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Peace Agreements as a Means for Promoting Gender Equality and Ensuring
Participation of Women

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Engendering the Peace Process, a study on the Dayton Peace Accord 1995, updated version

“Engendering the Peace Process: A Gender Approach to Dayton and Beyond” was presented at the UN conference “Women 2000: Gender Equality, Development and Peace for the Twenty First Century” (Beijing+5) in New York in June 2000.

“Engendering the Peace Process” analyses the gender aspect in the 1995 Dayton Peace Accords for Bosnia and Herzegovina and its implementation, based on the Beijing Declaration and the Platform for Action adopted at Beijing conference.

The report also focuses on the valuable work for peace and reconstruction done by the women’s NGOs in Bosnia and Herzegovina and ends with a number of conclusions and recommendations, useful for both governments, international organisations and NGOs, relative to future peace negotiations and peace processes.

The Dayton Peace Accords for Bosnia and Herzegovina was the first major peace agreement adopted after the Beijing conference, in December 1995.

"Engendering the Peace Process" analyses and discusses the extent to which gender was taken into account in the Dayton Peace Accords and in its implementation. Focus is on the civilian aspects of the agreement and its implementation by the international community. The Dayton Peace Accords is measured against the Beijing Declaration and Platform for Action.

The following paper is a summery of the findings in “Engendering the Peace process“, with updates on the situation as of today.

The full report can be downloaded from the Kvinna till Kvinna web-site www.iktk.se or ordered from Kvinna till Kvinna, Tjärhovsgatan 9, 116 21 STOCKHOLM., SWEDEN. E-mail: info@iktk.se.

1. THE DAYTON PEACE ACCORDS

The Dayton Peace Accords, i.e. the General Framework Agreement for Peace in Bosnia and Herzegovina, were adopted in Paris on 14 December 1995, after being negotiated and initialled by the Presidents of Bosnia and Herzegovina, Croatia and the Federation of the Republic of Yugoslavia (FRY) at the Wright-Patterson Air Force Base in Dayton, Ohio on 21 November 1995. The Dayton Peace Accords marked the end of the military conflict in Bosnia and Herzegovina and the virtual creation of a new multi-ethnic state of Bosnia and Herzegovina after the 1992-1995 war, and its independence from former Yugoslavia in 1992.

The Dayton Peace Accords were based on the establishment of two virtually autonomous entities with “common institutions,” the Federation of Bosnia and Herzegovina and the Republika Srpska. In addition to military matters, regional stabilization, arbitration, preservation of national monuments, and the establishment of private corporations, the annexes to the Dayton Peace Accords also deal with elections, the constitution, human rights, refugees and displaced persons, the civilian implementation of the peace settlement, and the international peace force. "Engendering the Peace Process" focuses on the latter of the above mentioned annexes.

Since gender transverses class, ethnicity, and religion, the differential assessment of the roles of men and women and the impact the Bosnian conflict has had on them is of primary importance for the peace-making and peace-building process. However women living in Bosnia and Herzegovina were excluded from the process. Basically, the Dayton peace negotiations were a dialogue of men, often with purely militaristic overtones. No women were present around the negotiation table, and there was only one woman represented among the signatories (in the British delegation). Focus was on the military withdrawals and the new boundary lines, to quote Björn Lyrwall, advisor to the EU Special Envoy Carl Bildt during the Dayton peace negotiations: "As far as I know gender aspects were never discussed, the partners were only focused on letting the armed hostilities end."

The gender aspects of conflict, and particularly the role of women in the peace process, have been well defined in the Platform for Action and the Beijing Declaration. The Dayton Peace Accords however, fall short of this demand. The peace agreement does stipulate the protection of fundamental human rights and freedoms, including equality and a clear condemnation of discrimination based on gender, but it is gender neutral. Gender neutrality does not answer for the analysis or for the positive policies spelled out in documents as CEDAW and the Beijing Platform of Action.

1.1 Constitutional, institutional, and legislative/judicial arrangements

The Dayton Peace Accords lay down the foundations of the new Bosnia and Herzegovina Constitution, electoral law, and judicial system, essentially targeting solutions to inter-ethnic problems by way of a balance of power between the three main ethnic blocs (Croats, Bosnians, and Serbs). As such, they fail to address directly many other crucial issues for the functioning of a democratic, pluralistic state based on the principles of the United Nations Charter.

Women and religion

Nowhere in the Dayton Peace Accords is there a mention of a modern democratic state where there would be a separation of church and state—a very important principle in such a multi-religious country that could prevent discrimination based on religious belief. This also has a bearing on the status of women because ethnic nationalism and religious fundamentalism on all sides has had a negative impact on the traditional patriarchal perception of, and policy toward, the actual status of women in society. The most flagrant example is the issue of religious instruction in schools that, if officially instituted, would be automatically a divisive factor among children, as well as in relation to the wearing of the "hijab" (the veil) by Muslim girls.

Women's (lack of) access to power

The state institutions stipulated in the articles of Annex 4 speak only of the responsibilities of these institutions and their *ethnic* composition. Nowhere do they express positive measures for the inclusion of women at the highest levels (i.e. in the Parliament, Presidency and Constitutional Court). The Beijing Platform for Action is very clear in asking governments to take measures to ensure women's equal access to, and full participation in, power structures and decision-making.

Annex 3 on Elections fails to mention proactive measures to promote women on electoral lists, in general referring only to citizens as "he or she" and thereby implying their equal rights.

An NGO shadow report¹ notes that the government perpetuates inequalities at the highest level of decision-making by appointing mainly men to senior functions in the government bodies and to administrative economic positions.

1.2 Respect, protection and promotion of human rights

Women and human rights

Annex 6 (Human rights) states that “the Parties shall secure to all persons within their jurisdiction the highest level of internationally recognised human rights and freedoms” (Article 1), but does not make specific reference to women’s human rights. Women and gender are not specifically mentioned, although the enjoyment of the rights and freedoms extended is to be secured without “discrimination on any ground such as sex...” (Article 1.14).

Both Annex 6 and 7 (Refugees and Displaced Persons) set up commissions, the Commission on Human Rights and the Commission for Displaced Persons and Refugees, respectively, responsible for monitoring and processing complaints on behalf of victims of the conflict. Although the treaty lays out the exact number of appointees to the commissions, and, in the case of the Commission for Displaced Persons and Refugees stipulates that “the Federation of Bosnia and Herzegovina shall appoint four members...and the Republika Srpska shall appoint two members” never is there any reference to the effect that women should be included in these bodies or, for that matter, excluded. They are simply not mentioned.

Rape – a war crime?

Although Annex 6 does not specifically refer to women’s rights, it sets up a legal framework pursuant to which allegations of rape, abuses, violence, and sexual assault can be brought to the Commission on Human Rights through the Ombudsman. One must assume that rape is also included, although there is no direct mention of it in the “gender neutral” articles in Annex 6, like the one in Article VIII (2)(e): “In principle the Chamber (Human Rights) shall endeavour to accept and give particular priority to allegations of especially severe or systematic violations and those founded on alleged discrimination on prohibited grounds.” Annex 6 is not retroactive, which implies that rapes committed during the conflict are outside the jurisdiction. The Dayton Peace Accords do not mention the government/state responsibility for prosecuting those who commit rape or for providing shelters and rehabilitation for victims. This is a missed opportunity to address the issue of rape as a violation of human rights in the new legislation since it was flagrantly used during the conflict.

Annexes 4 and 6 which mention the Genocide Convention as the basic document, could have had an enhanced text by direct reference to the issue of rape as a war crime, as was done on other issues when CEDAW and the Convention on the Nationality of Married Women were referred to.

Women and violence

As for violence against women, women’s SOS hotlines have reported from all over the former Yugoslavia a huge increase in violence against women due to the resurrection of a macho militaristic culture, stress caused by war, and the overall political, economic, and social situation. Neither the Dayton Peace Accords nor the ensuing Bosnia and Herzegovina constitutional and other legislative provisions take violence against women into account.

¹ “A National NGO Report on Women’s Human Rights in Bosnia and Herzegovina” (1999)

Victim protection is also not included in any article, one of the preconditions in insecure environments for people, especially raped and victimised women, to come forward.

The rights of refugees

Annex 7 especially fails to address the issues of women refugees, who, without doubt, together with children and the elderly, represent a vast majority of all refugees and displaced persons. The provision on the right to return, for instance, does not mention women, now often widowed or alone; it reads only as follows: “permitted to return in safety irrespective of ethnic origin, religious belief, or political opinion” (annex 7, Chapter One, Article 1(2)).

Neither is there any attempt to include women on the nine-member Commission for Displaced Persons and Refugees.

Property and return

The return of property is another issue that should have a gender-differentiated focus. Albeit there is an increasing number of single women returnees or widows, Bosnia and Herzegovina still, especially in rural areas, retain traditional ownership over land and other assets.

There is also an ineffective legislation and judiciary for the protection of ownership rights which demands close and sex differentiated approaches to the issue of and the return of property. Although Article XV of Annex 7 stipulates that domestic laws on property rights should be considered in developing of rules and regulations regarding the agreement, it does not specify who and what laws it targets. Generally domestic laws, which reflect traditional practices and customary norms whereby men are primary owners of land, are unfavourable to women in way that probably would not have been accepted if it had concerned an ethnic group.

Concluding remarks

The gender dimension of the conflict in Bosnia and Herzegovina and the differential impact the conflict has on women and men was not a political priority and therefore not a part of the political analysis or the final peace settlement. These are serious missed opportunities to redress the gender inequalities and ensure sustainable human development.

Beijing Platform for Action is very clear in asking governments to take measures to ensure women’s equal access to, and full participation in, power structures and decision-making.

The Dayton Peace Accords stipulates the protection of fundamental human rights and freedoms, including equality and a clear condemnation of discrimination based on gender, but it is gender neutral. Gender neutrality is an inadequate response for the analysis and for the positive policies spelled out in documents as the Convention of Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Platform of Action.

Citizens, i.e. civil society, were not consulted on the peace settlement, which in turn only reinforced the ruling personalities and parties, their militaries and cronies, as well as the existing power structures. Civil society, including women’s groups, had hardly any official channel of influence on the peace processes, which lead to a lack of gender sensitivity in the Peace Accords.

The human rights elements in the Dayton Peace Accords are not followed by outlines for the implementation process, which results in their absence in the action plans of the peace implementation bodies in Bosnia and Herzegovina.

The absence of a gender perspective may seem insignificant, but in the practical situation in societies, women's issues will fall between the cracks. The error of omission leads to discrimination and serious inequalities on, for example, property issues, women's participation in decision-making bodies, labour discrimination and treatment of refugees.

2. Post-Dayton Development, early years (until end of 1999)

The Dayton Peace Accords established a comprehensive framework for the creation of a new peaceful and democratic society in Bosnia and Herzegovina. The Peace Accords provide for various international intergovernmental organisations to assist in the implementation process. The NATO-led Implementation Force (IFOR) was given the task of carrying out the military provisions and the Office of High Representative (OHR) was established to co-ordinate the implementation of the civilian tasks. Here we will focus on the civil implementation, and on the international community there to implement it.

The Dayton Peace Accords give a high priority for human rights and especially commit the state to its obligations under international human rights treaties. Yet, the implementation guidelines do not mention participation of either civil society in general, or women's NGOs in particular.

The International Community

There was from the very beginning a lack of gender sensitivity in the international community structures responsible for the implementation of the agreement. None of the agencies had any gender-based action plans in their missions to Bosnia and Herzegovina when the post-war reconstruction work began, even if some have developed gender programmes since, there is still no formulated strategies. Articulated peace accords, instead of gender-neutral, can counteract ignorance to gender related commitments in the international community and thus guarantee that issues such as trafficking in women, violence against women, women's participation in decision-making, and on women's property rights are addressed.

Another stated obstacle is the lack of gender awareness among senior staff within the international community, and little is done to ensure gender equality within the organisations. The Organisation for Security and Co-operation in Europe (OSCE) Democratisation Department, that has (by 1999) introduced a sexual harassment policy and an internal gender focal point, is the only agency that has expressed internal efforts relating to gender issues.

One could assume that education and efforts made to include women in high decision-making positions could have served to raise gender awareness and respect for human rights. Gender awareness is still very much due to a few devoted persons, and no integration of the issue has really taken place in the structures of the organisations. Therefore there is an evident need to mention gender in the different mandates given to international organisations, for gender mainstreaming within the international community as well as for more gender sensitive staff in senior positions.

Women in Power and Decision-Making

The political agenda in Bosnia and Herzegovina has generally been set by male standards and by male politicians. Especially during the war, and shortly after, many women considered

politics as a corrupt area. Nevertheless, as many women active in local NGOs were concerned with the lack of sufficient educational system, health care facilities, and social security, and with the outline for all of the public sectors are set by politicians, the need for interaction with politicians became apparent, parallel to the necessity to increase the number of women within political parties.

The Dayton Peace Accords do not mention any proactive measures to get women on to electoral lists, or for inclusion of women at the highest levels of state institutions. The number of women elected in the first post-war national elections in Bosnia and Herzegovina in 1996 was therefore, partly due to the peace treaty, on the same low level as in the 1990 elections. Women's representation in the Bosnia and Herzegovina House of Representatives was for example only two percent. The municipal elections held in 1997, where women's representation on average was five percent, only verified that women practically had no influence on the decision-making in the post-war re-construction process.

Cross-entity meetings were held by local NGOs as early as in 1996, but the international community did not take this into account until after the municipal elections in 1997. As a response to the assessed need spelled out by women's NGOs and with the miserable elections in mind, the OSCE Democratisation Department initiated the Women in Politics programme with the aim to increase women's participation in politics. Due to the programme, and to the efforts made by women politicians and local NGOs, a new provisional "gender rule" was introduced in the 1998 elections, requiring at least three persons of the minority gender in the top ten of each candidate list.

A NGO campaign followed the legislative change, as the first nation-wide effort to increase the number of women participating in the elections, as both active voters and as political candidates. In the 1998 elections women's representation made a remarkable increase, from 2 to 26 percent in the Bosnia and Herzegovina House of Representatives. The progress empowered many women's NGOs to continue their work for changes in society, as in their demand for a quota system also within the permanent election law in Bosnia and Herzegovina.

Violence against Women

It was only in the aftermath of the war that the controversial issue of domestic violence became a general topic of discussion both within the international and local community of Bosnia and Herzegovina. Several projects and seminars have addressed the question and since 1999, the law in the Federation of Bosnia and Herzegovina as well as the draft law in Republika Srpska states that domestic violence is a crime. The greatest amount of the work for raising public awareness and work for decreasing **domestic violence** has been done by local women's NGOs in Bosnia and Herzegovina.

Even though the UN International Police Task Force (IPTF) is, in the Dayton Peace Accords, given the mandate to train and educate the local police in Bosnia and Herzegovina on respect for human rights, neither women's human rights in particular, nor the protection of victims of violence are mentioned in the Dayton Peace Accords. To deal with the gender-neutral attitudes, gender has to be mainstreamed into implementing bodies, as in the IPTF, as well as in the national police department. It is also a sending-state issue, which should be raised in the education of all international missions to post-war areas, together with general information on human rights and democracy.

The problem of **trafficking in human beings**, mainly women and girls, for the purpose of forced prostitution is a problem with a connection to the big international presence in the country after the peace agreement was signed. Since 1998, the issue has started to be debated in Bosnia and Herzegovina and is considered a serious human rights issue. From 1998/99 interagency programmes to support trafficked women have been developed. The late approach to the problem is probably partly due to the Dayton Peace Accords that nowhere mentioned the issue of trafficking in women. Had the problem been mentioned in the document, certain measures might have been undertaken to prevent the present situation.

Institutional Mechanisms for the Advancement of Women

Gender equality within decision-making bodies can by no means be achieved without well-functioning national mechanisms in place. The Dayton Peace Accords are very sparse on institutional mechanisms for the advancement of women; neither do they mention any proactive measures for inclusion of women at highest levels of state institutions nor measures for gender disaggregated data. The international community (outside the ones drafting the laws) and NGOs still have little access to draft laws, and mandates to suggest adjustments. By the end of 1999 there had been some initiatives to form institutional mechanisms, but none had come through yet. This happened some years later (see below)

Women and Economy

The unstable political situation of post-war Bosnia and Herzegovina has to a large extent interfered with the economic recovery in the country. Unemployment rates are still very high, and women are especially exposed to the problem. Labour laws do not protect women's full and equal access to employment, women's wages are sometimes only half of their male counterparts and problems regarding maternity leave allowance have been encountered in most parts of the country.

Employment discrimination is also a problem in Bosnia and Herzegovina concerning recruitment. A 1999 OSCE Human Rights report states that priority in recruitment is given to demobilised soldiers, families of deceased members of the army and disabled war veterans, making it difficult for women to get access to the job market. The report also points out that the law allows employers to retire women at an earlier age than men. Since, the OSCE Human Rights Department and OHCHR have started a joint programme on the implementation of fair employment principles to promote equality and access to employment for women.

The International Community and the NGOs

Only a few international agencies have actually co-operated with Bosnian NGOs. However it is these joint projects that actually have shown sustainable results. The Bosnian NGOs have the cultural competence and an invaluable knowledge from living in the country through both the pre-war and the conflict period. In the post-war reconstruction period it is crucial that governments as well as the international community develop their co-operation with NGOs based on an acknowledgement of their competence. Without this co-operation no sustainable peace can be achieved.

Co-operation with Bosnian NGOs has increased since the forming of the international Gender Co-ordination Group (GCG) in 1999 (organised by OHR), as has co-operation with local governments on a lower level, on issues such as trafficking and violence. However, the state and entity governments have still not identified gender focal points and there is no national action plan on gender equality or mechanisms in place to nationally handle issues relating violence nationally.

In many areas where progress has been achieved due to the GCG, it is still not self-sustaining as it is often based on ad hoc arrangements and personal contacts rather than on structure or systematic integration of a gender perspective. The GCG is of vital importance for the reconstruction process in Bosnia and Herzegovina. Nevertheless, its weakness is that it was not part of the process from the very start, and therefore was not incorporated in the structures of the peace implementation phase. The need for a proper mandate is evident, including increased co-operation with those responsible for drafting legislation.

3. Conclusions and looking forward

The Dayton Peace Accords did not take gender into consideration, neither in the negotiations nor in the document itself.

The outcome, with the competence and knowledge of civil society not having been brought into the negotiating process, is an implementation process lacking gender sensitivity in programmes, policies, organisational structures and human resources of the different implementing bodies. It thus fails to recognise the differences between men and women, regarding vulnerability, violence, property rights and participation in decision-making.

There is no real democracy without the participation of both women and men. As democracy is the pre-condition for lasting peace, it is obvious that women's participation in the peace process, on equal terms with men, is essential.

How peace processes and post-war reconstruction can be more gender sensitive is therefore a critical aspect. The main findings in "Engendering the Peace Process" are presented hereinafter. A complete list of recommendations is to be found in the full report.

The Peace negotiation Process

Peace negotiators are predominately male representatives of the warring parties, concentrating on negotiating an end to war. *But if sustainable peace is to be reached, the post-war reconstruction also needs to be highlighted in the negotiations.*

A peace agreement is not only the end of war, it is also the starting-point for building a whole new society. To build a functional framework for this reconstruction, the NGOs that have been striving for normality in wartime are best suited to lead the effort. Still, these groups in general are excluded from the peace process. *The necessity of acknowledging civil society in the peace process is therefore of vital importance. The general mechanisms in peace negotiation processes need to be analysed and changed. Civil society must be allowed to influence the negotiation process equal in importance to the military aspects.*

As a rule, women are absent from the highest levels of decision-making, and therefore also from the negotiating process. Women, however, are fundamentally affected by such decision-making and as vitally interested citizen activists do contribute to peace building and to post-conflict reconstruction. *It must be the responsibility of all participating governments to include a fair number of women in peace negotiation delegations.*

It is of utmost importance to include women in the international delegations, both from a gendered point of view and as setting standards. *International mediators should also ensure that women are included in the national delegations.*

The Peace implementation process

The international community must incorporate gender in the structures of their organisations from the very beginning of a mission to avoid the possibility that gender-oriented issues get trapped in a special branch without possibility to influence the overall work of the organisation. The work for gender mainstreaming should be co-ordinated by one responsible person with a strong mandate on a high senior level. A network of gender persons on all levels should be affiliated to the co-ordinator.

Gender mainstreaming needs to be complemented with efforts such as special women's forums, gender task forces, and quota mechanisms. Work for such gender awareness can be strengthened by activities on both levels, supporting and challenging each other to develop.

Women's access to decision-making fora needs to be supported by the international community. In a society where the political agenda is not in place and still under construction, women with their different wartime have to be acknowledged. Women are agents of change, with new solutions to problems, and they are usually not beholden to power structures as are many men in same position.

A major achievement from Bosnia and Herzegovina in 1999, is the co-operative efforts by the international community, local NGOs and the local authorities, that address the problem of trafficking in persons for the purpose of forced prostitution. The state's sense of responsibility has increased and efforts by the local NGOs re trafficking in women are acknowledged. Hence, in a post-war reconstruction period it is essential for the international community to develop contacts and co-operation with civil society and show increased respect for local competence.

As is evident from post-war Bosnia and Herzegovina, increased civilian participation in the re-construction process can be reached if war affected women are supported at an early stage. Psychological support, complemented with education and trainings on human rights, result in women's active involve in the society. As women move from beneficiary status to economic independence, it is profitable for the whole society.

General recommendations for the UN and OSCE Missions

In spite of numerous mandates from the UN General Assembly and directives from the UN Secretary General, there is an evident lack of gender awareness among senior staff within the international community. To promote gender mainstreaming in an implementing phase, there is a pronounced need for more gender sensitive staff on senior positions, both women and men.

Raised gender awareness among international personnel in general is an important preventive step towards reduced practices of trafficking and prostitution. Special attention should be given to training of civilian police, humanitarian workers and human rights monitors.

The international community should ensure that UN police forces, such as the IPTF in Bosnia and Herzegovina, receive induction training on gender sensitivity and awareness, especially concerning domestic violence, trafficking in women and sexual violence. Of particular importance is also to increase the number of female police officers.

Recommendations for the UNHCR

Agencies and organisations working with refugees, like the United Nations High Commissioner for Refugees (UNHCR), need to give special attention to women refugees, IDPs and returnees due to the specific problems they are facing in conflict and post-conflict situations, for example concerning property rights and violations against women.

Stronger liaison is needed between the international agencies, local NGOs and the refugee and IDP women themselves, in order to ensure a gender analysis of the social and economic aspects of the return process. Organised collective plans for returning should be introduced ensuring provision of special support to single female heads of households. To get a true profile of the refugees and displaced population, gender disaggregated data is needed.

Individual refugee registration is a crucial factor in the empowerment of women. Documentation for women avoids their dependence on husbands and gives access to community services, as health care and pensions.

General recommendation for NGO's

Civil society and the NGOs are the guarantors, responsible for sustainable peace and democracy after war and conflict. The governments and the international community are committed to facilitate the work by the NGOs, but regardless of the support, or of good or bad peace agreements, *civil society is itself responsible for organising itself to be able to influence the reconstruction process. Without the participation of civil society, sustainable peace cannot be achieved.*

4. Bosnia and Herzegovina Today

Bosnia and Herzegovina is still, eight years after the end of the war, in bad economical, political and social situation. The country is to a high extent run by the international community, the poverty is widespread, the unemployment rates are very high, there are still thousands of internally displaced people in the country etc.

As there are no official gender specific data it is hard to fully comprehend the situation for women in the country.

Violence against women

Today in Bosnia and Herzegovina there is a great discrepancy between the statistics collected within the women organisations and the official numbers on how many women experience violence in the family. The NGO's numbers are much higher, and still includes only the women who have sought help from them. This indicates inadequate response of the state institutions for solving the problem of violence against women, and an obvious non-existence of efficient legislation and a systematic solution for fighting the problem.

The governmental institutions do not have any programs for increasing the public awareness about violence against women, on the state or entity level, while NGOs since the end of the war have been active in informing the public about the existence and scope of the problem.

Education

A problem is that during the war, three separate education systems were established, involving elements of apartheid. Indoctrination was extensive, especially in subjects like national history, language, literature etc. Such ideological contamination continues to be a problem today, although progress is being made by seeking common ground in European

standards and curricula. Differences also appeared in pedagogical standards, teaching quality, legislation etc. and it is fair to say that quality in general fell.

There is still no general educational system for the whole country, but different approaches in the two entities, and in the Federation even in each canton.²

The labour market

Gender based statistics are still not available, and when it comes to women on the labor market there are no completely reliable data. Figures from FBiH Statistics Office (March 2001) show that women accounted for 32,9 per cent of all people in employment, while the RS data gave 41 per cent³. These official figures ignore the fact that BiH women were largely engaged in what is generally considered the non-productive activity sector, such as unpaid labor on family farms, in the home, or in the grey labor market⁴.

Particularly discriminated on the labor market are minority and displaced women, and women in mixed marriages have been particularly vulnerable. Another problem for women is the existing employment legislation in both entities stipulating that priority in employment should be given to demobilised soldiers, disabled veterans and the families of fallen soldiers⁵.

Gender equality mechanisms

Since 2000 Gender Centers have been established in Bosnia and Herzegovina. One in each entity. They function as government experts bodies for gender issues and gender equality.

On May 21st 2003 the long awaited *Gender Equality Law* was finally adopted. It is a wide-ranging law covering a number of areas such as discrimination, education, employment, social protection, health care, culture and sport, public life (equal representation), media, violence and statistics. The law is seen as the first really comprehensive gender law in the region. Furthermore, this law is passed on state level, which means that it takes precedence of entity legislation and all laws in the country must be harmonised with the Gender Equality Law within six months from May 21st.

A Gender Equality Agency will be set up to monitor the implementation of the law. This agency will also submit a State Action Plan once per year. The Gender centers will monitor the implementation, in particular regarding gender equality on government levels, and they also have the right to examine violations of the law and initiate proceedings. UNDP will give support to this process through the project "Development of capacity and partnership between Governments and Civil Society for Gender Equality". This will include support to the establishment of the Gender Agency (mentioned above), awareness raising campaigns, and trainings – of officials and NGO-representatives.

Women in Politics

In October 2002 the elections were for the first time organised and run by the BiH authorities. The outcome was disappointing in regards of the very low number of people who voted (54,68 per cent) and that the nationalistic parties came to power. In regards of women's representation the results were not equally disappointing.

² Human Development Report -Bosnia and Herzegovina, UNDP (2002) p.40

³ Ibid, p. 108

⁴ Report "Evaluation of the Political and Social Status of Women of Bosnia and Herzegovina", Klelija Balta for Kvinna till Kvinna (2003) p. 17

⁵ ibid p. 17-18

- BiH House of Representatives 14%
- FBiH House of Representatives 20,4 %
- RS National Assembly 16,9 %
- Cantons of FbiH 21,9%

With these numbers of women's representation in parliament, BiH is the leading country in the region. A lot of work has to be done though before women and women's issues in the BiH society have equal influence to those of men.

Refugees, displaced persons and the return process

Since the signing of the Dayton Peace Agreement, UNHCR has registered around 907 000 returns (2002), both from abroad and within BiH. 367 000 of those were minority returns⁶. Available data is telling us how many of the displaced or returnees were Serbs, Croats or Bosniaks, but there is no official information on how many of them are women. International and national organisations, however, have data that show that the majority of the returnees are women, mainly single mothers.

BiH authorities, the International community as well as NGOs have taken measures to increase and ease the return process. Still a lot of effort is needed to preserve what has been achieved, and improve the situation for the thousands of people still in refuge in or outside BiH as well as for the people who are now trying to integrate in their "new-old" community.

5. Lessons learned

As have been shown in the text above, the Dayton Peace Accords were in many sense based on the three main ethnical groups in the country. This shows in how power was divided, and also in types of discrimination that are mentioned most frequently. *When a peace agreement is based on ethnical groups, rather than all citizens, women tend to become even more invisible.*

To ensure that there is a gender perspective within the peace negotiation process it is of utmost importance to include relevant UN conventions and documents such as CEDAW.

As mentioned above, in Bosnia and Herzegovina it is still today not one comprehensive school system. To in an early stage include efforts to reach an agreement on one common curriculum as a factor not to build in tension within the school system. This is especially important when the conflict has been based on ethnicity or religious believes.

In BiH, even eight years after the peace agreement was signed, and even though a great amount of reports have been written about the situation in the Balkan region, there are still no real statistic that shows the situation for all citizen's of the country. As soon as a country starts to collect statistics it has to be gender segregated as to see what efforts needs to be made for which group within the society.

⁶ ibid p. 15