvement of women's position. Ministry for State Administration and Local Self Governance recommended introducing commissions or persons that are responsible for gender equality. With the assistance of OSCE, this has been implemented in 45 municipalities. Board for Gender Equality has been created in the People's Assembly of Republic of Serbia. During 2005, draft Law about Gender Equality has been prepared, and it will ended the parliamentary procedure in its autumn' session.

Other Type of Reality: When someone would like to describe shortly current political and economic situation in Serbia some of the key characteristics would be following: slow economic transition because lack of capabilities of authorities to fundamentally change relation between state and economy; inflation mostly affects poor people; slow reconstruction of the public sector accompanied with strivings for preserving of the state owned property, with promised "improvement of management"; system of internal security, army, and justice system is still inefficient and corrupted, and official politics impede rule of law; the highest price for social and economic difficulties are paying poor and marginalized people, largely women; feminization of poverty, growing exploitation, and abuse of women on grey and black labor market, trafficking of women for the purpose of sexual and labor exploitation

51 Minimum 30% of women in political parties, on lists of candidates, and at all levels of decision making; equal division of labor and responsibilities in house, governance and the state; reaching equality in education, employment, wages, carriers, pensions, life without war politics and nationalisms, fear, and violence against women; free contraception, right on safe and legal abortion, health prevention for women, and health protection accessible for all; education based on principles of equality, tolerance, solidarity, peace, and existing differences.



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are not politically important issues; institutions still inadequately offer protection; there is no response on misogyny in media, disqualification, and degradation of women in public sphere; because of growing nationalism, there are more frequent treats to the organizations that are questioning responsibility for war crimes, and advocate for human rights, and women are, not by chance, leaders of these organizations. Our state is two years late with submitting of the initial reports on Convention on Elimination of All forms of Discrimination Against Women. This Report lacks any statistics about situation in many fields.⁵² Increase in number of women in parliaments did not enable women to reach positions where they can make decisions about resources and national priorities. Government introduced religious instructions as the part of regular school program, and this year, Ministry of Education closed Department for Democratization.⁵³ We succeeded to defend formal right to decide about birth – only women know how "safe and legal" abortion looks like. Counting could be much longer, but none of this worries current democratic government.

Discrepancy between formal provisions and reality of daily life brings many open questions for us. Did we have democratization of society, and was it possible how it was developed, supported, and implemented? Are we naive when we believe that changes of laws, strategies, or establishing of mechanisms for gender equality (at all levels) would "logically" lead to establishing equality, and improving real position of women? Why we count laws, mechanisms, or individual activities as indicators of changes, and we do not question or monitor effects, accomplished impacts and changes?

Under Screen: If we want to be sincere with ourselves, each legal change that we mention as improvement in reaching gender equality misses key mechanism for reaching it⁵⁴.

Judicial practice shows that punishment policy for violence against women is unjustifiably soft, and three years after, proposed legal changes consist of lower penalties for acts of violence. Strategies are adopted without any obligatory action plans. Fastened adoption of laws and strategic documents does not leave times for critical assessment and extensive public discussion of all stakeholders. Pressure of the international organizations has been used as excuse for promptness, which exclude influence of those groups that would be the most affected with the changes. Therefore, we will soon have the Gender Equality Law and Framework for National Strategy Against Violence, which were created by "teams of experts" where there was no space for representatives of women's organizations.

Are women's nongovernmental organizations capable for contribution in structural changes, and changes of traditional social and cultural environment? Or, perhaps, we are confused with "wheel of transition that caught us unprepared, fragmented, deeply marginalized, and structurally immature for creating progressive social changes."⁵⁵ Relationship with newly created institutional mechanisms for gender equality opens a new field for negotiations, for which we are also not ready, because of illusion about "natural cooperation and common

52 Latest draft Report that was available to us (2004) is unprecise and lack statistic information. Especially noticeable is commentary of cooperation between governmental and nongovernmental organizations with "taking over" the activities without any mentioning who implemented them.

53 Authorized for the course of civic education, as the elective subject, alternative for religious instructions ?)

54 Election laws do not have mechanism that would ensure using same quota for lists of candidates and distribution of mandates; prohibition of sexual blackmailing at work does not put burden of proof at employer; protection measures for family violence do not have mechanism in case of violation;

55 Nada Ler Sofronić, The End of Transitional Paradigma – Gender Perspective, in Women and Politics: Gender Issues in Political Theory (documentation), Women's Infoteka, Zagreb, 2002



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policy" that connect us. It has been confirmed that the greater dependency from cooperation leads to fewer freedom in acting against it. The question – "do we have today critical mass of women that could recognize global causes, nature, and logic of local and global social and cultural processes, and institutional agents that are encouraging eventual deterioration of women's position" – enforce the need for us "to see where we are and try to understand women's perspective."⁵⁶

To conclude, can we define "our own program and autonomous movement" in order to improve real position of women?

Nuna Zvizdić expressed thanks to Tanja on her courage to identify and point on common problem, which worries all nongovernmental organizations in the region.

Ane Jakšić believes Tanja opened extremely important issues related to the procedures. She emphasized the possibility that we might reach dead-end without answering them. She said there is a time for nongovernmental organizations to start receiving financial support from governmental budgets, and that we should advocate for that.

Dijana Šehić believes Tanja opened many important issues that deserve organization of the special conference. She thinks that putting "pressure on people in official institutions" represents the most effective way for affirmation of women's human rights.

As precondition for successful affirmation of women, **Selvet Gerxhaliu** mentioned needed support from men, especially male candidates, but also building of self-consciousness about autonomy, and personal values. As bad example, she mentioned some of the Albanian women that reached some positions, but they are "satisfied with preparing coffees for some individuals in the Government, and do not strive for something better."

Gordana Vidović asked general question – if nongovernmental organizations are engaged in "political prostitution." She explained, "Nongovernmental sector is trying to please Government, Government is trying to please the international community, and the international community is trying to please someone else."

Nada Golubović opened another issue – are nongovernmental organizations self-aware enough to resist patronage of anyone, and stay devoted to their principles.

Trying to respond on open issues, **Irena Soldat** said that everything depends on political principles, but men are still "dominant in decision making." She added that lack of funds in governmental budgets for NGO sector in all countries in the region are big problem.

Ljiljana Čičković said we should not expect much from the Government. Nongovernmental organizations should fight for their economic independence.

Bojana Genov believes the biggest issue is that women that got an opportunity to participate in government are "madly" loyal their colleagues from political parties, and they stay in shadow, instead of being supportive for other women in the public.

As reaction to Bojana's opinion, **Nada Tešanović** from the Union of Independent Social Democrats said she never perceived women from nongovernmental organizations as competition. She also said she is deciding for herself, without pressure of the leader of her political party.

Sonja Drljević pointed on necessity for women to stop with divisions on "this and that women." They should be unique and strong. Women politicians can advocate for us only if we are strong.

Speaking about experiences in B&H, Gordana Vidović said that only women from non-governmental organizations (not the international organizations) are responsible for greater participation of women in legislative governance. She is sorry that nobody wanted to admit that. As paradox, she mentioned that numerous women's organizations fight for establishing of the Gender Centers. She thinks that these institutions are becoming competition, not support to the NGOs, more and more every day.

Biserka Momčinović is not content because women of Southwestern Balkan needed the international community to realize some of their rights. Now when women's rights finally became part of laws, we should do everything to inform political elites about it, and to begin with the implementation of the laws.

Željka Jelavić talked about real position of women in Croatia. She emphasized women's position is changing, but not fast enough, because we do not have mechanisms for implementing the Gender Equality Law in the practice.

As the greatest obstacle for that, Željka Jelavić mentioned strong influence of Catholic Church and Vatican in all fields of life in Croatia.

"Agreements that Republic of Croatia signed with Vatican during the time of conservative – nationalistic government of Franjo Tuđman are serving as the argument for Government of Croatia that it cannot make changes," said Željka.

She reminded that during Tuđman's governance, Croatia adopted program of demographic policy, which is extremely popular even today. This program perceives woman only as mother.

"Abortion is the topic that has been constantly discussed in the public, while we are silent about women's health. Sexual education is problem that government does not want to deal with. The state administration avoids answering question how it is possible that youth people in Croatia receive education to avoid sexual intercourse," said Željka Jelavić. She emphasized that all attempts of nongovernmental sector to change something in this area faced resistance of the Ministry of Education.

Representatives of Croatia were first in the region that had an opportunity to present the report of nongovernmental organizations to the CEDAW Committee. Željka Jelavić shared her experiences of presentation of the Croatian Shadow Report to the CEDAW Committee. She said this experience was precious, because it gave her opportunity to learn how to be more efficient in presenting problems. As especially important, she mentioned that delegation, which travels to New York, must have as many people as possible, in order to be successful in lobbying of the CEDAW Committee members (this Committee has 21 members).



REPORT OF THE WOMEN'S NONGOVERNMENTAL ORGANIZATIONS TO THE COMMITTEE FOR ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

ON THE OCCASION OF SUBMITTING THE SECOND AND THIRD REPORT OF REPUBLIC OF CROATIA

SUMMARY OF THE MOST IMPORTANT AREAS OF CONCERN

Since submitting of the initial and first report of the Republic of Croatia to the UN Committee for Elimination of All Forms of Discrimination Against Women (January, 1998), problems related to the position of women in Croatia, and elimination of discrimination against women were mostly in the area of legislative framework, implementation of the legislative provisions and the National Policy for Promotion of Gender Equality (December, 2001), and lack of understanding for important concepts, such is implementation of gender sensitive policies – gender mainstreaming. Lack of political will is one of the basic reasons for non-implementation of numerous legislative provisions, and non-implementation of measures (for example, diminishing stereotypes in media, education, and employment). Recently founded and still weak institutional mechanisms for gender equality, and slow and still poorly educated judiciary are contributing factors that we still do not have equality between men and women in reality.

Article 2 and General Recommendation no 19/Violence Against Women

Legislative system of Croatia does not recognize definition of the gender based violence. A violence against woman is generally perceived as family violence, which has been sanctioned through relatively new Law for Protection Against Family Violence. This Law has several important defects (violence has been recognized as minor offense with monetary fine). Family violence could be prosecuted as criminal act, but lack of legal procedure in police and office of the state prosecutors leads to predominant usage of minor offense procedure. Lack of court statistic information is important, because it leads to lack of possibilities for analysis, and further improvement of legislative framework. Insufficient measures of support for victims of violence are excluding re-socialization of victims. Number of shelters is small in relation to the needs, legal representation at the courts is very expensive, and there is no organized psychosocial assistance for victims.

Recommendations:

- Changes of defects of the existing legislative framework (defining of the gender based violence, and ensuring efficient protection of women victims through legislative changes);
- Introducing systemic education of all women and men professionals that are working with women victims of violence:

- Ensuring sufficient financial sources for victims of gender based violence;
- Ensuring sufficient and long-term financial sources for shelters;
- Free programs of permanent education and retraining for women victims of violence in order to ensure their economic independence.

Article 3/Gender Sensitive Statistics and Mechanisms for Gender Equality

Key problems for gender sensitive statistics and data collection desegregated by gender are lack of detailed informational center where all information about economic, social, cultural, and political status of women would be easily available. There are no gender sensitive statistics in some areas (for example, court statistics).

Recommendation:

Improving collection of gender sensitive and gender desegregated information, annual publishing of gender sensitive statistic, and good distribution of this publication.

According to the Gender Equality Law, two new national mechanisms for gender equality were established – at the end of 2003 (Office of the Legal Officer for Gender Equality), and beginning of 2004 (Office for Gender Equality of the Government of Republic of Croatia).

Already founded Parliamentary Commission for Gender Equality continued with activities.

Starting with 1997, various mechanisms for gender equality were founded on municipal and cantonal level. The fact that some cantons and municipalities recognized a need for establishing gender equality mechanisms is encouraging, although there are serious defects (lack of gender education among women and men members, lack of financial sources, lack of financial support, lack of cooperation between different mechanisms, different organizational structures that lead to different mandates).

Recommendations:

- Clear defining of working areas and coordination between all gender mechanisms in Croatia;
- Evaluation of work on newly founded mechanisms for gender equality after four years of their existence;
- Education of women and men members of the commission and boards for gender equality, and professionalization of at least one person in each canton, and ensuring financial support for work of these mechanisms;
- Continuous gender sensitive education for all women and men civil servants at all levels (state, cantonal, and city level.)

Article 10/Education

Discrimination of women in education reflects through educational policies, content of the school programs, textbooks, and professional status of women in education. National Policy for Promotion of Gender Equality emphasizes as its primary objectives gender sensitive education and decreasing gender stereotypes, as well as founding of the Women's Studies within university education, and integration of gender sensitivity in education of women and men teachers. Unfortunately, official authorities did not accomplish any of these objectives. Resistance of the Ministry of Education toward accomplishing objectives of the National Policy clearly shows lack of political will for promotion of gender equality.

*Recommendations:*

- Consistent implementation of the measures from the National Policy for Promotion of Gender Equality, and provisions of the Gender Equality Law;
- Introducing women's studies at universities with objective of promoting and creating antidiscriminatory knowledge about women and men;
- Continuous gender sensitive education for all persons involved in educational process;
- Involving programs about gender equality that are developed and implemented by non-governmental organizations in school program, as well as ensuring their financial stability.

Article 11/Employment

Women have difficulties in accessing labor market. Young women are unwanted employees, and middle age is greater obstacle in employment for women than it is for men. Women are majority of employees in uncharacteristic types of employment and informal economy. Percentage of employed women constantly falls, and women's share in unemployment rate grows (58,5% in 2004). Women make majority of persons that are unemployed for a year and longer. There is no successful employment policy focused on women (employment measures for women older than 45 years of age, and there are very few loan opportunities for women's entrepreneurship).

Principle of equal wage for equal work has not been implemented consistently.

Recommendations:

- Development and strict implementation of affirmative measures for involvement of women in labor market;
- Development and implementation of programs for permanent education and retraining in accordance with the needs of labor market;
- Implementation of the principle of equal wage for equal work.

Article 12 and General Recommendation 24/Health Protection and Family Planning

Although Croatia is a secular state, relation toward reproductive rights and health is under strong influence of the Catholic Church. Sexual education in elementary schools and high schools is based on discrimination of persons that are practicing illegitimate sex, same sex intercourse, or illegitimate communities. Available information about methods of family planning is either insufficient or ideologically colored.

Although abortion is legal, and it should be locationally and financially accessible, it is not always like that. Some health ambulances and hospitals, which should carry out abortions on request of a woman according to the positive legislation – they do not do that. List of contraception that are fully or partially covered by sources of HZZO is funny short, and does not cover all modern possibilities.

Long waiting lists of examinations, ad widespread corruption combined with lack of information about how women use the system of health protection prevents equal access of all women to health system and services.

Recommendations:

- Introducing general sexual education at all educational levels;
- Ensuring access to the abortion in all institutions that should implement it by law;
- Expanding of the list of contraception in HZZO;
- Conducting public campaigns about sexually transmitted diseases;

– Introducing gender sensitive data collection in HZZO.

Report of women's nongovernmental organizations was completed during October and November 2004. Following organizations participated in this initiative: B.a.B.e., Zagreb; Center for Civic Initiatives, Poreč; CESI, Zagreb; Center for Women Victims of War – Rosa, Zagreb; Center for Women's Studies, Zagreb; Foundation House of Lavoslav Schwartz Zagreb; Croatian Union of Associations of Physically Disabled Persons; Union of Independent Trade Unions of Croatia – Women's Section; Serbian Democratic Forum – Women's Section; Women's Group Slavonski Brod; Women's Room, Zagreb.

DIJANA ŠEHIĆ
GORDANA VIDOVIĆ

REAL AND LEGAL POSITION OF WOMEN IN BOSNIA AND HERZEGOVINA

When speaking about position of women in the countries of former Yugoslavia, many people are ready to say that women here were not exposed to discrimination, and that they had high level of equality in relation to men. Perhaps this was partially a fact – in the area of access and possibilities for education, employment rate, level of health protection, etc. especially in the cities and larger communities. However, a little better expert of previous times would agree that we also had "glass ceiling" regardless feeling that everything was easily accessible to all, regardless sex. In reality, many of the mentioned areas were not accessible or were less accessible even for qualified women.

However, after the first multiparty elections in 90ties, we could clearly see how weak and unequal position of women in this region is, including also Bosnia and Herzegovina. In upcoming years, women completely disappeared from political life, and after the war, question of ethnical equality emerged as the key determining factor in B&H. In all of this, the issue of equality of women and men was pushed back. Bosnia and Herzegovina represents extremely patriarchal community, where men have leadership position. They publicly send messages about preferable role of a woman as cornerstone of family, mother, housewife, etc, which represents socially widely accepted role of women. Women of Bosnia and Herzegovina are placed in unequal and discriminatory position through numerous prejudices that are dominant in our social context, and enforced because of different economic and political interests. Unfortunately, we can hear often that women in Bosnia and Herzegovina are seen as so-called "vulnerable category." Difference between law and practical reality is huge. Although law could look neutral, through analysis of real situation we can see that women in B&H are unequal with men. This is reflected through inaccessibility of legal remedies in cases of violation of human rights.

Gender based discrimination is prohibited by all human rights instruments. Convention about Elimination of All Forms of Discrimination Against Women appeared as the essential contract that prohibits discrimination based on sex. This Convention has been incorporated in our legal system through the Constitution of B&H.



Protection of Women's Human Rights through Constitution of B&H and Constitutions of B&H Entities

Therefore, we should say something about protection of women's human rights in B&H as regulated by the B&H Constitution and Constitutions of both B&H Entities. Annex I of the B&H Constitution regulates "additional agreements about human rights that will be implemented in Bosnia and Herzegovina." These are 15 international documents for human rights protection that are directly incorporated in legal system of B&H. Additionally, the Constitution regulates that "rights and freedoms regulated through the European Convention for Protection of Human Rights and Basic Freedoms, and its Protocols (EC) are directly implemented in B&H⁵⁷". These documents have priority over all other laws.⁵⁸ In cases when some domestic laws are opposite with laws regulated by the EC – this Convention will be directly implemented.

Constitutions of both B&H Entities are incorporating on different ways the international standards for human rights protection. Constitution of the Federation of B&H says that it "will ensure implementation of highest level of internationally recognized rights and freedoms listed in Annex...⁵⁹", while Annex brings the list of 21 additional international agreements for human rights protection with a power of constitutional provisions. The Constitution of RS also brings the list of numerous individual human rights that are especially protected⁶⁰, while especial Amendment explains that: "in a case of difference in provisions about rights and freedoms between Constitution of RS and Constitution of B&H, those provisions that are more favorable for an individual will be implemented...⁶¹"

The Constitutions also prohibit discrimination, and guarantee enjoyment of rights and freedoms regulated by these documents to all persons without any difference based on any characteristic, including gender. Additionally, general principles of the international law are integral part of the legal system of B&H and the Entities. The state is obliged to conduct "suitable measures, including legislation, because changes or abolition of existing laws, documents, customs or practices that represent discrimination of women⁶² as regulated by the Convention for Elimination of All Forms of Discrimination Against Women (CEDAW) which B&H signed and ratified.

Unfortunately, despite numerous international obligations that are ratified in our country, and our constitutional framework that offer to us amazing foundation for legislative measures that would contribute elimination of discrimination against women in all fields of life, which has not been the case in real life. At the contrary, we are adopting numerous laws, and developing official policies without gender sensibility. This is the reason why Bosnia and Herzegovina still continues with discrimination of women in the field of economy, especially in employment, and accessing labor rights, and increased family violence, abuse of various official or public positions for sexual harassment of women (there were many media articles lately about cases of sexual harassment of female students at universities, and sexual harassment of female journalist at B&HTV, etc.), and discrimination of women in public and political life.

57 Article II Human rights and freedoms, paragraph 2 international standards

58 Ibid.

59 Section II of the Constitution of the Federation of B&H, A, General provisions, Article 2

60 Constitution of the Republika Srpska, Part II, Human rights and freedoms

61 Amendment of LVII on the Constitution of RS

62 CEDAW, Part I, Article 2, Paragraph f



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Participation of Women in Public and Political Life

Constitutions of the Entities are providing the highest level of protection of human rights and freedoms. Constitutional provisions of B&H and the Entities are including essential regulations for ensuring human rights and essential freedoms, securing these rights and protection of personal freedoms, human integrity, dignity, and other rights and freedoms from the area of human rights.

Starting with this constitutional framework in Bosnia and Herzegovina, it has been expected that the Election Law of B&H as *lex specialis* that arranges the question of election rules and procedures would determine as essential principles the prohibition of discrimination at any ground in the election process, and establish mechanisms for securing equal possibilities for all persons. The Election Law in B&H prohibits discrimination only in some provisions (because of affiliation with some political party, or because of giving support to some political party or candidates), or it explicitly gives attention to the equal possibilities of candidates according to their national affiliation. The Article 4.19 of the Election Law in B&H is especially disturbing, because it regulates that each lists of candidates includes male and female candidates. Candidates of less represented sex are distributed on list of candidates according to the following principle: at least one candidate of less represented sex among first two candidates, at least two candidates of less represented sex among first five candidates, and at least three candidates of less represented sex among first eight candidates, etc. Number of candidates of less represented sex should be at least equal to the total number of candidates on a list, divided with three, and rounded off on first lower whole number.

It should be mentioned that Bosnia ad Herzegovina did not have population census since 1991, and this last census information are used as only valid. Therefore, it is disturbing fact that official structures are paying a lot's of attention on national representation in local communities from that period, and that nobody considers the fact that women were over 60% of population in B&H according to this last population census. This part of the population also has active voting right, and their participation on the election lists did not exceeded 30%, despite introducing quota for less represented sex. Therefore, if the state strives to ensure equal possibilities than it should ensure that each sex should have representation on the election lists in percentage in which enjoys active voting right, or at least 50% of total number of candidates on the election lists. Political parties are arguing that women are not deprived of this right. However, the state institutions that have obligation to respect international standards, and they should take all measures to ensure access to this right without gender based discrimination. Despite the efforts of nongovernmental sector and some international organizations, official authorities did not take steps to change legislative documents that are limiting access to passive voting right of women on the principle of quota system that is not acceptable, having in mind the number of women's population that enjoys active voting right.

Therefore, there was logical need for gender equality in B&H to be a part of special law that regulates, promotes, and protects real equality of women and men, and guarantees equal possibilities for all.

Based on the Article IV.4.a of the Constitution of Bosnia and Herzegovina, Gender Equality Law of Bosnia and Herzegovina has been adopted on May 21, 2003 by the Parliamentary Assembly of B&H. According to this Law, all other state and entity laws and other legal documents must be adjusted with provisions of this Law within the time of one year, which did not happen.



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Article 1 of this Law regulates that "this Law regulates, promotes and protects substantive gender equality and guarantees equal opportunities to all citizens, in public as well as private life, and prevents direct and indirect gender based discrimination." This Law especially tries to improve position of women.

It should be mentioned that the Article 4 of this Law provides additional definitions of gender based discrimination:

Gender: socially constructed roles of man and women in public and private life, as opposed from the same expression, which reflects biological determination. In the spirit of this Law, the term gender represents the significance the society affords to the biological determination of sex.

Article 15 of this Law that regulates the issue of equal representation of women and men in public life is very interesting:

"Bodies of the state and local self-governance, managerial bodies of companies, political parties and other non-profit organizations shall ensure and promote equal representation of men and women in the process of management and decision-making.

In order to achieve goals set in Paragraph 1 of this Article, competent authorities shall undertake any interim measure to be used to improve gender misbalance in government bodies of all levels. Programs and plans shall contain measures aimed at improving gender representation.

In order to ensure equal representation of genders, percentage of women in government bodies on all levels including the judiciary, the legislative and the executive, as well as all other public offices, committees and boards, including participation in bodies representing the state internationally shall, as a rule, reflect equal gender representation."

When we speak about the Gender Equality Law in B&H, we should emphasize the Article 21:

"Competent authorities shall undertake appropriate and necessary measures on all levels in order to implement provisions of this Law in areas of, but not limited to:

- Adopting sets of measures aimed at achieving gender equality in all areas and on all levels of government;
- Adopting new or amending existing laws in order to harmonize them with provisions of this Law;
- Ensuring judicial protection, both civil and criminal, in all cases of violations of provisions of this Law;
- Ensure maintenance of gender-disaggregated statistics in all companies and enterprises, state owned and public, all state and public bodies and institutions, as well as access to such information."

After adoption of this Law, we had local elections in Bosnia and Herzegovina. Based on their results, we can conclude that official authorities directly violated rights of women through failing to establish the system that would enable women to use their passive voting right.

Although there is more than two years since the adoption of the Gender Equality Law in B&H, official authorities did not change provisions of the Election Law in B&H, especially the Article 4.19, which should regulate that the election lists should be developed on the way to secure alternate representation of male and female candidates.

It is especially disturbing that there are no gender disaggregated statistics about the results



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of local elections, which is the obligation of the Election Commission of B&H, according to the Article 18 of the Gender Equality Law in B&H – " All statistical data and information collected, recorded and processed by state bodies on all levels, in public offices and institutions, state and private companies and other subjects, shall be gender-disaggregated. It is obvious that Bosnia and Herzegovina is adopting laws to ensure implementation of the ratified international documents. However, official authorities are doing nothing to implement these laws, and we can even say there is no clear political will for ensuring access to the basic rights and freedoms.

Access to Education and Realization of the Rights Related to Employment and Labor

Extremely difficult position of women in Bosnia and Herzegovina certainly relates to the level of education of women. If we examine legislative regulations, we could see that education is accessible for all. Elementary education is obligatory and free for all. However, information from the real life show there is extremely high number of female children that are not attending elementary education. Reason for that could be found in difficult economic situation in B&H, partially reduced number of schools especially after the war in rural communities, and distance of the schools. However, the key reason is the dominant patriarchal attitude in B&H that education of women is not important in reality. It is not important because the role of a woman is to be a mother and a housewife, and she should stay at home and care for family. As result of that, we have the situation where girls in rural communities are not attending school, which almost became a regular practice. This directly affects their life and position in society in latter period. Again, as in many other areas, there are no official statistics about this issue in B&H. Therefore, there is an obvious difference between law and practice in this area. Until now, nongovernmental organizations did not notice real intentions of the state to do something about it, to change present discrimination in education, which is after all, the state obligation according to the numerous ratified international documents.

The gap between laws and real life is obvious also in the realization of the rights related to employment and labor – such are access to employment, etc. Although the law prohibits discrimination in employment, and there are no restrictions related to maternity rights, examples from the practice show different reality. All of us more or less know about situations that women often lose jobs when they stay pregnant. It is also known how much the state is obliged to pay for women on maternity leave. Women are not receiving regularly these payments, despite legal obligations. It is also interesting that many foreign investments – owners of companies in B&H are abusing this situation, and they do not respect laws in this area. There are also cases when women are called to come back to the job before the end of maternity leave, and using blackmailing that they would loose job if they do not do that. Furthermore, there is a widespread stereotypization of male and female professions, which pushes women to choose professions in education, social work, etc. These are mostly less paid and less socially valued professions.

Gender Mechanisms

It is the fact that we have some improvements in terms of establishing of the institutional frameworks for gender equality in Bosnia and Herzegovina since 1999. Here we should mention establishment of the legislative bodies on the state and entity levels, such is the Commission for Gender Equality within the parliaments. Gender Centers were founded in the RS and FB&H, and gender focal points were appointed within the state, entity, and municipi-



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pality institutions.

It is certainly the most important that Bosnia and Herzegovina adopted the Gender Equality Law in 2003. During the process of adoption of this Law, nongovernmental organizations from the whole country were able to influence directly this Law through their representatives in the Working Group that prepared the draft, which is one of the reasons why we have a good and comprehensive Law.

This Law regulates, promotes and protects substantive gender equality and guarantees equal opportunities to all citizens, in public as well as private life, and prevents direct and indirect gender based discrimination.

The importance of this Law is in the obligation of the state to adopt new laws and change existing laws in order to harmonize B&H legislation with the provisions of the Gender Equality Law in B&H. The state also needs to ensure monitoring of the implementation of the Law. This required deep reform of the entire legislative system on the state and entity levels, especially the Law about Social and Health Protection, and the Election Law of B&H. This Law should be also considered as the key instrument in educational system reforms, and should influence relation of media toward women and the issues of equality.

The state of B&H is obliged to present to the B&H Parliament National Action Plan for Gender Equality every two years. Furthermore, the state should prepare and submit comprehensive reports about implementation of the Gender Equality Law, as well as the Report about status of women and men in a society.

The Gender Equality Law in B&H prohibits discrimination based on sex in all fields of society, and especially:

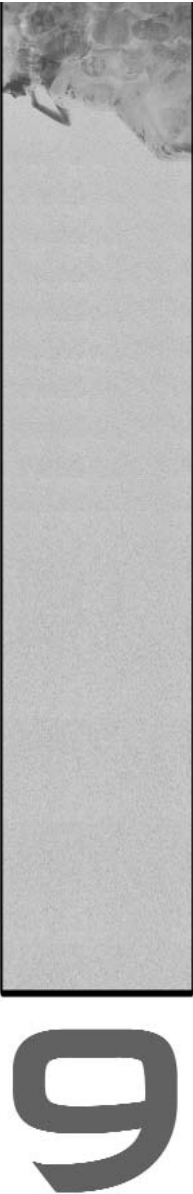
- Economy,
- Education,
- Employment and Labor,
- Social Rights,
- Health Protection,
- Public and Political Life,
- Media.

Gender based violence has been defined in the Article 4 of the Law. Prohibition of violence has been explained in the whole Chapter XI of the Law. Violence is prohibited, regardless the form, and regardless if it happened in the private or public life. Furthermore, the state is obliged to take measures to eliminate and prevent all forms of violence based on sex.

The Chapter XIII of the Law relates to the judicial protection. Everyone whose rights set by this Law have been violated shall have the right to initiate appropriate proceedings before a competent court.

Charges may be brought before a competent court prior to or without initiating proceedings for protection with the employer.

Adoption of this Law certainly established good legislative framework, and created preconditions for adoption of the Law for Protection Against Family Violence. This Law has been already adopted in the Federation of B&H, and is in the parliamentary procedure in Republika Srpska. Nongovernmental organizations had important influence in the process of adoption this Law as well. It is good that nongovernmental organizations created a pressure on official institutions to regulate family violence as criminal act. Legislators in Federation of B&H realized importance of that, and prevented regulation of the family violence as minor offence, with symbolic monetary fines. We now have to adopt numerous bylaws that would enable implementation of this Law. For now, there are no signs that the official



authorities did something in that direction, although this Law should be effective starting from the next month. It seems that nongovernmental organizations would again have to pressure, and initiate these activities.

Conclusion

Unfortunately, through examining of the legal and real position of women in Bosnia and Herzegovina, we can conclude that discrimination of women has been widespread in all fields of life. Reason for that could be found in the fact that the practice does not follow laws – adopted laws are not implemented, and no one has been called for responsibility because of that. Many of these measures and established mechanisms are just another formality. Establishing of these mechanisms still did not contribute to the better position of women in B&H in reality. Information collected by NGOs are proving this fact, as they speak about difficult struggle and challenges of women in B&H to accomplish at least part of those rights they have on paper.

*In discussion that followed presentations of women, panelists from Bosnia and Herzegovina **Dubravka Kovačević** said she believes that lack of cooperation between women's nongovernmental organizations and gender centers is contributing to the difficult position of women in Bosnia and Herzegovina.*

***Ane Jakšić** emphasized that gender centers are not that passive as it might look. They are actively working on changes of the Election Law in B&H to enable 50% of women's representation on the election lists. They also initiated establishing of the gender equality commissions on the level of municipalities.*

***Spomenka Krnić**, said that the key issue represents the fact that women do not support women in B&H, and those women who took over responsibility are exposed to harassments.*

***Desanka Rađević** concluded there is obvious lack of communication between women NGO activists and women politicians. She said that she does not like the attribute "nongovernmental." Why all nongovernmental organizations are not "governmental" organizations, and why they are not working on the issues that are in interests of the Government. Each NGO could apply to the Ministry of Administration and Local Self-Governance, and get engagement within the Ministry.*

***Nada Golubović** said she believes that Bosnia and Herzegovina have gender equality mechanisms that are established under pressure of the international community, and our wish to be close to the Europe, not because of true will for establishing gender equality. There is no excuse for something like this. She proposed recommendations for the international community and Council of Europe to condition the beginning of the international processes of the countries of Southwestern Balkans with elimination of discrimination against women.*

After the plenary sessions, women participants of the Conference continued with work in two working groups, in order to develop common recommendations.



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GROUP WORK

I. WORKING GROUP

Differences and Similarities in Legislative and Established Institutional Mechanisms

At the beginning of the work in this group, women participants concluded there is satisfactory legislative and mechanisms for gender equality in all countries in the region. Gender Equality Law is not adopted in all countries in the region, but it is in the procedure of adoption.

Women opened the issue of terminology that has been used in the official documents. They asked the question why only B&H uses the term gender not the term on local language, as the other countries in the region. If we want fundamental changes, our language should be understandable to all women and men citizens.

The key problem is the lack of real commitment for implementation of the laws, and "effectiveness" of the mechanisms. Women participants expressed following attitudes:

- We have mechanisms for implementation of the gender equality, but we are not satisfied with their work;
- Governments did not understand the responsibility for harmonization of other laws with the Gender Equality Law;
- There are no sanctions for violations of the Law;
- Citizens, but also the people in official institutions do not recognize gender based discrimination;
- Language is not operative;
- Majority of the people that are performing education are not trained for that.

Therefore, it is necessary for us to do following:

- Perform continuous monitoring of the implementation of the adopted laws;
- To insist on harmonization of the laws with the Gender Equality Law;
- To insist on sanctions for violation of the laws;
- To lobby for integrating women's needs and interests of gender equality into priority policies of our countries;
- To demand for national action plans to become operational.

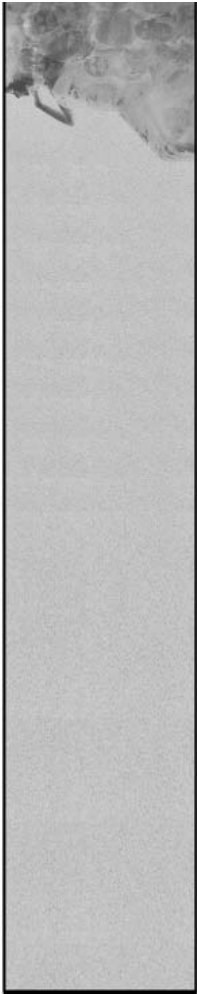
II. WORKING GROUP

Advocacy, Lobbying for Implementation and Change

Women participants identified common problems and issues for future advocacy actions.

Problems:

- Women and men citizens often do not recognize gender-based discrimination, and therefore it has not been recognized as political priority.
- Knowledge capacities of women's NGOs are not recognized enough from the institutional mechanisms.
- There is discrepancy between laws and institutional mechanisms and their implementa-



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tion in the practice.

- There are no well-established sanctions for non-implementation of the obligations and responsibilities.
- Foreign expressions and terms are widely used for gender equality issues.
- There are no financial means within governmental budgets for implementing gender equality.

We want to advocate in a future for following principles:

- For gender education of women and men citizens.
- Showing to the "institutions" the resources, capacities, and knowledge of NGOs, and lobbying for usage of these resources in education.
- Organizing actions on national and regional levels that are promoting gender equality issues as political priorities.
- Requesting from governments to introduce standards for implementation of obligations from laws and institutional mechanisms for gender equality.
- Usage of local language terms for the issues of gender equality so women and men citizens of all educational levels could understand what we are talking about.
- Budgets at all levels of governance should have in mind the gender equality.

In the following plenary session, women participants presented the conclusions of small group work. Participants adjusted the final recommendations and requests that will be sent to all state institutions, international organizations, and media.

RECOMMENDATIONS AND REQUESTS

In the period 01– 02 October, 2005, Helsinki Citizens Assembly and United Women Banja Luka organized the Regional Conference under title:

"REAL AND LEGAL POSITION OF WOMAN IN SOUTH WESTERN BALKANS"

The Conference was organized in Banja Luka, with support of Swedish Foundation "Kvinna till Kvinna." There were forty-one (41) women participants from Bosnia and Herzegovina, Montenegro, Croatia, Kosovo, Macedonia, and Serbia.

The main objective of the Conference was to identify differences between legislative regulations and real position of women in above mentioned countries.

Women participants of the Conference concluded they do not want to participate in ethnic counting, and they refuse the minority position they have in their countries.

Women participants of the Conference identified following facts:

- All countries of the South Western Balkan were striving (and are still making efforts) to incorporate legislative documents and institutions for establishing gender equality in the domestic legislation;
- Legal norms and institutions were adopted and established because of the international – legal obligations, and pressures from unsatisfied women citizens, without sincere political will of domestic authorities to realize constitutional principles

of gender equality;

- Legal norms and institutions do not have operative mechanisms for implementation, neither they have sanctions for non-implementation, therefore domestic official authorities, as well as citizens do not perceive these norms and institutions as obligatory;

Concerned because of growing poverty that mostly affects women, and deepens disharmony between their real and legal position, women are requesting:

From the official authorities:

- To develop operative plans for implementation of the laws and institutional mechanisms related to gender equality;
- To secure equal possibilities for women and men in all fields of life;
- To incorporate and secure financial means for accomplishing gender equality in everyday life through official budgets at all levels;

From the Council of Europe and representatives of the international community active in this region:

To develop and press on demands on official authorities in our countries for not only developing legal framework but also proving real facts of elimination discrimination against women, as conditions to open the integration process to the European Union.

Nada Golubović, United Women Banja Luka
Lidija Živanović, Helsinki Citizens' Assembly Banja Luka
and Women Participants at the Conference

Conclusions of the round table were sent to media, official authorities in B&H, and the international organizations.

We received special support from Kvinna till Kvinna Foundation from Sweden. Together with us, they called European Union to consider real situation of women's human rights in the region.

KVINNA TILL KVINNA AND WOMEN IN THE WESTERN BALKANS UNITE IN A CALL ON THE EU –

LAWS GIVE FALSE PROMISES ABOUT GENDER EQUALITY

Systematic and widespread discrimination of women is a reality in the Western Balkans. The war, the poverty, the unemployment, and strengthened nationalistic and patriarchal values affect women in the region. Recently women's organizations from Bosnia–Herzegovina, Kosovo, Croatia, Macedonia, and Serbia Montenegro met in Banja Luka, Bosnia–Herzegovina, to discuss common issues and the relation to the EU. Everyone agrees that EU must increase its pressure so that the gap between laws and the reality disappears. Not to do this would be betrayal not only to the women and girls in the region but to the



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fundamental values of the EU.

Now, over ten years after the war broke out in the Western Balkans, the region is getting closer to the EU. Reforms and new laws have been adopted with the EU as a carrot and advocate. Negotiations with Croatia have just started and Serbia Montenegro just got the go ahead sign for talks about stabilization and association agreement. At the same time, the parliament of Bosna-Hercegovina voted for a new police reform taking them one-step closer to the EU.

It looks very good on the paper. However, if you look beyond the paper another reality is showing. Despite reforms and impressive gender equality laws women are seen as second-rate citizens. Strong and deep patriarchal structures create an atmosphere, which undermines women's status, security, and participation.

The meeting in Banja Luka identified a pattern: thanks to pressure from women's organizations and the International Community governments in the South West of Balkan have adopted laws to secure women's rights and gender equality – not because sincere political will. In reality, there are no plans, tools or recourses nor any functioning institutions to implement these laws and policies. Furthermore, there are no sanctions for the officials or authorities who break these new regulations. The governments, and part of the International Community's, disinterest in this issue gives serious signals which have led to that authorities and citizens don't think that these laws are important or have to be followed.

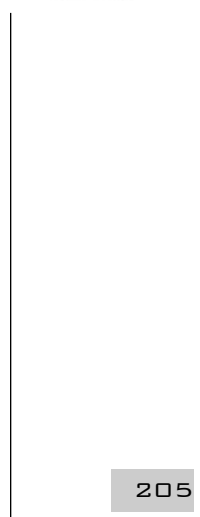
Men's violence against women is widespread, especially within the family, and there is very little governmental support for the women who dare to challenge the norms and stigma and report the abuses. That a man hits "his" women is still seen as a private concern, in some cases even as a right, instead of the crime it is according to the legislations. The police see through its fingers for these crimes as well as the prosecutors and judges. Many families, particularly in rural areas, prioritize to send their sons to schools rather than their daughters, due to economic reasons or the security situation. There is a phenomenon of "glass ceiling" which makes it more difficult for women to later on get a better-paid job and become economically independent. In rural areas women are often not entitled to property, it is distributed among men. The poverty is increasing in the region and women are the ones who are affected the most. At the same time, more women and girls from these countries are sold and kidnapped by traffickers.

The number of women in Parliament and on other decision-making positions is low. A lot of the work being done to create peace and stability in the region is based on ethnic division, quota, and identity. This has made other forms of discrimination invisible and there is a risk that clashes of opinions will be built into the system. The participants at the meeting in Banja Luka do not want to participate in ethnic counting and they refuse the minority position they have in their countries.

In spite of all efforts made by women to reach peace, democracy and in spite of their big knowledge in many fields they are excluded, even by the International Community, when it comes to matters of "hard issues" like police and military reforms. Even though these bodies are as vital for women as for men. Most recently in Bosnia and Herzegovina, it happened that the High Representative was leading the work when the police reform was adopted. Women's organizations around the country were protesting against there being no women present in the process, but they were met with silence. Now the reform has been adopted and applauded by the International Community and said to be an important step towards the EU. The fact that women were not let in on the decisions regarding it is a democratic problem were the EU has a responsibility and role to play.



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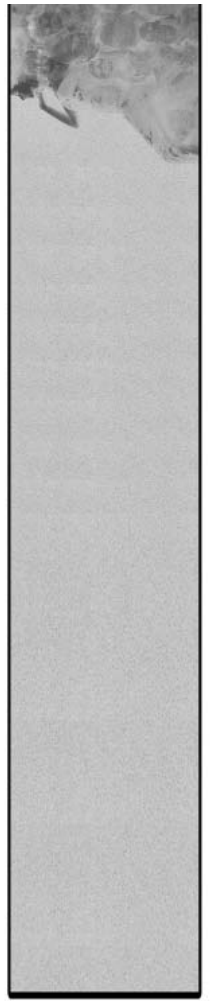


We are worried that the gap between law and reality when it comes to women's and girls situation is increasing. Sweden have since long been engaged in Western Balkan and for women's human rights. We now request from the Swedish government to confirm it's engagement and to through the EU demand the governments and authorities in the countries in Western Balkan to develop plans and tools to make the Gender Equality laws a reality in practice. They do also need to proof that the discrimination against women is decreasing and that the human rights are strengthened in reality, in people's everyday lives. If Sweden and the EU is honest in their striving for peace and democracy these demand is self-evident. The respect for women's human rights and participation is a precondition for the countries in Western Balkan to reach sustainable and just peace and democracy.

Nada Golubović, United Women, Banja Luka, Bosnia and Herzegovina
Lidija Živanović, Helsinki Citizens' Assembly, Banja Luka, Bosnia and Herzegovina
Kerstin Grebäck, Kvinna till Kvinna, Sweden



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WORKSHOPS

**COMMUNICATION,
COORDINATION,
COOPERATION, AND
COLLABORATION**

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During 2005, as the part of "Woman Today" project, we organized five three-day workshops on the topic "Communication, Coordination, Cooperation, and Collaboration." Workshops were organized in five cities of the Western Bosnia and Herzegovina – Banja Luka (February 6), Gradiška (March 18 – 20), Prijedor (May 13 – 15), Novi Grad (June 17 – 19), and Kozarska Dubica (July 1 – 3).

Thanks to the support from local coordinators Desanka Rađević (Gradiška), Mirjana Maksimović (Prijedor), Snježana Rajilić (Novi Grad) and Mira Stojaković (Kozarska Dubica), we succeeded to gather women 132 participants, members of political parties and non-governmental organizations.

Workshop facilitators were Natalija Petrić and Nada Golubović.

All five workshops had the same program, as follows: communication, ways of teamwork and rationale for common action, advantages, and disadvantages of our work, building of coalitions, other ways for common work, obstacles for common actions in different sectors, advantages and disadvantages, and evaluation.

Nada Golubović
Lidija Živanović



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PRESS CONFERENCES



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During 2005, United Women and Helsinki Citizens Assembly Banja Luka organized three press conferences aimed for informing the public about our activities, opinions, and results. Members of our two associations jointly prepared these press conferences.

The first press conference was organized in the eve of March 8 – International Women's Day. Participants were Aleksandar Živanović and Bojana Trninić from the Helsinki Citizens Assembly, and Miroslav Samardžić and Aleksandra Petrić from the organization United Women Banja Luka. They emphasized the historical importance of the March 8. Participants informed journalists about statistical information related to violence against women, the activities related to the opening of the Safe house for women and children victims of family violence, and about importance of prevention of the trafficking of women. They also emphasized importance of women's participation in public life in order to solve efficiently women's issues.

The second press conference was organized on November 25, and we used the opportunity to announce the start of 16 Days of Activism Against Violence Against Women, as a global campaign from November 25 until December 10. The Campaign includes activities related to fighting violence against women, promotion of women's human rights, and diminishing of all forms of discrimination against women. Participants of the press conference were Aleksandar Živanović (hCa) and Amela Bašić and Minja Damjanović (United Women). Aleksandar Živanović presented information related to the origin of the 16 Days of Activism, Amela Bašić presented results of the SOS telephone, while Minja Damjanović explained the process related to the opening of the Safe House conducted by the United Women Banja Luka.

The third press conference was organized on December 9 – and we marked the end of our activities related to the 16 Days of Activism. This press conference was organized in the eve of the International Human Rights Day, and we presented three key aspects of our activities. Aleksandar Živanović emphasized the problems of national minorities in B&H, Bojana Mijić-Trninić, Coordinator of the hCa Youth Network talked about youth issues, and focused on the problems of young women, while Aleksandra Petrić, Human Rights Advisor of United Women Banja Luka talked about violation of human rights in B&H, and mechanisms for protection of women's human rights.

Nada Golubović
Lidija Živanović

INFORMATION ON WOMEN'S HUMAN RIGHTS PRESENTED IN PRESS CONFERENCES

MINJA DAMJANOVIĆ

Volunteer on the SOS Phone for Women and Children Victims of Violence

SAFE HOUSE FOR WOMEN AND CHILDREN VICTIMS OF FAMILY VIOLENCE

The last link in the women's triage is Safe House – Shelter for women and children victims of family violence, which is one of the priorities of United Women Banja Luka. Opening of the safe house in the region of Banja Luka would break the vicious circle of violence, and would help women in the moments of acute phase of violence, and moments of direct endanger of life of a woman victim, and her children. Shelter is also the way for overcoming the lack of institutional support for this target group.

The greatest result of long-term lobbying of local and international donors was the fact that United Women Banja Luka succeeded to buy the house. Shelter has 340 square meters, and we bought it during 2003, thanks to the support from the Government of Republika Srpska and Open Society Fund of B&H. The house was devastated, and we needed to reconstruct it, which we succeeded at the end of 2004, thanks to the personal commitment of the Danish Ambassador in Bosnia and Herzegovina.

Since the end of 2004, we were in the constant negotiations with the City authorities of Banja Luka for supporting of the running costs of the shelter from the city budget. It is important to mention that in 2002 the delegates of the City Assembly Banja Luka recognized family violence as the social problem, and voted for support of the running costs for shelter from the City budget. However, in that time we did not have an object for this purpose, so we could not implement this official decision.

In 2005, through GAP – Governance Accountability Project, supported by the SIDA and USAID, we received 64 000 BAM for the final adaptation of the house. Furthermore, we received the approval for the same purpose in amount of 50 000 BAM from the 2005 City budget of Banja Luka.

The main precondition for opening of the safe house for women and children victims of family violence is including the running costs of this project into the City budget, in order to have secure and continuous funding for the house once we open it for women and children beneficiaries.

On October 7, 2005, we signed the Memorandum of Understanding with the Administrative Service of Banja Luka, Office of the Public Prosecutor of RS, Center for Social Work Banja Luka, and Health Center of Banja Luka. This MOU should also be signed from the Center for Public Security of Banja Luka, but they refused to do it, with the explanation that they are not authorized to provide 24-hour's protection of an object for this purpose. They also emphasized they would intervene on calls.



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Safe house has the limited capacity of accommodation for 22 persons, and women and children victims of family violence would be able to stay in the house up to three months. During that period, they would receive 24 hour's assistance from the team of experts, and help in re-socialization.

Admittance in the safe house would be organized through the Commission that will be formed by the Center for Social Work and United Women Banja Luka.

It is important to mention that we have continuous cooperation with the safe house opened by nongovernmental organization "Future" from Modriča, where we are placing some of women beneficiaries, and partially reduce the consequences of the fact that the safe house still does not exist in the region of Banja Luka.

We do hope we will be able to overcome all the problems, and open the safe house during upcoming year. We hope that the City Assembly of Banja Luka would approve financial support for the running costs of the house, so we would be able to assist women and children victims of family violence in moments of acute violence.

AMELA BAŠIĆ

Psychologist, United Women Banja Luka

SOS TELEPHONE FOR WOMEN VICTIMS OF FAMILY VIOLENCE

Family violence represents every form of violation of the basic human rights. The essential right of each person is to have a life free from violence in public and private sphere. Violence leaves long term and hardly cured consequences, since it endangers physical, psychological, and social integrity of women. Family violence can have different forms – such are the physical, psychological, economic, and sexual violence. It is difficult to draw a line between these forms, because in many cases women face multiply forms of violence from the same abusers. However, the common characteristics for all forms of violence are control and abuse of power.

The best way for providing assistance for women victims of violence is establishing women's triage: SOS telephone, counseling services, and safe house.

In the period from March 1997, until the end of April 2005, 3.985 women contacted our office for free legal and psychosocial assistance. In 95% of cases, women that contacted us were victims of violence. Furthermore, since beginning of its work in 1997, SOS telephone for women and children victims of family violence recorded 5.803 calls of victims of family violence.

Since August 1, 2005 with a support from Gender Center of Republika Srpska, we established joint number of SOS telephone for women and children victims of family violence in Republika Srpska **1 2 6 4**. Nongovernmental organizations that are participating in this initiative are "Future" – Modriča, "Women's Center" – Trebinje, Women's Association "Lara" – Bijeljina, and "United Women" – Banja Luka. Telecom of Republika Srpska is redirecting

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SOS calls to the organizations that are closest to the location of the call. During the past period of three months, United Women Banja Luka received **303 calls** on this short number. The largest number of calls was received from victims of family violence, while some calls were received from members of families, or we received anonymous calls from women and men citizens.

294 of SOS calls were related to violence against women, 2 calls were related to violence against men, and 7 calls were related to violence against children.

In 65% of cases, calls were directed from women from 31 to 50 years of age, 85% of victims are married, and 65% of women that reported violence have one or two minor children.

Information that 64% of women victims have high school education, and 44% of women victims have permanent employment speak against widespread prejudices that family violence affects only uneducated and unemployed women, and women that are economically dependant on abusers.

The most frequent forms of violence that were reported on SOS telephone are combined forms of physical, psychological, and economic violence (68%), and in 57% of cases violence is persisting for 4 – 10 years, sometimes even longer.

73% of victims of family violence stated that abuser does not suffer from any form of psychological illness, and 60% of abusers do not have problems with some of the dependencies – drug abuse, alcoholism, or gambling. This information is also contradictory with prejudices that abusers are predominantly mentally ill persons, or dependant on alcohol.

68% of victims of family violence never asked for the assistance from the institutions.

Women victims of violence identified following institutions that they could ask for help – police (18%) and center for social work (9%). 17% of victims that asked for assistance from some institutions, never received it.

ALEKSANDRA PETRIĆ

Human Rights Advisor

December 10 – International Human Rights Day in the Light of Women's Human Rights

In 1950, United Nations proclaimed December 10 as the International Human Rights Day.

Two years before that, on the same day, United Nations also adopted the Universal Declaration on Human Rights, which can be seen as the cornerstone of modern understanding of human rights. It is very important to remember also the process that preceded adoption of this Declaration, when the term "men's rights" has been used instead presently recognized term "human rights." Delegation of one African state that participated in the Commission that drafted the Declaration asked Ms. Eleanor Roosevelt, President of the Commission does the term "men' rights" means that the rights regulated in this Declaration would be applicable only for men, since their cultural tradition does not recognize the right of women to be a subject of legislative protection. Provoked with this question, Ms. Roosevelt started the initiative for changing of the previously used term "men's rights" into "human rights." She succeeded in it, and her advocacy efforts lead to clear definition of the international human rights – women and men should be equally observed and treated in



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the light of international legislative protection.

Universal Declaration on Human Rights preceded whole set of international documents related to women's human rights. Certainly, the most important is the Convention on Elimination of All Forms of Discrimination Against Women from 1979, that represents an integral part of Dayton Constitution, and as such, it has been directly incorporated in our legal system.

Violence Against Women – One of the Most Visible Forms of Violation of Women's Human Rights

Thanks to the support of nongovernmental organization Kvinna till Kvinna from Sweden, United Women Banja Luka, and Helsinki Citizens Assembly Banja Luka are working for the past nine years on providing free legal and psychosocial support for women victims of violence in Banja Luka. In the period from March 1997 until the end of April 2005, **3.985** women contacted our office for free legal and psychosocial assistance. In almost 90% of cases, women beneficiaries of our assistance were victims of direct or indirect physical or psychological violence from spouses, partners, or some other family members.

In the period from 1997 until the end of October 2005 SOS telephones for women and children victims of family violence recorded **5.803** calls from victims of family violence. Since August 1, 2005 with a support from Gender Center of Republika Srpska, we established joint number of SOS telephone for women and children victims of family violence in Republika Srpska **1 2 6 4**. Nongovernmental organizations that are participating in this initiative are "Budućnost" – Modriča, "Women's Center" – Trebinje, Women's Association "Lara" – Bijeljina, and "United Women" – Banja Luka. Telecom of Republika Srpska is redirecting SOS calls to the organizations that are closest to the location of the call. During the past period of three months, United Women Banja Luka received **303 calls** on this short number.

Besides providing legal and psychosocial assistance for women victims of violence, our two associations are directing the activities on making influence on lack of efficient policies of official institutions in fighting violence and all forms of discrimination against women. We are advocating for establishing of clear procedures and concrete activities for assistance for women victims of violence, and in that sense, we are cooperating with the police of RS, especially on providing education of police officers about the issue of family violence, offering efficient assistance for victims of violence, and improving cooperation with nongovernmental organizations on this issue.

United Women Banja Luka and Helsinki Citizens Assembly Banja Luka actively participated in the process of creating new Law for Protection Against Family Violence that has been adopted in the Federation of B&H at the end of February 2005 and currently the same Law is in the procedure in Parliamentary Assembly of Republika Srpska. We believe that the adoption of this Law would be of crucial importance for introducing whole set of protection measures for victims of violence, such are guarantying security for a person exposed to violence, restraining order for approaching victim of violence, obligatory treatment from dependency illnesses, etc.

We are the active members of B&H women's network for fighting violence against women, and we cooperate with numerous nongovernmental organizations from RS and FB&H that are working on providing legal and psychosocial support for women victims of violence.



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Safe House for Women and Children Victims of Family Violence in Banja Luka

For many years, United Women Banja Luka is lobbying for financial and institutional support in opening of the safe house – shelter for women and children victims of violence in Banja Luka. In November 2003, thanks to the support from Government of RS and Open Society Fund of B&H, we bought a house for the purpose of opening shelter in Banja Luka. During 2004, we succeeded to secure additional financial support for reconstruction of the house thanks to the support from the Ministry of Foreign Affairs of Denmark.

We are currently working on the reconstruction of the house roof and buying one part of the furniture for the house, for which we secured support from the Governance Accountability Project – GAP – sponsored by the Swedish International Development Agency (SIDA) and USAID.

We hope we would be able to open the house for first beneficiaries during the first part of the 2006, if we succeed in our efforts to gain financial support from the municipal authorities.

Gender Equality and Participation of Women in Public and Political Life of Bosnia and Herzegovina

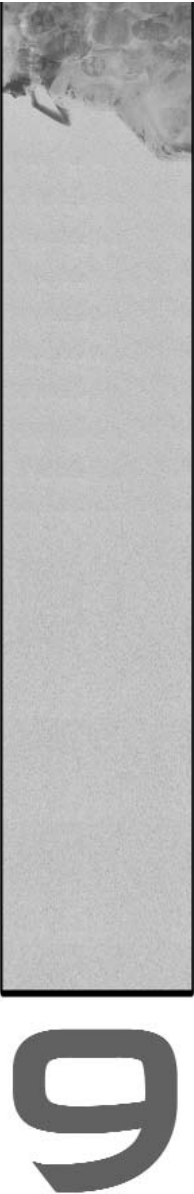
Since we are approaching the next general elections in B&H, we believe it is very important to emphasize publicly the issue of unequal position of women in public and political life of B&H, especially the problem of marginalization of women in the structures of executive, legislative, and judicial governance at all levels, and minor influence of women in the process of adopting important political decisions.

Despite the fact that Government of Republika Srpska made step forward, and appointed three women ministers, we believe this cannot be seen as the equal representation of women and men in the executive governance of Republika Srpska.

Phenomena of the "glass ceiling" for women in decision-making is still very much relevant to describe current situation in official institutions at all levels in B&H. We are remaining you that there is no women members in Joint Presidency of B&H, Presidents of RS and FB&H are men, and there is only one woman minister in the Council of Ministers of B&H. the latest results of the local elections in B&H show that only three women are heads of municipalities – out of 150 municipalities in Bosnia and Herzegovina. There are less than 30% of women in the B&H Parliament and the parliaments of both B&H Entities – the most shocking example is the House of Peoples of the Parliamentary Assembly of B&H where there are no women.

During the postwar period, Bosnia and Herzegovina had only three women leaders of political parties – Serbian People's Union, Peasant Party of B&H, and Liberal Party of B&H, where current President is Ms. Lamiya Tanović, former B&H Ambassador in Denmark. This speaks in favor of the argument that male political elites are dominant in political life of B&H.

Despite many positive steps, women are still excluded from participation in adoption of important political decisions in B&H – they are not active members of teams that are negotiating about police and army reforms. United Women and Helsinki Citizens Assembly Banja Luka publicly emphasized this issue many times, and we sent the requests to the official authorities of B&H and political leaders to include women into these political negotiations. We believe that participation of woman Minister of Finance of RS could not be seen as equal participation of women in these processes, and that all political parties in B&H should consider involvement of their women representatives in these processes.



For many years, United Women and Helsinki Citizens Assembly Banja Luka are working on strengthening of women in political parties to participate in governance. We are organizing various interactive workshops, public discussions in Banja Luka and other cities of RS, pre-election campaigns, radio programs, and TV programs. We will continue with these activities during the upcoming period.

Gender Equality in Media in Bosnia and Herzegovina

United Women Banja Luka and Helsinki Citizens Assembly Banja Luka consider important to emphasize that 2005 show significant improvement in terms of numbers of media reports related to the protection of women's human rights – especially pointing on the issues of violence against women and lack of women's participation in public and political life of B&H. However, it is also important to say that these quantitative improvements are not accompanied with qualitative changes, because it is still visible that media have discriminatory approach when reporting about women's issues and gender equality issues. There are visible gender stereotypes and media supports for discrimination of women.

As example, I am pointing on the cases of media reports about rape, sexual harassments, and family violence where women and men journalists are frequently revealing complete personal information about women that reported violence their identity, family situation, information about employment, friends, and information that are pointing on "suspicious morality" of victims. This is clearly visible from many newspaper articles, and TV programs. Furthermore, media reports about family violence often have a tendency of "sensationalism" – journalists are requesting from victims to go public with their personal stories, and to present their personal experiences. These reports are putting women in the situation of extreme danger for their personal security, and security of their children, despite modifying their voices and faces to hide personal identity in TV news. Until now, we did not find any article or TV story about abusers – persons that commit violence against their wives, daughters, partners, and other family members. I guess this is not that much attractive for journalists, because it tackles social stereotypes? You tell me. We are pointing on these examples to show that these ways of media reporting supports patriarchal prejudices and taboos, and it does not contribute in fighting gender-based discrimination.

Another example of support for gender stereotypes through media is when journalists are asking women NGO activists and women politicians, and women from various official institutions about so called "women's topics", such are violence against women, trafficking of women etc, while so called burning political issues are commented in media almost exclusively by male political leaders.

INFORMATION ON ORGANIZERS



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ABOUT US

The United Women is nongovernmental organization founded on August 16th 1996 in Banja Luka. The main reason why we decided to form an organization in that time was to support women from urban and rural areas. We are advocating for improving social position of woman and her right to life without violence in family and public life. We want to see more women at decision making positions in official institutions of Republika Srpska and Bosnia and Herzegovina.

OUR VISION

Woman aware of her power, equal, respected, employed and happy.

OUR MISSION

Strengthening and affirmation of women through advocacy and work on implementation of women's human rights.

Our General Objectives:

- Public advocating for strengthening position of women in our society, and diminishing discrimination of women in political, economic, and social sphere;
- Empowering women to participate in social changes through their active participation in creation of public policies, and political decision making on local, entity, and state levels in Bosnia and Herzegovina;
- Increasing public awareness about family violence, and public advocacy for changes of discriminatory legislation in order to advance protection of women and children victims of violence;
- Increasing public awareness about trafficking of people in Bosnia and Herzegovina, and public advocacy for more efficient work of official institutions in Republika Srpska and Bosnia and Herzegovina on prevention of trafficking of people;
- Monitoring of the positive legal regulation and initiating procedures and initiatives for changes of discriminatory laws with objective of reaching equalities between women and men in Bosnia and Herzegovina;
- Diminishing or complete elimination of problems of women beneficiaries in the Center for Free Legal and Psychosocial Assistance "Woman and Law", related to the specific legal issues and psychosocial difficulties. Women and children victims of violence have possibility to get free legal and psychosocial assistance and contact SOS line for support for women and children victims of violence;



Overview of Our Current and Previous Activities:

- We provided egg-laying hens for women in devastated rural areas of Republika Srpska, and border areas of two villages;
- We assisted in reconstruction of the primary school library in Banja Luka;
- Foreign language courses (English and German language), modern secretary courses, and computer courses in Banja Luka;
- Sewing courses in Ribnik;
- Gynecological and mammography examinations;
- Distribution of cows with calves in areas of Republika Srpska and Federation of Bosnia and Herzegovina;
- Conference about implementation of the UN Convention on the Rights of Child, held in Banja Luka during 1997, in cooperation with UNICEF;
- Since 1997, we have Center for Free Legal and Psychosocial Assistance for Women **"Woman and Law"**, in cooperation with the Helsinki Citizen's Assembly Banja Luka;
- Since 1997, implementation of the **"Woman Today"** project, in cooperation with the Helsinki Citizen's Assembly Banja Luka;
- 1998, we participated in public advocacy action **"There Are More of Us"**, in cooperation with 13 nongovernmental organizations throughout Bosnia and Herzegovina, with the objective of this action was to increase number of women in legislative bodies of Bosnia and Herzegovina, as well as to made an influence on increasing awareness among women voters about importance of support for women candidates on the elections in Bosnia and Herzegovina;
- 1998, we implemented media project **"How to Live Together Again"**, with the main objective of this project was establishing communication between female citizens of Banja Luka belonging to domicile population, women refugees currently living in Banja Luka, and women returnees that left our town during the war in BiH, and came back to start their life here again;
- In the period between October 1999 – February 2000 we started research **"Violence Against Women in Bosnia and Herzegovina"** in cooperation with Medica Infoteka Zenica and Women to Women Sarajevo;
- 2001, we organized media project **"Democracy What Is That?"**. As integral part of this project, we organized TV program on following topics: democracy and human rights, civil society, women and privatization, and democratization of society through development of civil sector;
- 2001, media project **"Campaign about Women's rights and Position of Women in Society"**, which consisted from serial of TV programs and research directed to legal and real position of women in society, trafficking of women for the prostitution, family violence, the role of woman in public life, and priorities of the strategy for public involvement of women in Bosnia and Herzegovina;
- 2001, we participated in project **"Common Life and Reconciliation"** in cooperation with Corridor Sarajevo, Medica Zenica, and Women to Women Sarajevo. We organized workshop for establishing dialogue and conflict resolution in villages throughout Bosnia and Herzegovina;
- 2002/2003 trainings for Councils for Cooperation between Parents, Teachers, and Students in primary and secondary schools in Banja Luka, Prijedor, and Gradiska, in cooperation with CRS of Bosnia and Herzegovina;
- 2002, pre-election project **"Women on Elections – Women and Men Vote for Women"**, in cooperation with nongovernmental organizations "Lara" Bijeljina and "Budućnost" Modriča, with the following objectives: increasing awareness about importance of women's participation in process of decision making, increasing awareness and knowledge about functioning of election



process, and importance of voting, increasing number of women and youth people that would vote on elections, and increasing number of women that participate in the work of official institutions and decision making processes;

- 2002/03, participation in preparation of shadow report on **1979 Convention on Elimination for all Forms of Discrimination Against Women** (CEDAW Convention), for the part related to the violence against women and trafficking of women in Bosnia and Herzegovina, in cooperation with numerous nongovernmental organizations and groups throughout Bosnia and Herzegovina, with support with the International Human Rights Law Group (IHR LG);
- 2003, in cooperation with "Lara" Bijeljina, we organized round table **"Cooperation Between Official Institutions and Nongovernmental Organizations on Fighting Trafficking of People in Bosnia and Herzegovina"**;
- 2003/04, we are organizing media project **"She and the Environment"** directed toward promotion of the 1995 Beijing Declaration about rights of women and its Platform for Action, as well as responsibilities of the RS Government in improvement of women's position in public and private life in B&H;
- 2003/04, in cooperation with Center for Women Žar from Sarajevo, we organized project **"From Legislative Protection to Real Gender Equality"**. Project is directed toward development of strategy for real implementation of the Gender Equality Law in B&H and developing Platform for Action of nongovernmental organizations.
- 2004, in cooperation with women's association "LARA" from Bijeljina, we implemented the project **"Protect Yourself – Action Against Trafficking of Children and Youth People in B&H,"** aimed for creating conditions for successful protection of children from Bosnia and Herzegovina against trafficking within the country and abroad.
- 2005/2007 – we are implementing the project **"Gender Equality in Bosnia and Herzegovina – Informed Public Opinion and Gender Sensitive Media."** The project general aim is to create possibilities for diminishing gender based discrimination in all fields of social, economic, and political life through enabling women and men citizens of Banja Luka and Bosnia and Herzegovina to become familiar with the new adopted Gender Equality Law in B&H, create an informed public opinion about gender discrimination, and fight for improving position of women in our environment.
- 2005/2006 – we are conducting final adaptation of the **safe house/shelter for women and children victims of violence in the Banja Luka region.**
- 2006 – **"From the Law to Real Gender Equality"** – project aimed for increasing gender sensitivity of women and men members of parliamentary political parties in 11 cities of Bosnia and Herzegovina through educational workshops, public discussions, and radio programs about gender equality in public and political life.

Donors Which Supported our Activities: Embassy of the United Kingdom in Bosnia and Herzegovina, Westminster Foundation for Democracy – Great Britain, Delegation of the European Commission in Bosnia and Herzegovina, Government of Republika Srpska, GAP – Governance Accountability Project – SIDA and USAID, OXFAM – Great Britain, Independent Bureau for Humanitarian Issues IBHI – office in B&H, Woman Global Fund – United States of America, Methodist Church – United States of America, Initiative of Women in Bosnia and Herzegovina (BWI), Mama Cash, The Netherlands, Ministry of Foreign Affairs – Denmark, Stability Pact for South Eastern Europe, SIDA – Kvinna Till Kvinna – Sweden, EED Germany, Open Society Fund Bosnia and Herzegovina



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Helsinki Citizens' Assembly (hCa) was officially registered on August 16, 1996, as local non-governmental organization in Republika Srpska/Bosnia and Herzegovina.

Since then, hCa Banja Luka actively participates in promotion, strengthening, and networking of civil initiatives, and work on reconciliation and strengthening of neglected groups for political activism on local and regional level.

Nowadays, hCa Banja Luka represents the organization for advocacy and support, as well as resource center that develops its activities in three program areas:

- Strengthening of civil society and transformation of public governance into citizen's service
- Advocacy for gender equality
- Creating conditions for more intensive involvement of youth people in public life.

Our mission: **Helsinki Citizens' Assembly Banja Luka is the organization that supports and stimulates autonomy and freedom of all citizens, and encourages participation of neglected social groups in democratic processes, especially women and youth people.**

Our vision: **Society of equal possibilities for all.**

Some of the hCa Programs in the Previous Period:

- **"10 Years of Peace"** – Marking 10th anniversary of peace in Bosnia and Herzegovina, organising street campaigns and publishing and promoting a book "Thank you for asking how I feel" with about 350 stories of citizens of BiH about their experiences, suffering and happy moments in past ten years as well as about their plans in the future. Book is published in local and English languages.
- **Training Centre "Open University"** – Center for human rights and civil society education, library with about 1200 related books and a resource centre within Helsinki Citizens' Assembly Banja Luka. More than 1000 people participated in our trainings up to now. Trainings are led by experienced trainers—educators with the advanced education and university level education who received additional professional development in local and international organizations, institutions and media.
- **Ethnic Minorities: "Cotenants"** Registration and strengthening of Alliance of Ethnic Minorities of RS and other associations of ethnic minorities, increasing public awareness about their problems, through campaigns for improving their status. Partner: Alliance of Ethnic Minorities of Republika Srpska, Banja Luka
- **"From Local to Global Dialogue"** – creating communication between citizens and local administration in Modriča, Teslić and Banja Luka through TV programs, public discussions about functioning of the local administration, and publishing of the monthly informational bulletin.
- **"Woman Today"** – Partnership project with "United Women" Banja Luka, aimed for greater participation of women in public life of B&H. The project lasts since 1997, and consists from public discussions, workshops, radio and TV programs, and campaigns.
- **"Woman and Law"** – Partnership project with "United Women" Banja Luka, Office for free



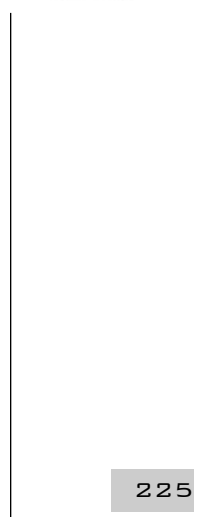
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legal and psychosocial assistance for women, SOS telephone for women victims of violence, since 1997.

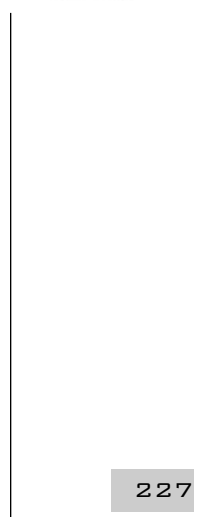
- **Support to Women's Human Rights in The Western Balkans** – preparation of in-depth study on domestic violence with comments of existing laws, activities of institutions in charge and situation in the field. Partners: "Lara" Bijeljina, "Women to Women", Sarajevo, Humanistisch Overleg Mensenrechten (HOM), the Netherlands
- **"Women in B&H: Be Seen, Be Heard"** – Informal women's network aimed for involving women in democratic processes and decision – making institutions in local communities. Nowadays, the Network gathers more than 160 female activists from nongovernmental organizations, political parties, official institutions, and cultural associations from 16 cities in B&H (Banja Luka, Bosansko Grahovo, Bratunac, Drvar, Gacko, Glamoč, Kupres, Livno, Ljubuški, Milići, Mostar, Nevesinje, Sarajevo, Srebrenica, Tomislavgrad, and Višegrad).
- **"YOUTHMOVE" – "promijeniTI"** – Since 2004, program for strengthening youth people in political parties, aimed for creating of new generation of politicians that will be ready to work on improving life conditions in their local communities. Through the project "Youth People, Be visible" implemented throughout B&H, young politicians were educated about public advocacy, negotiation, and media presentation skills, and in latter project phase, they implemented numerous local campaigns for solving problems of youth people in municipalities of B&H.
- **"Youth Network of B&H"** – Since 1997, implemented in the partnership with hCa Tuzla. The Network represents informal group of non-partisan organizations, groups, and individuals that are active on satisfying needs of youth people in Entities, through their active involvement in building of democratic values and strengthening of civil society. During past period, we organized numerous meetings of the B&H youth Network members, conferences, summer schools, workshops, and youth campaigns. Web page: <http://www.omladinskamrezabih.org>
- **"Future"**– Education of elementary schools teachers and students in developing skills of non-violent communication and improving multi-cultural cooperation in sixty elementary schools in Republika Srpska (2001–2002). The project activities engaged 120 teachers and around 3600 elementary school students. After ending of the project activities, non-violent communication classes became integral part of school plans and curricula, and schools are using the material printed for the need of the project as textbooks. Partner: Educational and Pedagogic Institute of RS.
- **"Alternative = Peace"** – Several eight – day educational peace building programs for youth activists from the area of former Yugoslavia, and one conference that gathered all 60 program participants. (2001/2002)
- **4th session of the Civil Dialogue – Bosnia and Herzegovina, FR Yugoslavia, Republic of Croatia** – organized in the partnership with Forum of Citizens Tuzla, Anti War Campaign from Zagreb, and Belgrade Circle. Topic: "Economic, Social, and Political Aspects of Reconstruction and Development" (Banja Luka, June, 1997)
- **Executive organizer of the 2nd session "Dayton – Continuation in B&H"**, with the topic "Civil society in B&H, Hampered or Stimulated by the International Nongovernmental Organizations" (Banja Luka, June, 1997), in cooperation with Law Center from Sarajevo, and hCa International.
- **Women's Conferences in B&H "Room for Conversation"** – Zenica (June 1996), Banja Luka (December 1996), and Mostar (July 1997). hCa Sarajevo and Tuzla were partners in the implementation of this project.



Following donors supported our work during previous period: European Union, SIDA / Kvinna till Kvinna Foundation – Sweden, Olof Palme International Center – Sweden, Interchurch Peace Council (IKV) – the Netherlands, HIVOS – the Netherlands, Westminster Foundation for Democracy – Great Britain, Humanistisch Overleg Mensenrechten (HOM) – Hollandija, CORDAID – the Netherlands, National Endowment for Democracy (NED) USA, USAID – USA, Open Society Fund – Soros Foundation, Friedrich Ebert Stiftung – Germany, Henrich Boell – Germany, Franciscan sisters – the Netherlands, Haella Stichtung – the Netherlands, Press Now – the Netherlands, Royal Dutch Embassy Sarajevo, Council of Europe Youth Directorate, City of Banja Luka.

SADRŽAJ

UVOD	5
Javne tribine AKTUELNI TRENTAK	7
<i>Tanja Topić</i> POLITIKE U BIH – uticaji i odgovornosti	9
<i>mr Damir Miljević</i> ŠTA DONOSI PDV?	17
<i>Jasminka Džumhur</i> IZBORNI ZAKON U SVJETLU ZAKONA O RAVNOPRAVNOSTI POLOVA U BIH	23
<i>Ane Jakšić</i> <i>Nevenka Trifković</i> ZA JEDNAKE MOGUĆNOSTI POLOVA U IZBORNOM ZAKONU	32
<i>Dr Željko Mirjanić</i> USTAVNE PROMJENE I EVROPSKE INTEGRACIJE	41
<i>Dragana Dardić</i> NASILJE U PORODICI – OD ISTRAŽIVANJA DO STRATEGIJE	46
<i>Olga Lola Ninković</i> MOGUĆNOSTI ZAJEDNIČKOG DJELOVANJA U IZBORNOJ GODINI	52
Regionalni okrugli sto STVARNI I PRAVNI POLOŽAJ ŽENE U REGIJI JUGOZAPADNOG BALKANA	55
Lista učesnica konferencije	57
Plan rada konferencije	58
<i>Nada Golubović.</i> POZDRAVNI GOVOR	59
<i>Kaća Đuričković</i> STVARNI I PRAVNI POLOŽAJ ŽENE U CRNOJ GORI	61



<i>Mr.Sc. Selvete Gërxhaliu</i> PRAVNI I STVARNI POLOŽAJ ŽENA NA KOSOVU	66
<i>Svetlana Cvetkovska</i> PRAVNI I STVARNI POLOŽAJ ŽENE U R MAKEDONIJI	69
<i>Tanja Ignjatović</i> PRAVNI I STVARNI POLOŽAJ ŽENA U SRBIJI	72
Izveštaj ženskih nevladinih organizacija Odboru za eliminaciju diskriminacije žena prilikom podnošenja Drugog i trećeg izvješća Republike Hrvatske	76
<i>Dijana Šehić</i> <i>Gordana Vidović</i> STVARNI I PRAVNI POLOŽAJ ŽENE U BOSNI I HERCEGOVINI	79
RAD U GRUPAMA Razlike i sličnosti u legislativi i uspostavljenim institucionalnim mehanizmima Zalaganje, lobiranje za primjenu i promjenu	85
PREPORUKE I ZAHTJEVI	87
Kvinna till Kvinna i žene Zapadnog Balkana ujedinjene u zahtjevima prema Evropskoj Uniji – Zakoni daju lažna obećanja o ravnopravnosti polova	88
RADIONICE KOMUNIKACIJA, KOORDINACIJA, KOOPERACIJA I KOLABORACIJA	91
PRES KONFERENCIJE	99
INFORMACIJE O ŽENSKIM LJUDSKIM PRAVIMA IZNESENE NA PRES KONFERENCIJAMA	102
<i>Minja Damjanović</i> SIGURNA KUĆA ZA ŽENE I DJECU ŽRTVE PORODIČNOG NASILJA	102
<i>Amela Bašić</i> SOS LINIJA ZA ŽENE ŽRTVE PORODIČNOG NASILJA	103
<i>Aleksandra Petrić</i> 10. Decembar – Međunarodni dan ljudskih prava u svijetlu ženskih ljudskih prava	104
INFORMACIJE O ORGANIZATORIMA	109
Udružene žene	108
Helsinški parlament građana Banja Luka	113

CONTENTS

INTRODUCTION	119
Public Discussions	
ACTUAL MOMENT	121
<i>Tanja Topić</i>	
POLITICS IN BOSNIA AND HERZEGOVINA – Influences and Responsibilities	122
<i>Damir Miljević, MSc.</i>	
WHAT WILL "VAT (VALUE ADDED TAX)" BRING TO US?	130
<i>Jasminka Džumhur</i>	
ELECTION LAW OF B&H IN THE LIGHT OF GENDER EQUALITY LAW IN B&H – Equal (im)possibilities for participation of women and men in public life of B&H	136
<i>Ane Jakšić</i>	
<i>Nevenka Trifković</i>	
FOR EQUAL POSSIBILITIES OF BOTH SEXES IN THE ELECTION LAW OF B&H	145
<i>Željko Mirjanić</i>	
CONSTITUTIONAL CHANGES AND EUROPEAN INTEGRATIONS	154
<i>Dragana Dardić</i>	
FAMILY VIOLENCE – FROM RESEARCH TO STRATEGY	159
<i>Olga Lola Ninković</i>	
OPPORTUNITIES AND OBSTACLES FOR COMMON ACTION	165
Regional Round Table	
REAL AND LEGAL POSITION OF WOMEN IN THE REGION OF SOUTHWESTERN BALKANS	169
Women Participants at the Conference	171
Working agenda of the conference	172
<i>Nada Golubović</i>	
WELCOME SPEECH	173
<i>Kaća Đuričković</i>	
REAL AND LEGAL POSITION OF WOMEN IN MONTENEGRO	175



9

<i>Mr.Sc. Selvete Gërxhaliu</i>	
LEGAL AND REAL POSITION OF WOMEN IN KOSOVO	180
<i>Svetlana Cvetkovska</i>	
REAL AND LEGAL POSITION OF WOMEN IN MACEDONIA	184
<i>Tanja Ignjatović</i>	
LEGAL AND REAL POSITION OF WOMEN I SERBIA	187
Report of the Women's Nongovernmental Organizations to the Committee for Elimination of All Forms of Discrimination Against Women – On the Occasion of Submitting the Second and Third Report of Republic of Croatia	191
<i>Dijana Šehić</i>	
<i>Gordana Vidović</i>	
REAL AND LEGAL POSITION OF WOMEN IN BOSNIA AND HERZEGOVINA	194
I. WORKING GROUP	
Differences and Similarities in Legislative and Established Institutional Mechanisms	201
II. WORKING GROUP	
Advocacy, Lobbying for Implementation and Change	201
RECOMMENDATIONS AND REQUESTS	202
Kvinna till Kvinna and Women in the Western Balkans Unite in a Call on the EU – Laws Give False Promises About Gender Equality	203
WORKSHOPS	
Communication, Coordination, Cooperation and Collaboration	207
PRESS CONFERENCES	211
Information on women's human rights presented in press conferences	213
<i>Minja Damjanović</i>	
SAFE HOUSE FOR WOMEN AND CHILDREN VICTIMS OF FAMILY VIOLENCE	213
<i>Amela Bašić</i>	
SOS TELEPHONE FOR WOMEN VICTIMS OF FAMILY VIOLENCE	214
<i>Aleksandra Petrić</i>	
DECEMBER 10 – INTERNATIONAL HUMAN RIGHTS DAY IN THE LIGHT OF WOMEN'S HUMAN RIGHTS	215
INFORMATION ON ORGANIZERS	219
The United Women	220
Helsinki Citizens' Assembly (hCa)	223



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Projekat

ŽENA DANAS 9

Izdavači

Udružene žene Banja Luka

Helsinški parlament građana Banja Luka

Za izdavača

Lidija Živanović

Prevod na engleski jezik

Aleksandra Petrić

Prelom i dizajn

Maja Ilić

Štampa

"Grafid" Banja Luka

Za "Grafid"

Branislav Ivanković



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