

# Engendering the Peace Process

A Gender Approach to Dayton—and Beyond

KVINNA  
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# Engendering the Peace Process

A Gender Approach to Dayton—and Beyond

edited by Anna Lithander

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**Kvinna till Kvinna** addresses the specific needs of women in areas affected by war and conflict. Kvinna till Kvinna co-operates with women's organisations in Bosnia and Herzegovina, Croatia, Kosovo, Serbia, Montenegro, Macedonia and Albania.

**Engendering the Peace Process: A Gender Approach to Dayton—and Beyond**

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# Foreword

THERE ARE FAR TOO MANY CONFLICTS in our world resulting in war.

Since the foundation of the League of Nations in the midst of World War I, international efforts have been made to humanize consequences of conflicts, and to the greatest extent possible prevent war.

Simultaneously the common conception among the international community seems to be that war is inevitable, as volcanic eruptions and hurricanes. Accordingly, military alliances, as NATO, build their strategies on the doctrine of deterrence.

If one does not agree that war is predestined, but rather that this can be a world where conflicts can be solved by democratic and peaceful means, then there is ample time to plan and act accordingly, to go beyond beautifully written phrases in international statutes and documents.

One of the essential pre-conditions for achieving lasting peace is to involve civil society in the peace process from the start. As most of the on-going military conflicts in our world are mere continuations of earlier unsolved wars, the roots of conflicts have to be examined, and civil society have to be involved in such task. Civil society also have to be acknowledged as an important agent in the forming of future societies.

But as long as half of the population are denied access to this process, no sustainable results can be achieved. Women, who make up the majority of the targeted civil society during armed conflicts, are not mere victims of war. They are also important contributors to peace, and their commitment to peace needs to be acknowledged. Women's special knowledge and experience from times of war should be used to create the foundations for reconciliation and co-existence before and during the negotiation of peace agreements, to ensure lasting relationships that can prevent an outburst of new conflicts.

The initiative for this report arose at the 1999 conference "Rape is a War Crime – How to Sup-

port the Survivors: Lessons from Bosnia; Strategies for Kosovo" in Vienna, organised by the European Union Odysseus Project in co-operation with the governments of Austria and Sweden.

Several participating women from the former Yugoslavia mentioned the Kvinna till Kvinna Foundation (KtK) as a good example of how to support women in post-war societies. As a response to this, and earlier queries on the KtK experiences, we decided to make a contribution to the Beijing+5 process with the report "Engendering the Peace Process: A Gender Approach to Dayton—and Beyond." From a gender-oriented perspective, it focuses on the achievements of, and obstacles to, the 1995 Dayton Peace Accords for Bosnia and Herzegovina measured against the Beijing Platform for Action at the Fourth World Conference on Women in Beijing in September 1995. The Dayton Peace Accords were the first major peace agreements adopted after the Beijing conference. KtK's own experience and strategies in Bosnia and Herzegovina are presented as well as a contribution to other organisations with the intention of introducing or developing a gender perspective. We hope that our conclusions and recommendations will be useful for both governments and NGOs relative to future peace negotiations and peace processes.

*Kerstin Grebäck  
President of the Kvinna till Kvinna Foundation  
Stockholm in May 2000*



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We would like to extend sincere thanks to Dasa Silovic and Sonja Lokar for their valuable contributions to the analysis of the Dayton Peace Accords, and for sharing knowledge on women's situation in former Yugoslavia.

We would also especially like to thank four of our partner organisations in Bosnia and Herzegovina; the Centre of Legal Assistance for Women in Zenica; Helsinki Citizens' Assembly and United Women in Banja Luka; and Stope Nade in Mostar for allowing us to present their activities in this report.

We owe thanks to the organisations in the Gender Co-ordination Group of Bosnia and Herzegovina, in particular to those who have answered our many questions, and encouraged and supported us in the process of compiling this report.

We gratefully acknowledge the Swedish Ministry for Foreign Affairs, and in particular the Department for Global Co-operation, for their support to our research and this report.

Many thanks go to numerous people who have contributed with facts, knowledge and advice, often on short notice.

**Finally, we offer our most sincere admiration to the many women, in Bosnia and Herzegovina and elsewhere, who are striving for democracy and sustainable peace in post-war societies.**



# Executive Summary

DURING WAR AND ARMED CONFLICTS, particularly internal ones, civil society is usually represented to a great extent by women and women's organisations, responsible for holding the societies together and ensuring the safety for children and the elderly. Consequently, as women experience the immediate consequences of war on civil society, they are in general the first to work for peace and reconciliation.

Still, women's experiences from times of war are seldom acknowledged in peace negotiations, where the standards for the reconstruction of war-torn societies are set. The negotiators around the peace table are predominately male representatives of the fighting parties, concentrating on negotiating an end to war. But if sustainable peace is to be reached, women's experiences cannot be excluded. "Ensuring women's participation...enhances the legitimacy of the process by making it more democratic and responsive to the priorities of all sectors of the affected population."<sup>1</sup>

The Kvinna till Kvinna Foundation (KtK) contribution to "Women 2000: Gender Equality, Development and Peace for the Twenty First Century" (Beijing+5) is a report on the gender aspect in the Dayton Peace Accords for Bosnia and Herzegovina and its implementation, based on the Beijing Declaration and the Platform for Action adopted at the Fourth World Conference on Women in September 1995. The Dayton Peace Accords, adopted by the Presidents of Bosnia and Herzegovina, Serbia and Croatia in December 1995, was the first major peace agreement to be signed after the Beijing conference.

The framework of the Dayton Peace Accords and its contents and provisions are addressed as they do or do not relate to; safeguarding peace; upholding and promoting human rights of women; addressing constitutional and institutional in-

equalities; and creating an operational framework conducive to the promotion of gender equality and a sustainable human development. Conceptually, the Dayton Peace Accords fall short of the demands from Beijing and other human rights treaties, not because it do not stipulate the protection of fundamental human rights and freedoms, including equality and a clear condemnation of discrimination based on gender, but because it is gender neutral. If the Dayton Peace Accords had absorbed the principle of these instruments, women of Bosnia and Herzegovina, and civil society as a whole, would have benefited from it to a much larger extent than what became reality.

As women's special interests and needs are not taken into consideration in the Dayton Peace Accords, gender awareness in general has been lacking in the implementation process. This publication is focused on the international agencies and NGOs in the Bosnia and Herzegovina Gender Coordination Group (GCG), founded in 1999 - more than three years after the Dayton peace negotiations. Despite the assumed concern for gender issues among the GCG members, none of the offices had any gender-based action plans in the beginning of their missions to Bosnia and Herzegovina. Some have developed gender programmes since, but with only one or two exceptions they still have no formulated strategies.

Among the implementing agencies, gender sensitivity has been most apparent in the OHCHR and the OSCE Democratisation Department, where gender-concerned women have been employed on high levels within the organisations. These women have managed to raise gender issues within the international community as a whole. Still, in many areas where progress has been achieved, it is still not self-sustaining as it is often based on ad hoc arrangements and personal con-

1. Anderlini, Sanam Naraghi (2000) p. 5.

tacts rather than on structure or systematic integration of a gender perspective. More gender concerned women in decision-making bodies is therefore of vital importance.

Another obstacle observed is the lack of gender awareness among senior staff within the international community. The Dayton Peace Accords put very little emphasis on the importance of civil society organisations, such as women's NGOs, and their potential contribution to peace-building and structural stability.

Meanwhile, as this publication indicates, civil society, including women's international and local organisations, has exerted enormous energy to alleviate the consequences of conflict (already during the war), rebuild a war-torn society, maintain dialogue across ethnic lines, contribute to the consolidation of peace, i.e., the establishment of democratic social structures and monitoring mechanisms. Women's NGOs have also at an early stage addressed many problems, like violence against women and trafficking in human beings.

Many NGOs have functioned as social institutions both during and after the war. Legal centres have been assisting women disadvantaged by the gender-blind laws on for example property rights, and women's centres have been offering psychological support to war affected women. For many women, these centres represented the only place in the war-torn society where they could meet other women in similar situations. Through discussions, alleviation of war experiences was possible, and with gained confidence and self-esteem many women started to focus on how to solve problems and take part in the forming of the future society. With support from NGOs women have moved from passive dependency to active participation in society.

As gender awareness came to be raised within the international community, due to the demand of women's NGOs, satisfactory results were achieved in a relatively short period of time. This publication shows that the most successful and sustainable projects in terms of gender, are those implemented jointly by the international community and local NGOs.

One of the main conclusions from this analysis is that earlier acknowledgement of women's NGOs in the peace process, accelerates the work for sustainable and democratic post-war societies. The knowledge within civil society, usually accumulated by women's NGOs during conflicts, is a valuable contribution that should not be ignored.

It is essential that gender awareness and recognition of the role of NGOs are included in the different mandates spelled out in a peace agreement. If these factors are left out, sustainable peace can hardly be achieved. To reach more gender sensitive peace agreements, all sides should include a fair number of women in their delegations. The increased participation of women must be complemented by emphasis on the obligations set up by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Gender awareness also needs to be raised among international personnel, responsible for the implementation of a peace agreement. The mainstreaming of a gender perspective into the structures of international bodies has to be complemented with pronounced resources to develop concrete actions that benefit women in society on a long-term basis, in legal, economic, social and political contexts.

As is evident from post-war Bosnia and Herzegovina, increased civilian participation in the reconstruction process is achieved if psychological support to both women and men, complemented with education and training on human rights, are implemented at an early stage. When women move from beneficiary status to economic independence and active involvement in society, all of society benefits.

Support to empowerment of women is an indispensable contribution to sustainability and democracy.

“**Women’s empowerment** and their full participation on the basis of equality in all spheres of society, including **participation** in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace.”

PLATFORM FOR ACTION AND THE BEIJING DECLARATION.

# Introduction

WOMEN HAVE LONG BEEN INVOLVED in striving for peace in countries afflicted by war and armed conflict. But although women usually are among the first to call for an end to conflict, they typically are left out of the official peace negotiations and the formal work for the reconstruction of society.

Peace negotiations are usually identified as a male domain, where warring parties negotiate for an end to conflict. But “while this might hold true for negotiations to secure an end to hostilities, it cannot be sustained for discussions that build the framework for a new society.”<sup>1</sup>

Peace accords are forming the framework for a new society consisting of both men and women. To ensure women access to the conflict resolution process is therefore, if nothing else, a democratic issue. But to acknowledge women’s contributions to peace processes, based on their experiences from civil society during conflicts, is also of value for the whole population in a post-war society. As women do not participate as warring parts in the conflict to the same extent as men, they have other experiences from the situation of war. Women usually are responsible for holding their societies together during the conflict, en-

“Often **gender equality** policies and activities are seen as competitors with other important issues rather than as an **integral part** of the solutions.”

KOFI ASOMANI, DIRECTOR OF UNHCR.

sureing the safety for children and elderly relatives, and often acting as sole breadwinners for the families. When it comes to peace negotiations and post-war reconstruction work, these women have knowledge about the basic needs and obstacles encountered in forming new societies, as they have been representing civil society all through the war. Yet, resistance to women’s participation in peace processes appears across the world, often based on the argument that only parties to the conflict need to be involved in the peace negotiations.

Since the 1995 UN Fourth World Conference of Women in Beijing, women’s involvement in the peace process has slowly started to be addressed by international bodies. The Beijing Declaration and Platform for Action, adopted by the 189 participating countries, defined as one strategic objective the need to: “increase the participation of women in conflict resolution at decision-making levels... and integrate a gender perspective in the resolution of armed or other conflicts... and ensure that bodies are able to address gender issues properly.”<sup>2</sup>

Generally, the Platform for Action is a plan for the removal of all obstacles to women’s active participation in all spheres of public and private life through a full and equal share in economic, social, cultural, and political decision-making. Today, attention to the socio-economic benefits from gender equality is becoming more recognised so the World Bank states that: “Gender inequalities and gender-based discrimination can cause economic inefficiencies and reduce productivity...”<sup>3</sup> The importance of redressing gender disparities has also been highlighted by the EU Development Council as a “crucial issue in development terms of aid effectiveness”.<sup>4</sup>

The Dayton Peace Accords, i.e. the General Framework Agreement for Peace in Bosnia and Herzegovina, was the first major peace agreement adopted after the Beijing conference, in December 1995. The peace agreement was negotiated and

signed by the presidents of Bosnia and Herzegovina, Croatia, and Serbia with the aim of creating, after the 1992-95 war, a new state of Bosnia and Herzegovina. Even though the Dayton peace negotiations started immediately after the Beijing conference in September 1995,<sup>5</sup> they have been criticised for not acknowledging the Beijing Declaration and Platform for Action which resulted in the lack of gender awareness and the fact that women were left out of the peace process.

Still, there is yet no literature on the gender awareness, or lack of it, in the Dayton Peace Accords. What impact the Beijing Platform for Action, and other human rights treaties concerning gender, had on the Dayton Peace Accords and its implementation is analysed for the first time in the text to follow. This publication also focuses on the visibility of gender awareness in the post-war reconstruction work in Bosnia and Herzegovina, despite, or due to, the Dayton Peace Accords. Both activities by international agencies and NGOs are presented. As The Kvinna till Kvinna Foundation (KtK) has provided support to women’s NGOs in the region since the beginning of the war, the KtK strategy is presented as an example of how to put a gender sensitive concern to post-war reconstruction work.

In the concluding chapter recommendations for a more gender-concerned approach to future peace processes are presented. It is high time to eliminate outmoded conceptions of “women’s issues”, as pointed out by the director of UNHCR, Kofi Asofoman, at the 44th session of the Commission on the Status of Women, March 1 2000: “Often gender equality policies and activities are seen as competitors with other important issues rather than as an integral part of the solutions.”

## OBJECTIVES

The Dayton Peace Accords constitute the first major peace agreement adopted after the Fourth World Conference on Women in Beijing and its approval of the Platform for Action. Yet no literature on the agreement has addressed, let alone analysed, gender issues, either in terms of the Platform for Action’s impact on the peace negotiations or the validity of the criticism that gender sensitivity in the peace agreement is lacking. The purpose of this study is to analyse and discuss the extent to which gender was taken into account in the Dayton Peace Accords and in its implementation. Fo-

cus is on the civilian aspects of the agreement, and its implementation by the international community. The study is based on the annexes in the Dayton Peace Accords that concern constitutional, institutional, legislative/judicial arrangements and respect for, and the protection and promotion of, human rights.

The report is divided into two main parts. The first part addresses the framework of the Dayton Peace Accords and its contents and provisions as they relate or do not relate to:

- safeguarding peace
- upholding and promoting the human rights of women
- addressing constitutional and institutional inequalities; and
- creating an operational framework conducive to the promotion of gender equality and a sustainable human development.

Furthermore, the paper establishes how the international negotiators stayed, or did not stay, true to the international obligations their countries had committed themselves to, under the recommendations in the Beijing Platform of Action.

The second part of the report includes a study of a number of the implementing agencies and organisations of the international community in Bosnia and Herzegovina. It addresses how the main actors in the international community have taken (or not taken) gender aspects into account, in their policies and in their work, and how they have implemented their programmes.

Since KtK supports women's NGOs in post war societies, the strategies and methods of KtK are presented along with the development within some of the KtK supported women's projects, as a demonstration of good practices. In the concluding chapter the outcome of the analysis is presented with suggestions and recommendations for a more gender-sensitive approach to peace negotiations to come.

The main questions raised in this report are as follows:

- Did the negotiators and the parties refer to the Platform for Action during the peace process?
- What impact has the Platform for Action had on the international community in view of its mandate to implement the civil part of the Dayton Peace Accords?

- How can the experiences and lessons learned from the gender analysis of the peace negotiations and post-war reconstruction in Bosnia and Herzegovina improve future peace processes in areas affected by war and armed conflicts?

## METHODOLOGY

The analysis of the General Framework Agreement for Peace in Bosnia and Herzegovina, the Dayton Peace Accords, is related to such international instruments as the Beijing Platform for Action, the Beijing Declaration, and the Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW).

The analysis of the agreement itself concentrates on the annexes of relevance to civil society and is focused especially on the General Framework Agreement for Peace: Annex 3 (Elections) Annex 4 (Constitution), Annex 6 (Human Rights), Annex 7 (Refugees and Displaced Persons), Annex 10 (Civilian Implementation of the Peace Settlement), and Annex 11 (International Peace Task Force). These annexes reflect constitutional, institutional, and legislative/judicial arrangements as well as respect for, and the protection and promotion of human rights.

A review of actions taken by the international community involved in the implementation of the Dayton Peace Accords would require extensive research due to the large number of implementing actors.<sup>6</sup> Therefore this report is limited to the Gender Co-ordination Group (GCG)<sup>7</sup> in Bosnia and Herzegovina and to co-operating partner organisations to the GCG. Gender sensitivity in general was not spelled out initially by the international community, it was first given priority with the founding of the GCG in April 1999. Therefore the GCG organisations can act as representatives of the international community in gender aspects. All member organisations have been operating in Bosnia and Herzegovina for several years.

A questionnaire about the gender orientation of each GCG organisation was addressed to all the GCG members. Despite several reminders, only a few organisations chose to reply. The survey of the gender concern among the international actors are based on these replies.

Documents and reports from KtK and co-operating organisations in Bosnia and Herzegovina have been used, as are other documents about the situation of women in war, armed conflict, and reconstruction work.

The report targets a broad audience, including international agencies and NGOs engaged in reconstruction work in areas effected by war and armed conflicts. The report is directed also at all others who are interested in gender issues and post-conflict re-construction work.

## DEFINITION OF GENDER

Gender in this publication is defined as below, on the basis of the Council of Europe's gender policies:<sup>8</sup>

“Gender is a socially constructed definition of women and men. It is the social design of a biological sex, determined by conception of tasks, functions and roles attributed to women and men in society and in public and in private life. It is a cultural-specific definition of femininity and masculinity and therefore varies in time and space. The construction and reproduction of gender takes place at the individual level as well as at the societal level. Both are equally important. Individual human beings shape gender roles and norms through their activities and reproduce them by conforming to expectations. There is a growing awareness that gender has to be considered also at a political and institutional level....Gender is not only a socially constructed definition of women and men, it is a socially constructed definition of the relationship between the sexes. This construction contains an unequal power relationship with male domination and female subordination in most spheres of life. Men and their tasks, roles, functions and values contributed to them are valued—in many aspects—higher than women and what is associated with them. It is increasingly recognised that society is characterised by this male bias: the male role is taken as a norm for society as a whole, which is reflected in policies and structures. Policies and structures often unintentionally reproduce gender inequality.”

The Council of Europe has also made a useful definition of gender mainstreaming as “the reorganisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy making.”

## FRAMEWORK

### The Kvinna till Kvinna Foundation

The non-governmental organisation Kvinna till Kvinna Foundation (KtK)<sup>9</sup> was founded in Sweden in 1993 to protest and condemn the war in the Balkans and to support women victimised by the conflict. KtK concentrates its work on long-term projects, to rebuild women's health and self-esteem and to strengthen the position of women in communities under reconstruction.

As development assistance generally does not consider the gender bias that systematically devalues women, their work, and influence in nearly all societies, the actions taken often make the gender inequality permanent or worse. Therefore, KtK puts the focus of development work on the creation of a social order where men and women can make progress together. To contribute to this goal, KtK supports active women to increase their participation in the political sphere. This work is always done in co-operation with local groups and organisations. KtK believes that only the local women themselves can achieve a sustainable change. The contributions of KtK are in support, assistance, and financial aid.

As KtK is convinced that democracy is built from below at the grass-root level, women are urged to participate in the decision-making at all levels, not least to inspire new legislation and to increase knowledge about human rights in general and women's rights especially. KtK supports women's education in democracy, through education, discussions, and invitations to study-visits to Sweden. KtK seeks also to increase knowledge about the condition of women in war through participation in informational meetings, lectures, debates and in arranging courses, seminars, and conferences.

KtK's activities are partly funded by organisations, businesses, and private persons who care about war affected women and the need for women's participation in preventing conflicts, and in post-war reconstruction and democracy building. KtK is also receiving grants from the Swedish International Development Co-operation Agency (Sida). KtK has no political or religious ties.

## Platform for Action

The Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women in September 1995, call for the integration of gender perspectives in all politics and programmes world-wide, in order to advance the status of women.

The Platform for Action seeks to accelerate the implementation of the Forward-looking Strategies for the Advancement of Women adopted at the Third World Conference on Women in Nairobi 1985. This strategy includes the removal of all obstacles to women's active participation in all spheres of public and private life through a full and equal share in economic, social, cultural, and political decision-making. The Beijing Declaration reaffirms the responsibilities of governments to eliminate discrimination against women and the obstacles for equality among both men and women.

The targets in the Platform for Action are due by the year 2000. Governments, the international community, and civil society, including NGOs and the private sector, were called upon to take strategic action in twelve critical areas of concern: Women and poverty; Education and training of women; Women and health; Violence against women; Women and armed conflict; Women and the economy; Woman in power and decision-making; Institutional mechanisms for the advancement of women; Human rights of women; Women and the media; Women and the environment; and The girl-child.

In each critical area of concern, the problem is diagnosed and strategic objectives are proposed with concrete actions to be taken in order to achieve those objectives.

The Platform for Action contains recommendations and is not a legally binding instrument. Yet, it is morally binding for the 189 countries that unanimously adopted it. 62 countries registered reservations against parts of the instrument, mostly concerning sexual rights, abortions, and the right of inheritance.

The Fourth World Conference on Women brought together 17,000 participants from 189 countries, including 4,000 NGO representatives. More than 30,000 people participated in the special NGO Forum which was held parallel to the official conference.

### The Critical areas of Concern for the Advancement of Women, as defined in the Beijing Platform for Action:

- Women and poverty
- Education and training of women
- Women and health
- Violence against women
- Women and armed conflict
- Women and the economy
- Woman in power and decision-making
- Institutional mechanisms for the advancement of women
- Human rights of women
- Women and the media
- Women and the environment
- The girl-child

## The Dayton Peace Accords

The Dayton Peace Accords, i.e. the General Framework Agreement for Peace in Bosnia and Herzegovina, was 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, 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 are comprised of a General Framework Agreement for Peace followed by annexes dealing with the following topics: Military Aspects of the Peace Settlement (1A), Regional Stabilization (1B), Inter-Entity Boundary Line and Related Issues (2), Elections (3), Constitution (4), Arbitration (5), Human Rights (6), Refugees and Displaced Persons (7), Commission to Preserve National Monuments (8), Establishment of Bosnia and Herzegovina Public Corporations (9), Civilian Implementation of Peace Settlement (10), and International Police Task Force (11).

The main objectives of the Dayton Peace Accords are to:

- create new multi-ethnic and democratic institutions of a war-torn society to ensure respect for fundamental human rights and freedoms and the rule of law.

- provide for post-conflict reconstruction towards sustainable development and peace for Bosnia and Herzegovina.
- prevent the recurrence of the conflict or its potential spill-over in the region. Hence a comprehensive settlement with a strong military component and direct liaison with international human rights institutions and their monitoring capacity, as the Human Rights Ombudsman of Bosnia and Herzegovina.

A High Representative was appointed and designated to oversee the civilian implementation of the Dayton Peace Accords. It includes the establishment of political and constitutional institutions, economical reconstruction, promotion of the respect for human rights, encouragement of return of displaced persons and refugees, humanitarian aid, and support for, and assistance with, the election process.

## The Stability Pact

The Stability Pact for South Eastern Europe is a political framework for co-operation between the countries in South Eastern Europe and the international community. Its objective is to strengthen the countries in the region in their efforts to foster peace, democracy, respect for human rights, and economic prosperity for the purpose of achieving stability in the whole region. The initiative came from the European Union (EU) after the North Atlantic Treaty Organisation (NATO) attacks on the FRY in 1999, during the conflict in Kosovo.

The Stability Pact was adopted in Cologne on June 10 1999 by Foreign Ministers from eight countries in the region (Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Romania, Slovenia, and Macedonia) as well as the EU, the United States, the Russian Federation, Canada, and Japan, along with representatives from the United Nations, the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, NATO, and several other international political and financial organisations. A number of other countries participated as observers and have asked to join the Stability Pact.

The FRY is not a member, as its government has contravened the basic principles of the Stability Pact. However, the FRY can become a full and equal participant provided it continues to support full implementation of a Kosovo settlement and once it demonstrates its respect for the principles of the Stability Pact.

Emphasis in the Stability Pact is put upon the co-ordination of ongoing and future actions in the reform process in the region. The countries in the region participating in the Stability Pact commit themselves to continued democratic and economic reforms, as well as to bilateral and regional co-operation amongst themselves to advance their integration, on an individual basis, into Euro-Atlantic structures.

The Stability Pact establishes a South Eastern Europe Regional Table to review progress under the Pact, to carry it forward, and to provide guidance for advancing its objectives.

The Chair of the Regional Table is the Special Co-ordinator responsible for promoting the achievement of Stability Pact's objectives within and between the individual countries. He is supported by appropriate structures tailored to specific needs, working in close co-operation with the governments and relevant institutions of the countries themselves and also in other interested EU member states, international organisations and institutions. The South Eastern Europe Regional Table will ensure co-ordination of activities of and among the three Working Tables on: Democratization and Human Rights; Economic Reconstruction, Development and Co-operation; and Security Issues. A number of different task forces are organised under the Working Tables. The Gender Task Force is organised under the Working Table on Democratization and Human Rights.

## THE CONTEXT

The Socialist Republic of Bosnia and Herzegovina was born after World War II with the creation of the Social Federal Republic of Yugoslavia. Six republics (Serbia, Croatia, Macedonia, Montenegro, Slovenia and Bosnia and Herzegovina) were incorporated within a common federal system, with equal representation in all major bodies.

A policy of equal treatment for all three constitutional ethnicities in Bosnia and Herzegovina (Croats, Muslims, and Serbs) gradually developed in communist Yugoslavia and in Bosnia and Herzegovina as a solution to the ethnic question. In many respects, Bosnia and Herzegovina became the epitome of multi-ethnic Yugoslavia - the crossroad of all its differences: cultural, economic, ethnic, political, and religious. It was at its multi-cultural best in such industrialised cities as Sarajevo, Banja Luka, Mostar, Tuzla and Zenica.

The dissolution of the Yugoslav Federation fol-

Following the death of President Tito in 1980 began with a severe economic and social crisis, with a lack of open discussions about the past and no tradition of democracy. The recession was followed by a political tug of war on the course to be taken in democratization and decentralisation. Exacerbated by a rising nationalism and a more forceful articulation of the ethnic political and economic interests of its constituent republics, Yugoslavia split. The first multi-party elections in Yugoslavia in 1990, ending in a victory for the nationalistic parties, resulted with Slovenia and Croatia proclaiming their independence, followed by Bosnia and Herzegovina in 1992.

## The War

The war that engulfed Bosnia and Herzegovina from 1992 to 1995 was the product of concerted interest by the presidents of Croatia and Serbia to divide Bosnia and Herzegovina between themselves, to the detriment of the Bosniacs, i.e. the Bosnian Muslims. Ethnic and nationalistic intolerance led to a war where the civilian population was heavily affected. The nationalistic war strategies were to a large extent based on the creation of ethnic homogeneous areas, through the expulsion of people from the “wrong” ethnic groups. A new vocabulary, “ethnic cleansing”, was introduced to the world, through many and dreadful reports of systematic rape, murder, terror and propaganda.

After four years of war, which ended in a fragile peace engineered by the Dayton Peace Accords in December 1995, the situation was devastating:

- 280,000 people, out of a population of 4.4 million, were dead or missing
- raped women numbered in the tens of thousands
- two thirds of the industrial potential and half the homes and social welfare state facilities were demolished
- the Bosnian GDP had decreased to US \$500 per capita, about 20 percent of its pre-war level<sup>10</sup>
- half the Bosnian population was displaced
- the poor and uneducated rural population (mostly women, children and elderly people) fled to the cities
- the better educated city population had left the country.

In December 1995, 1.2 million Bosnian citizens were refugees (40 percent of them in the FRY). Half the refugees will probably never return,

“ **The task** of a patriotic woman was no longer to build socialism by her labour but to regenerate the nation through **motherhood.**”

CYNTHIA COCKBURN, *THE SPACE BETWEEN US*, 1998.

among them mostly young, urban, and educated people. Those who would like to return may face difficulties as jobs are scarce<sup>11</sup> and many homes, if still there, are taken by internally displaced persons and refugees from other parts of the region.

Although annual economic growth since the war has increased, and the GDP per capita reached US \$965 in 1998, Bosnia and Herzegovina still remains the second poorest country in the region on a per capita basis.<sup>12</sup>

## Status of Women in Bosnia and Herzegovina

**Women’s situation until 1990** The emancipation of women in communist Yugoslavia was understood only as a part of the emancipation of the working class, and most of the economic and social rights of women (health care rights, maternity rights, pension rights, development of child care facilities) were connected to their status as workers. Violations against women, especially in the family, were disregarded.

Still, from 1945 to 1990 women in Yugoslavia, in particular in Bosnia and Herzegovina, made considerable progress as:

- in 1945, women in Bosnia and Herzegovina got the full right to vote
- the illiteracy among women fell from more than 80 percent in the 1950’s to 16 percent in 1991
- women became economically independent as the majority worked full time, representing more than 40 percent of all employed
- in 1974, human beings in all of Yugoslavia got the constitutional right to freely plan their families, including free of charge and safe abortions for women
- the introduction of the quota system substantially helped to increase the percentage of women delegates in the regional and federal governments to 30 percent.<sup>13</sup> Still, very few women held ministerial posts during the 1970’s and 1980’s.

**Women's situation after 1990** In all of the former Yugoslav republics, the first free elections in 1990 brought to power nationalistic political parties that relied upon conservative interpretations of Catholic, Islamic, or Orthodox religion with political programs that advocated patriarchal values in which the role of women is only that of caregivers and homemakers. Women disappeared from politics in the newly elected parliaments and governments. Compared with the 1986 elections, the percentage of women Members of Parliament (MP's) decreased from 24 to 3 percent and in the decision-making bodies in local communities from 17 to 5 percent.

If gender equality was said to be a principle of communist Yugoslavia, in the 1990's it came to be questioned among all other communist doctrines, and the role of women changed. "The task of a patriotic woman was no longer to build socialism by her labour but to regenerate the nation through motherhood."<sup>14</sup>

Independent women's movement did not exist in Bosnia and Herzegovina during the 1970's and 1980's, unlike the situation in Croatia, Serbia, and Slovenia. It was not until the early 1990's, when the threat of war catalysed peace activism among small and dispersed women's groups (as in Bosanska Dubica, Mostar, and Sarajevo), that a new women's movement was born.

These women's groups joined the peace movement and gained support from similar groups in other parts of the former Yugoslavia. Unfortunately, along with other peace activists, they did not succeed in preventing the war. But, born in war times, these women's groups did arrange for aid to war-affected women, took care of widowed refugees and their children, and helped women organise income generating activities. They also organised the schooling of children in shelled cities and took care of the basic needs of the elderly.

Receiving significant international support, these women's groups became part of international women's networks, which provided solidarity and concrete assistance in humanitarian aid, political support to declare rape a war crime, and training on how to deal with trauma and victims of war. Activism in this movement and international support helped form a critical mass of women in Bosnia and Herzegovina ready to move forward into the development and reconstruction phase of post war activities, thus empowering them to become equal partners and significant actors in this process, not merely helpless war victims.

Had the women been included in the peace negotiations and discussions on allocation of resources for post conflict reconstruction, more resources would have probably been provided for activities conducted by women's NGOs in Bosnia and Herzegovina.

## Notes

1. Anderlini, Sanam Naraghi (2000) p. 5.
2. "Platform for Action and the Beijing Declaration" (1996) Strategic Objective E.1 and pt. 142 (b. and c.), p. 85.
3. The World Bank (1999b).
4. The EU Development Council's Resolution on Integrating Gender Issues in Development Co-operation (1995).
5. Although an extension of the international effort to establish peace in the region since the beginning of the conflict.
6. 200 international and 130 national NGOs were operating in Bosnia and Herzegovina in December 1999, according to statistics from the International Council of Voluntary Agencies, ICVA.
7. The mandate of GCG is to promote gender equality in Bosnia and Herzegovina through co-ordination of gender programming within the international community. The GCG is an inter-agency initiative comprised of OHR (Office of the High Representative), United Nations agencies, IOM (International Organisation for Migration), the Council of Europe, OSCE (Organisation for Security and Co-operation in Europe) and international NGOs (among them KtK). The GCG use the Beijing Platform for Action as a main treaty to base the work on.
8. Definitions are taken from the booklet "Gender Mainstreaming, Conceptual Framework, Methodology and Presentation of Good Practices", Council of Europe, Strasbourg (1998), p. 7-8, 15.
9. "Kvinna till kvinna" is the Swedish expression for "woman to woman".
10. The World Bank (1999a), p. vi.
11. The unemployment rate in Bosnia and Herzegovina was 36 percent in 1998 according to the UNDP 1998 Human Development Report, Bosnia and Herzegovina. The official post-war unemployment reached around 70 to 80 percent.
12. The World Bank (1999a), p. vii.
13. Statistical manuals, SFR Yugoslavia and Vida Tomsic (1976).
14. Cockburn, Cynthia (1998), p. 161.

“For the purposes of the present Convention, the term **discrimination against women** shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of **equality of men and women**, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, ARTICLE 1.

## THE DAYTON

## CHAPTER 2

# Peace Accords

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,<sup>1</sup> arbitration, preservation of national monuments, and the establishment of private corporations, the annexes to the Dayton Peace Accords deal with elections, the constitution, human rights, refugees and displaced persons, the civilian implementation of the peace settlement, and the international peace force.

This analysis focuses in particular on the following annexes of the General Framework Agreement for Peace: Annex 3 (Elections); Annex 4 (Constitution); Annex 6 (Human Rights); Annex 7 (Refugees and Displaced Persons); Annex 10 (Civilian Implementation of the Peace Settlement); and Annex 11 (International Peace Task Force).

These annexes represent *structural stability*, namely:

- constitutional, institutional, and legislative/judicial arrangements
- respect, protection and promotion of human rights.

*Structural stability* hinges directly on Johan Galtung's definition of "positive peace,"<sup>2</sup> involving the eradication of the main sources of inequality and injustice based on ethnicity, religion, gender, and class. 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 primordial importance for the peace-making and peace-building process. Their equal participation in the peace process, together with transparency and the inclusiveness of peace negotiations, is one of the main guarantors of its sustainability.

Due to the war, Bosnia and Herzegovina did not have the chance to pass peacefully from a socialist one party political economy to a pluralistic democracy and economy, as did most of the other Central European countries. Instead of concentrating on a transition to an independent and democratic state, Bosnia and Herzegovina was confronted with having to deal with tragic consequences of war and at the same time to build a new democratic state based on political pluralism. *This is why the Dayton Peace Accords are of such importance; they set standards for the "new" state to be based on fundamental human rights and equality.*

Women, as constructive agents for change, have an important role to play in the reconfiguration of gender roles in the post-conflict process. Unfortunately, the reality of peace negotiations, i.e., a process that builds on momentary respite, military gains, or international pressures, is different. The main concerns are to:

- stop military activity
- create a respite to enable peace negotiations
- influence power structures
- negotiate a compromise peace settlement
- and establish a political, military, economic, and social environment for peace sustainability.

Peace for Bosnia and Herzegovina was, thus, negotiated by warring parties, national power elites, and international diplomats who had more or less

clear political instructions to use "carrots and sticks" on the basis of national and regional interests.

*Basically, the Dayton peace negotiations were a dialogue of men, often with purely militaristic overtones. No women were present around the negotiation table,<sup>3</sup> and there was only one woman represented among the signatories.<sup>4</sup>* There were a few women among the international delegates but none in the regional delegations.

The negotiators and signatories stopped the bloodletting and killing, peace still holds in Bosnia and Herzegovina, and some basic national institutions and capacities are being founded. Still, Bosnia and Herzegovina is not yet a unified country, peace and its institutions remain fragile, and the future hinges greatly on political developments in the region - in Croatia and the FRY. "Four years on Bosnia and Herzegovina remains stillborn. Security and stability are far off dreams.... Government at all levels is dysfunctional. Political and economic power rests with the same factions that profited from the war."<sup>5</sup>

Meanwhile, civil society, including women's organisations and groups, has exerted enormous energy to alleviate the consequences of conflict, rebuild a war-torn society, and resume normal life; maintain dialogue across ethnic lines and strengthen partnerships; contribute to the consolidation of peace, i.e. the establishment of democratic social structures and monitoring mechanisms; and develop information sharing and networking with international institutions and non-governmental organisations. *Women lived in the society of concern for the peace negotiations, still they were excluded from the peace process.* Furthermore, on the day of the official signing of the Peace Accords,<sup>6</sup> a number of international NGOs addressed a letter to U.S. Ambassador to the UN, Madeleine Albright, to call attention to the lack of sensitivity of women's interests in the implementation of the Dayton Peace Accords, but without result.

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 (1995), i.e., in its "Strategic Objectives and Actions" on: Violence against Women (D), Women and Armed Conflict (E), Women in Power and Decision-Making (G), and Human Rights of Women (I). These aspects actually build upon and develop the provisions of the Nairobi Forward-Looking Strategies<sup>7</sup> noting that little progress has been made since, especially in respect

to the participation of women at highest levels of decision-making in conflict situations and peace negotiations.

Conceptually, the Dayton Peace Accords 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.

In his narrative on the Dayton Peace Accords, the chief United States negotiator, Ambassador Richard Holbrooke, admits that, though many thought they were overly ambitious, his “main regret is that we did not attempt more.”<sup>8</sup> Nevertheless, he does not go on to specify what more he would have liked to accomplish. *Clearly there is much more that could have been accomplished relative to gender and women’s rights in the Dayton Peace Accords.*

## 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, Muslims, 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.

**Where are the women?** The Constitution of Bosnia and Herzegovina is to be based, according to the Dayton Peace Accords, on human dignity, liberty, equality, peace, justice, tolerance, reconciliation, democratic governmental institutions, and compliance with internationally binding instruments (quoted also in Annex 6 on Human Rights)<sup>9</sup>. In Annex 4, Article I (7) (b), it is stated that “no person shall be deprived of Bosnia and Herzegovina citizenship on any ground such as sex, race, colour, language, religion, political or

other opinion, national or social origin, association with a national minority, property, birth or other status.” *And yet one of the main issues in Bosnia and Herzegovina that still remains fully unresolved is the issue of citizenship, especially in mixed marriages and among refugees.*

In the enumeration of rights, Article II (3) in Annex 4 does not explicitly mention women’s rights while it does mention the right to marry and found a family and, at the same time, in Article II (3) (f) & (j), it does mention the right of individuals to form a family. Is this an implicit juxtaposition of family rights over women’s rights?

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<sup>10</sup> that could prevent discrimination based on religious belief. This also has a bearing on the status of women because, as noted earlier, 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 articles IV (Parliament), V (Presidency), VI (Constitutional Court), and Article IX (General Provisions) 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 these highest levels. For instance, “judges shall be distinguished jurists of high moral standing” as stated in Article VI could have been enhanced by stipulating the need to promote the appointment of women judges to reverse a negative gender balance in this regard.

In addition, Annex 3 on Elections fails to mention proactive measures to promote women on electoral lists, referring in Article IV (1) only to citizens as “he or she” and thereby implying their equal rights. However, in an attachment, Annex 3 quotes paragraphs 7 and 8 of the Second Meeting of the Document of the Copenhagen Meeting of the 1990 Conference on the Human Dimension of the Conference on Security and Co-operation in Europe which, among others, “guarantee universal



“... Everyone has the right to take part in the Government of his/her country.

The empowerment and autonomy of women and the improvement of women’s social, economic and political status is essential for... transparent and accountable government... and sustainable development in all areas of life... Women’s equal participation in decision-making is not only a demand for simple justice or democracy but can also be seen as a necessary condition for women’s interests to be taken into account...”

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suffrage to adult citizens” and “respect the right of citizens to seek political or public office... without discrimination”.

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. Thus, among others, Strategic Objective G.1 provides for “... establishing the goal of gender balance in governmental bodies and committees, as well as in public administrative entities, and in the judiciary [190a] ... [taking measures] ... where appropriate, in electoral systems that encourage political parties to integrate women in elective [190b]... [and reviewing] the differential impact of electoral systems on the political representation of women in electoral bodies [190d]...”. At the same time, because the Dayton Peace Accords were intended to establish national state institutions, they also fall short of meeting Strategic Objective H.1 of the Beijing Platform for Action which speaks of the need to “create or strengthen national machineries and other governmental bodies” for the advancement of women, i.e. “ensure that the responsibility for the advancement of women is vested in the highest possible levels of government... .” (203b).

All of which leaves us with the question: what is

the situation today? The adopted constitution and laws remain gender neutral and only in a few areas gender specific, but there is anecdotal evidence that women often are manipulated in nationalistic, conservative, and patriarchal ways in the way they vote. Two pairs of legs in election booths, as observed by OSCE monitors, are only one example.

Fortunately the present figures for women in elected office, as opposed to the period after the first elections in 1996, point to a gradual increase of women in political and public life. Women today represent 26% in the House of Representatives of the Parliament (15% in the House of Representatives of the Federation and 23% in the National Assembly of Republika Srpska), 18% in the legislative authorities in the Federation, and 23% in the ten newly created communes.

The Council of Ministers, however, does not include any women, and only four women out of 67 appointees were appointed to different functions. The Government of the Federation also does not have a woman minister, although a woman does serve as deputy minister for health.

Although communal court judges are predominantly women, the Supreme Court has only 1/3 women and the Constitutional Court has only one woman.<sup>11</sup>

Finally, the Office of the High Representative also draws attention to the need for “encouraging and supporting political participation and representation of women at all levels of government.” The NGO shadow report quoted here<sup>12</sup> notes that the government perpetuates inequalities at the highest levels of decision-making by appointing mainly men to senior functions in the government bodies and to administrative economic positions (out of 21 persons nominated by the Government as directors of companies in 1998, only six were women).

## RESPECT, PROTECTION AND PROMOTION OF HUMAN RIGHTS

The Dayton Peace Accords are an integral document and the annexes reinforce each other. Thus, Annex 6 (Human Rights) and 7 (Refugees and Displaced Persons) especially, as well as Annexes 10 (Civilian Implementation) and 11 (International Police Force) more concretely, aim at elaborating issues agreed upon in Annex 4 (Constitution). In-

ternational binding instruments as mentioned in Annex 4 (including those on human rights, e.g. CEDAW) are valid also for Annex 6.

Annex 6 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 it does not make specific reference to women’s human rights. Women qua 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).

To ensure compliance with Annex 6, the Dayton Peace Accords, in Chapter Two, Article II, establish a Commission on Human Rights to consider any “alleged or apparent discrimination on any ground such as sex” and the Parties recognise the “right of all persons to submit to the Commission and to other human rights bodies applications concerning alleged violations of human rights.”

Furthermore, the Parties are not to “undertake any punitive action directed against persons who intend to submit, or have submitted, such allegations.”

Articles IV, V, VI and VII refer to the establishment of the Office of the Human Rights Ombudsman as an independent agency to deal with allegations of human rights violations, including investigation, issuing findings and conclusions, referring allegations to the Human Rights Chamber, preparing reports, and, in the event of non-compliance by the person or entity accused of the allegation, the forwarding of the report to the High Representative who, in turn, may refer it to the President of the appropriate state party. It also addresses the issue of the initiation of proceedings, jurisdiction and powers, and actions to be taken.

Article XIII addresses non-governmental and international organisations for the protection and promotion of human rights and stipulates that all the authorities in Bosnia and Herzegovina have to co-operate with, and provide unrestricted access to, the organisations entrusted with this human rights task.

Both Annex 6 and 7 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 Re-

“While entire communities suffer the consequences of armed conflict and terrorism, women and girls are particularly affected because of their status in society and their sex... Violence against women is an obstacle to the achievement of the objectives of equality, development and peace... Governments must not only refrain from violating the human rights of all women, but must work actively to promote and protect these rights... Governments should take urgent action to combat and eliminate all forms of violence against women in private and public life, whether perpetrated or tolerated by the State or private persons...”

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publika 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 simply are not mentioned.

Nor is there any reference, direct or indirect, to women’s reproductive rights. Equality between men and women or international conventions in respect of women’s rights such as CEDAW are nowhere explicitly mentioned. CEDAW is only quoted as a binding convention in annexes 4 and 6.

**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 rape committed during the conflict are outside the jurisdiction.* Thereafter rape is to be processed through domestic courts, and only to the Annex 6 institutions if there is no action by the states. 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 so flagrantly used during the conflict.

After all, it is based on the Bosnia and Herzegovina experience that for the first time, rape has been declared a crime against humanity and perpetrators can be prosecuted at the International Criminal Tribunal for former Yugoslavia (ICTY) in the Hague.

The Beijing Platform for Action calls upon governments to take actions to “reaffirm that rape in the conduct of armed conflict constitutes a war crime and under certain circumstances it constitutes a crime against humanity and act of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide; take all measures required for the protection of women and children from such acts and strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice.”<sup>13</sup>

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; and forcibly transferring children of the group to another group.<sup>14</sup>

The following acts shall be punishable, according to the Genocide Convention: Genocide; conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide; and complicity in genocide.<sup>15</sup>

Annexes 4 and 6 in the Dayton Peace Accords, which mention the Genocide Convention as the basic document, could have had an enhanced text by a 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. There are even reports that weapons from the war are frequently used against women and children. In Bosnia and Herzegovina, violence has also been noted in mixed marriages, many of them ending in divorce.<sup>16</sup> The pressure of ethnic groups and prevailing fundamentalist nationalisms proved to be too strong.

The Beijing Platform for Action states that “violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms” and that it is “government responsibility to take urgent action to

combat and eliminate all forms of violence against women in private and public life, whether perpetrated or tolerated by the State or private persons.” Neither the Dayton Peace Accords nor the ensuing Bosnia and Herzegovina constitutional and other legislative provisions take violence against women into account.

Article VI of Annex 11 (International Police Task Force—IPTF) mentions human rights and states that “when the IPTF learns of credible information concerning violations of internationally recognised human rights or fundamental freedoms or the role of law enforcement officials or forces in such violations, they shall provide information to the Human Rights Commission”. Neither women and human rights nor violence against women are mentioned anywhere in Annex 11. Nor is there any mention of the training of the police by the IPTF to safeguard the human rights of women. Victim protection also is not included in any article of the Dayton Peace Accords—one of the preconditions, in insecure environments, for people, especially raped and victimised women, to come forward. This is valid for courts in Bosnia and Herzegovina as much as it is in The Hague.

And yet the Beijing Platform for Action states that governments should take action to “enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society...” (Strategic Objective D.1(124 c)). As a result, the Special Rapporteur of the UN Commission on Human Rights for former Yugoslavia, Jiri Dienstbier, notes in his latest report: “While improvement is needed in many areas, the Special Rapporteur would like to emphasise the need to continue reform of the police and judicial system, as they are vital in ensuring effective protection of human rights... It is particularly important that in addition to the ethnic balance required, gender balance is also achieved, especially in law enforcement agencies.”<sup>17</sup>

**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 UN statistics show that on a world average they represent 80%). 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]). Similarly, in Article 1(3), the parties are called upon to take all necessary steps toward “the prevention and prompt suppression of any written or verbal incitement, through media or otherwise, of ethnic or religious hostility or hatred...”

Even in the Article III provisions on medical assistance, food distribution, and shelter, neither women nor gender are mentioned even though it is also very difficult for women who have been raped and thus traumatised and often ostracised to return to their communities.

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 property and the return of property. Although Article XV of Annex 7 stipulates that the Commission should, when developing rules and regulations regarding the agreement, “consider domestic laws on property rights,” 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.

Article II (1) of Annex 7 also fails to mention women explicitly. It states: “The Parties undertake to create in their territories the political, economic, and social conditions conducive to the voluntary return and harmonious reintegration of refugees and displaced persons, without preference for any particular group.” *Although “preference for any particular group” might be read to refer to refugee women as well as other refugees, in fact it refers primarily to ethnic groups. It should have been otherwise.* One must not forget that refugee women were and are an especially vulnerable group exposed to violence, sexual or other trafficking, and abuse.

“It is particularly important that in addition to the **ethnic balance** required, **gender balance** is also achieved, especially in law enforcement agencies.”

JIRI DIENSTBIER, SPECIAL RAPPOREUR OF THE UN COMMISSION ON HUMAN RIGHTS FOR FORMER YUGOSLAVIA.

Other than the organisation of commissions, *mainstreaming a gender perspective could have affected the Dayton Accords in countless places.* For instance, in Article 1 (3e) in Annex 7, the Accords call for “the prosecution, dismissal or transfer, as appropriate, of persons in military, paramilitary, and police forces... responsible for serious violations of the basic rights of persons belonging to ethnic or minority groups.” While the focus on ethnicity is understandable given the nature of the conflict in Bosnia and Herzegovina, the fact that military forces on all sides of a conflict use sexual assault and intimidation as a weapon of war mandates that gender deserves a consideration equal to that of ethnicity when deciding upon reprisals.

**Trafficking in women** Jiri Dienstbier, in the report quoted earlier, addresses the issue of trafficking in women and notes that: “While the economic situation for most citizens is grave, women face particular obstacles to realising their economic rights, particularly in regard to employment and access to credit and in the face of discrimination and practices of privatisation. This has severe consequences in many directions, but is also a primary cause of trafficking. Stereotyped attitudes about women

and their subordinate status, particularly in respect of economic opportunities, lead to a greater risk for women to be moved and forced into exploitative labour, including prostitution.”<sup>18</sup>

OHR, in its mid-1999 report, also states that trafficking in women becomes visible as a serious human rights issue. The Dayton Peace Accords, however, do not mention the issue of trafficking in women. Had they done so, certain measures might have been undertaken to address this grave infringement on the human rights of women and prevented the present situation. Some “lessons learned” could also have been acquired to deal with the issue in other conflict situations, such as the one in neighbouring Kosovo and Albania.

**The NGO society** In all respects, the Dayton Peace Accords are very sparse on the importance of civil society organisations, including women’s NGOs, and their potential contribution to peace-building and structural stability. Some of this is treated in Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) in the section on the appointment of the High Representative.

These recommendations, and the establishment of the Gender Task Force to the Stability Pact for South Eastern Europe under the auspices of the OSCE, are encouraging signs that some remedy can be brought to rectify a number of shortcomings on gender equality and the status of women in the Dayton Peace Accords, since, “in considering major areas of human rights concerns in Bosnia and Herzegovina, the Special Rapporteur wishes to recall that most, if not all, forms of violations continue to have a basis in some form of discrimination based on ethnicity, political affiliation, gender, age, disability, or a combination of these.”<sup>19</sup>

## 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 of the final peace settlement. These are serious missed opportunities to redress the gender inequalities and ensure sustainable human development.* Focus was on the military withdrawals and the new boundary lines, to quote Björn Lyrwall,<sup>41</sup> 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.”<sup>42</sup>

The Dayton peace negotiations were based on agreements between a political élite, mostly consisting of those who have either directly caused or contributed to the conflict. It is a major paradox that those who have inflicted suffering on their own people and destroyed the foundations of their existence act as harbingers and guarantors of peace.

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 and a civilian implementation with far less resources compared with the military part.

Even though the Dayton Peace Accords stipulate the protection of human rights and freedoms, the gender neutral language used does not respond to the policies spelled out in CEDAW or in the Beijing Platform for Action.

As representatives of UN member states, the signatories of the Dayton Peace Accords did not implement or abide by the instruments signed and ratified at the international level, because national imperatives and interests were overridden by international obligations.

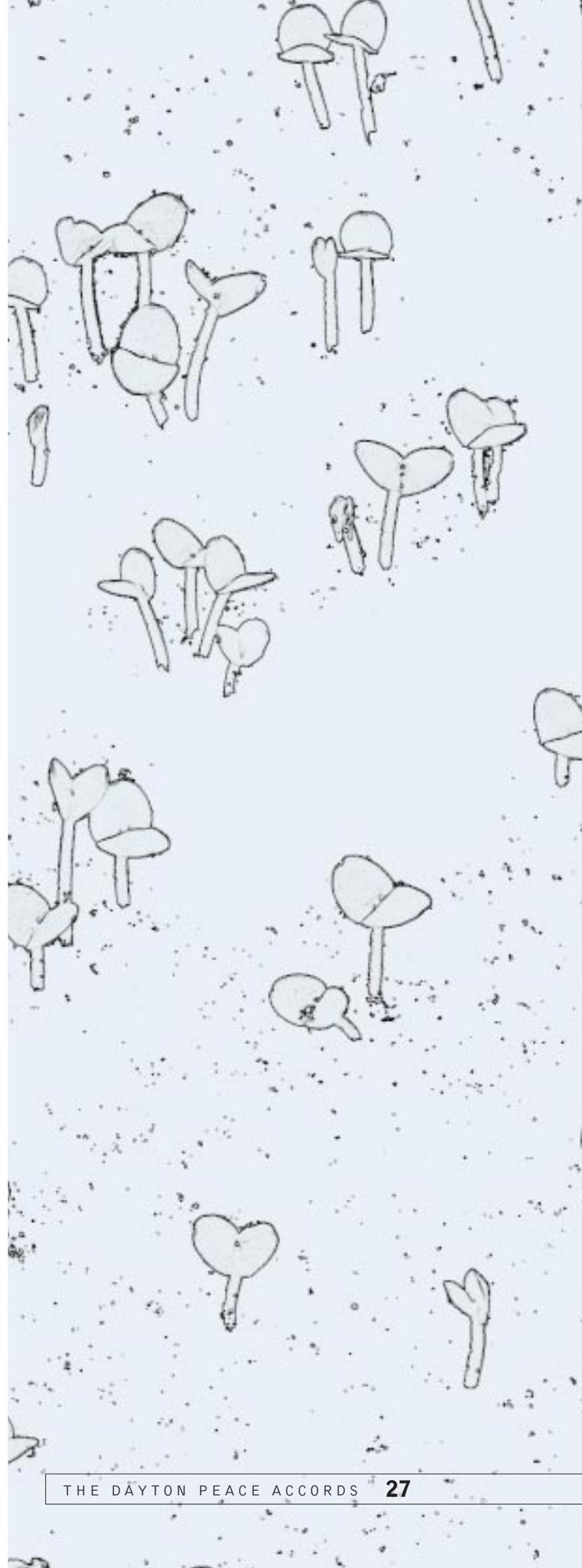
The human rights elements in the Dayton Peace Accords are not followed by outlines for the implementation process, which results in their absence in the action plans of the peace implementing bodies in Bosnia and Herzegovina.

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.

But what would the Dayton Peace Accords have looked like, *if* the Beijing Platform for Action had been acknowledged in the peace negotiations? *One could assume that the shortcomings on property issues, women’s participation in decision-making bodies, labour discrimination and treatment of refugees would not have been as alarming as they are today.*

## Notes

1. The “regional approach” to the peace settlement was innovative since it included Croatia and Serbia in the negotiations and the maintenance of their strategic interests in the final peace accords.
2. Galtung considers that “positive peace” implies the immediate removal of structural inequalities, i.e. causes of conflict (egalitarian society, participatory democracy, economic stability) and therefore the prevention of the conflict recurrence.
3. The main actors in the peace negotiations were the Presidents of Bosnia and Herzegovina, Croatia, and the FRY, the chief United States negotiator Richard Holbrooke, the EU Special Negotiator Carl Bildt, and the former First Deputy Foreign Minister of Russia, Igor Ivanov.
4. The signatories of the Dayton Peace Accords were the Presidents of Bosnia and Herzegovina, Croatia and the FRY, witnessed by representatives of the so-called “contact group” (the EU, France, Germany, Russia, Great Britain and the US). The chief of the British negotiation delegation was Ms. Pauline Neville-Jones.
5. Thompson, Michael (1999), “This Peace Accord Failed to Create a Multi-Ethnic Bosnia.”
6. Walsh, Martha (1997) Ch. 3.3.1.
7. World Conference to Review and Appraise the Achievements of the UN Decade for Women (1995).
8. Holbrooke Richard (1998), p. 223.
9. Convention on the nationality of married women, International Covenant on Civil and Political Rights and the Optional Protocols, CEDAW among others.
10. The population of Bosnia and Herzegovina is Slavic in ethnic origin but with three main religions: Muslims, Orthodox and Catholic.
11. “A National NGO Report on Women’s Human Rights in Bosnia and Herzegovina” (1999).
12. Ibid.
13. Platform for Action and the Beijing Declaration (1996), Strategic Objective E(3)(145d).
14. The UN Convention on the Prevention and Punishment of the Crime of Genocide (1948/1997), Article 2.
15. Ibid., Article 3.
16. Silovic, Dasa (1995, 1999).
17. UN General Assembly, doc. A/54/396, 24 September 1999, pt. D 39, p. 12.
18. Ibid., pt. 37, p. 12.
19. Ibid., A/54/396, pt. 8, p. 5.



“...although women may be particularly **vulnerable to the impact of war** and traditionally less active and visible in public life, they are not disengaged and passive in the rebuilding process.”

BIRGITTE SØRENSEN, WOMEN AND POST-CONFLICT RECONSTRUCTION, 1998

CHAPTER 3

POST DAYTON

# Development

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. This publication is focused on the civil implementation of the agreement.

The Dayton Peace Accords give a high priority for human rights and especially commit the state to its obligations under international human rights treaties. In Annex 6 of the peace agreement all of those involved in the implementation process are compelled to consider the application of human rights. Yet, *the implementation guidelines do not mention participation of either civil society in general, or women's NGOs in particular*. As shown in the previous chapter, it is obvious that women's special interests and needs in general are not taken into consideration in the actually gender blind language of the Dayton Peace Accords.

Still, it is worth mentioning early attempts of civil society to address gender issues. As an example, as early as in June 1996, women from across the ethnic and geographic divide in the countries of former Yugoslavia gathered in Sarajevo to share experiences and develop strategies toward their full participation in the post-war reconstruction. In an open letter to all the operating bodies in the country, they emphasised the “many valuable activities organised by NGOs that focus on improving the position of women in Bosnian society”<sup>1</sup> and the limited outcomes of these activities resulting from the lack of power in the formal decision-making bodies. Nevertheless, this appeal was not taken into account.

How the lack of gender awareness within the peace agreement for Bosnia and Herzegovina and how it has affected the implementation process is studied and analysed henceforth, in the light of the Beijing Platform for Action Areas of Concern. What has been done due to the Dayton Peace Accords, and what achievements have been made despite the lack of gender concern in the peace accords? The focus is upon the international community operating in Bosnia and Herzegovina and the international NGO community within the country. *Nevertheless, the responsibility for the implementation of a peace agreement is first and foremost a government issue and requires analysis.*

## THE GENDER CO-ORDINATION GROUP

Even though the number of international organisations with activities in Bosnia and Herzegovina has decreased since the beginning of the post war period, 136 international organisations were registered at the International Council of Voluntary Associations (ICVA) in 1999.<sup>2</sup> To limit our analysis of the post-war reconstruction work by the international community, focus in this publication is on the international organisations and agencies in the Gender Co-ordination Group (GCG), founded in 1999. The objective with this study is not to give a full picture of the international community and the gender approach within their missions to the country. But as the GCG is the first joint initiative by the international community in Bosnia and Herzegovina to address gender issues, it is considered an adequate group of choice for the survey.

Out of the demand from the Office of the High Commissioner for Human Rights (OHCHR), acknowledging the need for improved co-operation within the international community, and as had been spelled out by many local women’s NGOs, the GCG was founded within the framework of OHR, in April 1999<sup>3</sup>. GCG was co-chaired of OHCHR in co-operation with the OSCE Democratisation Department until OHR employed a gender person in late 1999.

*The establishment of the GCG was “an attempt to redeem the ground lost in terms of gender equality and to give effect to the Beijing recommendations”.*<sup>4</sup> The mandate of the GCG is to promote gender equality in Bosnia and Herzegovina through co-ordination of gender programming within the international community.

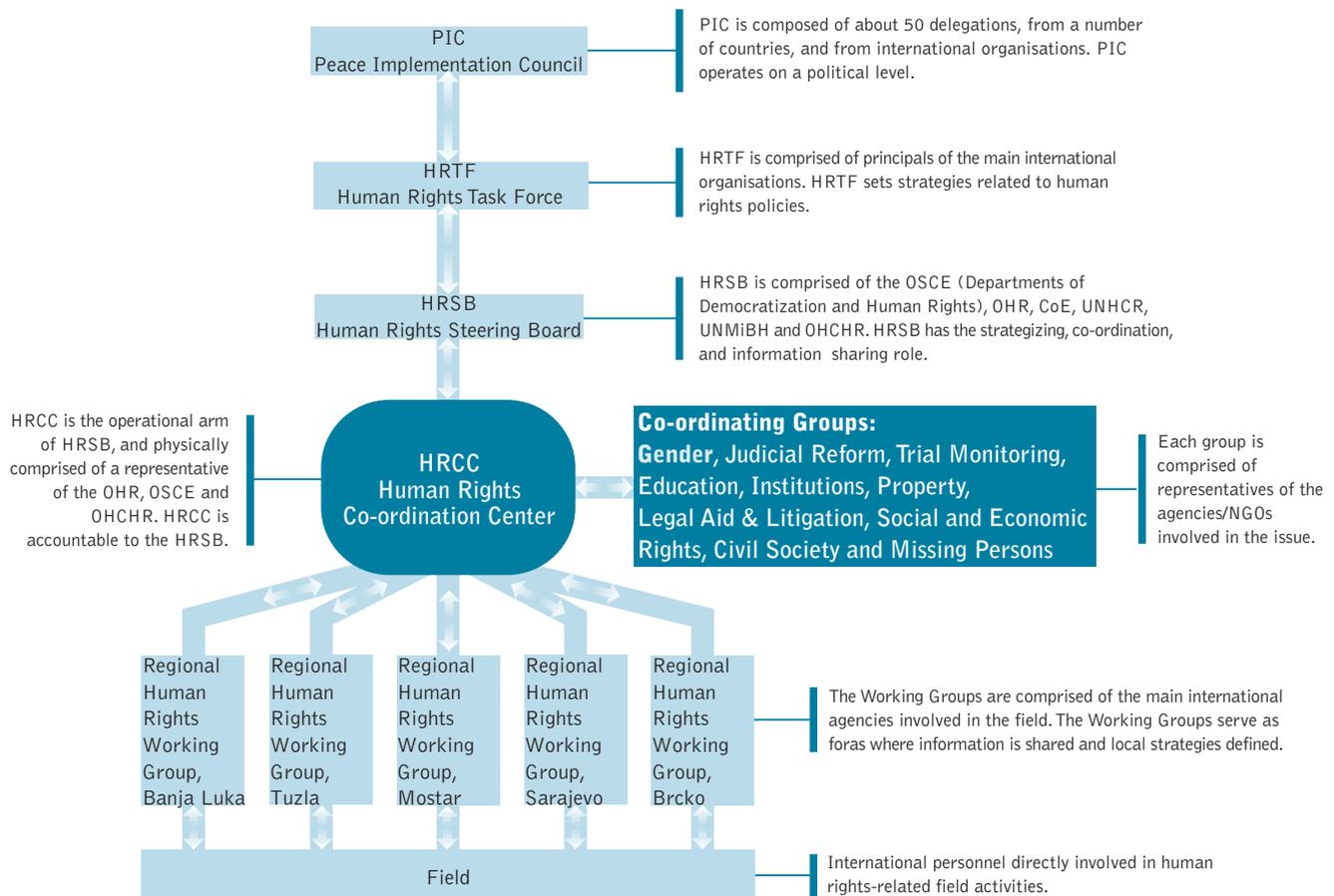
Based on the Platform for Action, the Human Rights Co-ordination Centre in Bosnia and Herzegovina emphasised the following priorities to the establishment of the GCG.<sup>5</sup>

- Addressing gender discrimination as an integral component of the efforts in each priority area identified.
- Women should be engaged in the process of legislative review.
- The response to violence against women and children, including domestic violence, must be improved, and the local authorities as well as the police should be given appropriate training and should recognise the role of women’s NGOs and their work.
- The political participation and representation of women at all levels of government should be encouraged and supported.
- Further efforts are necessary to support existing groups and the establishment of new NGOs.

Since the establishment of the GCG, the awareness of gender issues has been raised within the international community.

However, *in many areas where progress has been achieved, 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.

Some draft laws have been analysed from a gendered perspective (e.g. the draft Republika Srpska Criminal Code), *but only at the request of the GCG, not as a part of a required consultation process.* As such, many opportunities have been missed.



Source: OHR/HRCC 2000

One major achievement is the co-operative efforts by the international community and the local authorities, to address the problem of trafficking in persons for the purpose of forced prostitution. The Human Rights Co-ordination Centre points out that major progress has taken place during 1999, including good co-operation with local NGOs and an increased state responsibility. The establishment of the Gender Task Force under the Stability Pact has further increased the profile of trafficking in human beings among other things, as a regional issue.

For 2000, focus is on the need for increased co-operation between the GCG and bodies responsible for drafting legislation as to develop a transparent, formalised consultative process, ensuring accountability, in order to build a gender perspective into the draft legislation.

Priorities are also set for efforts in respect of displaced women, as well as women refugees and returnees. Stronger liaison between the international agencies, local NGOs and the women themselves is needed in order to ensure gender analysis of the social and economic aspects of return, including organised collective return plans.

*The GCG is of vital importance for the reconstruction process in Bosnia and Herzegovina. Its weakness is that it was not part of the process from the very start, and therefore not incorporated in the structures of the peace implementation phase. The need for a proper mandate is evident, as is the need for increased co-operation with those responsible for drafting legislation. The GCG also has to ensure that investment policies and credit facilities are monitored, through participation of the World Bank and other donors and investors in the GCG.*

KtK have addressed questionnaires<sup>6</sup> to each organisation in the GCG, concerning their gender orientation. A limited number of the GCG members chose to answer. The survey of the implementation of the Dayton Peace Accords is therefore based on the replies received, relevant GCG documents and material from GCG co-operation partners.

Among the international agencies included in this report, none had any gender-based action plans in their missions to Bosnia and Herzegovina when the post-war reconstruction work began. Some have developed gender programmes since, but with only one or two exceptions they still have no formulated strategies.

Agencies have pointed out in general the necessity of co-operation with local NGOs, but examples of this co-operation are not often found in the replies received from the different actors.

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. As quoted in the OHCHR answer to the questionnaire: “This is a major concern within the UN and has yet to be tackled effectively, despite the numerous mandates from the General Assembly and directives from the Secretary General.”

The OSCE Democratisation Department, that has introduced a sexual harassment policy and an internal gender focal point, is the only agency that has expressed internal efforts relating gender issues. The OSCE policy provides mechanisms for complaints due to sexual harassment, followed by investigations and a board of inquiry. There is, nevertheless, still a general lack of awareness within the organisation as to the full extent of “sexual harassment”, and professional working environment, which is to be addressed through education and raising of awareness.<sup>7</sup>

The fact that prostitution and trafficking in women have increased since the arrival of the international community in Bosnia and Herzegovina (as in many other post-war regions), is another serious problem needed to be taken into account within the international organisations. One could assume that education and efforts made to include women on high decision-making positions serve as contributions to raised gender awareness and respect and responsibility for human rights.

Henceforth, the mandates and strategies of the member agencies and organisations in the GCG are presented from a gendered point of view, followed by a survey of their programmes and projects in Bosnia and Herzegovina.

## International Agencies

### The Office of the High Representative (OHR)

A High Representative was appointed and designated to oversee the civilian implementation of the Dayton Peace Accords, i.e. the establishment of political and constitutional institutions, economic reconstruction, the promotion of respect for human rights, encouragement of the return of displaced persons and refugees, humanitarian aid, and support for, and assistance to, the election

### The member organisations of the Bosnia and Herzegovina Gender Co-ordination Group (GCG), 2000

- Office of the High Representative (OHR)
- Office of the High Commissioner for Human Rights (OHCHR)
- United Nations Mission in Bosnia and Herzegovina (UNMIBH)
- United Nations Development Programme (UNDP)
- United Nations Educational, Scientific and Cultural Organisation (UNESCO)
- United Nations High Commissioner for Refugees (UNHCR)
- United Nations Children’s Fund (UNICEF)
- International Organisation for Migration (IOM)
- Council of Europe (CoE)
- Organisation for Security and Co-operation in Europe (OSCE)
- American Bar Association/ Central and East European Law Initiative (ABA/CEELI)
- International Human Rights Law Group (IHRILG)
- The Kvinna till Kvinna Foundation (KtK)
- National Democratic Institute for International Affairs (NDI)
- OXFAM

process.<sup>8</sup> Among the tasks given to the Office of the High Representative (OHR) is the co-ordination of the activities of the international organisations and agencies in Bosnia and Herzegovina, and appropriate guidance to the United Nations Police Task Force (IPTF). However, OHR has received criticism from other international organisations in Bosnia and Herzegovina, for not serving its purpose as a co-ordinating body, for not following the principles of transparency, and for a lack of gender sensitivity. “Indeed nothing was done within ... the OHR with regard to gender issues before the formation of the Gender Coordinating Group...”<sup>9</sup>

Still, even after the formation of GCG, OHR states that it has no gender-based action plan whatsoever, neither externally nor in the organisation itself. The first Gender Advisor at the OHR Human Rights Department was appointed in November 1999, nearly four years after the adoption of the Dayton Peace Accords.

Mandates and rough structures of the main international organisations involved in the field of Human Rights in Bosnia and Herzegovina

**OSCE**  
Organisation for Security and Co-operation in Europe

The mandate of the OSCE Mission in Bosnia and Herzegovina is to promote peace, democracy and stability within the country. The activities are conducted by the following Departments: Democratisation, Elections, Human Rights, Media Affairs and Regional Stabilisation.

**Human Rights Department**

activities are focused on property and return related issues, education, employment and rule of law. The mandate of the OSCE Human Rights Department derives from Annex 6 of the Dayton Peace Accords.

Regional presence

Field presence

**OHCHR**  
Office of the High Commissioner for Human Rights

OHCHR is part of the United Nations Human Rights Mission in Bosnia and Herzegovina. OHCHR focuses its activities on human rights training and on issues of gender and discrimination, with particular emphasis on social and economic rights.

The legal authority for the presence of OHCHR is based on annual resolutions of the Commission on Human Rights, as well as Annex 6 of the Dayton Peace Accords.

**UNMIBH**  
United Nations Mission in Bosnia and Herzegovina Components

The mandate of UNMIBH derives from Annex 11 of the Dayton Peace Accords (the International Peace Task Force), with which the United Nations had been entrusted.

**IPTF**  
The International Police Task Force

IPTF forms the core component of UNMIBH. While IPTF derives its basic mandate from Annex 11 of the Dayton Peace Accords, the mandate has evolved with time, to include investigating or assisting with investigations into human rights abuses by law enforcement personnel.

**The Human Rights Office**

The office investigates human rights violations by law enforcement agents; designs remedial measures to correct such violations; and monitors and ensures the implementation of corrective measures.

Regional presence

Field presence

**JSAP**  
Judicial System Assessment Programme

JSAP is a programme to monitor and assess the judicial system in Bosnia and Herzegovina. Its mandate covers both courts and prosecutor's offices. The ambit of the activities also includes civil and administrative litigation, enforcement of judgements and the operation of the judicial system generally.

Regional presence

**OHR**  
Office of the High Representative

Under the Annex 10 of Dayton Peace Accords, OHR is tasked with co-ordination of civilian aspects of peace implementation in Bosnia and Herzegovina.

**HRCC**  
Human Rights Co-ordination Centre

HRCC is a co-ordination unit, physically comprised of representatives of the OSCE, OHR and UNHCHR.

**Human Rights Department and Co-ordination groups**

- Judicial Reform
- Gender
- Socio and Economic Rights
- Education
- NGO and Civil Society
- Property

Regional presence

**UNHCR**  
United Nations High Commissioner for Refugees

UNHCR is the lead organisation for the implementation of Annex 7 of the Dayton Peace Accords, which guarantees the right of displaced persons and refugees to return to their homes of origin. To create a framework conducive to safe and dignified return and to promote return opportunities, UNHCR has been involved in various human rights areas: return, property, citizenship, customs, travel documents, amnesty, pensions and gender.

Regional presence

Field presence

### **The Office of the High Commissioner for Human Rights (OHCHR)**

OHCHR is part of United Nations Human Rights Field Operation in Bosnia and Herzegovina, with a specific mandate on human rights training and issues of gender, discrimination, social and economic rights, rule of law and protection of minorities. Since late 1998, when the OHCHR introduced a gender advisor, a programme has been developed to respond to the Beijing Platform for Action, along with other major human rights instruments, including the European Convention. The OHCHR has the mandate to encourage gender mainstreaming in the offices of other UN agencies, particularly in the United Nations Mission in Bosnia and Herzegovina (UNMIBH), responsible for the monitoring of the IPTF.

OHCHR is one of the initiators of the GCG and has done considerable work on raising gender issues within the international community in Bosnia and Herzegovina. The involvement of NGOs is considered to be the most crucial component in the work of the OHCHR, since the ultimate aim is to ensure sustainability in the areas of concern.

### **The United Nations High Commissioner for Refugees (UNHCR)**

The UNHCR is committed to organise the implementation of the Dayton Peace Accords, concerning guarantee for the right of displaced persons and refugees to return to their homes of origin.<sup>10</sup> UNHCR does not have a specific gender-based action plan in relation to activities undertaken in Bosnia and Herzegovina, but “has developed a number of policy guidelines on gender mainstreaming and women’s policies in the refugee context”<sup>11</sup> as a first step towards an actual gender-based action plan. Since 1998, the UNHCR Bosnia and Herzegovina Office has a focal point on refugee women in both protection and operations units, responsible for ensuring that gender issues are taken into account in all program and policy decisions, and for developing individual projects as the need arises.

### **The United Nations Development Programme (UNDP)**

The mission of the UNDP is to assist countries in their efforts to achieve sustainable human development, through development programmes in for example poverty eradication, employment creation and empowerment of women. The UNDP mission to Bosnia and Herzegovina has among other activities implemented a Village and Environment Programme, in an attempt to tackle the

“Indeed nothing was done within ...the OHR with regard to gender issues before the formation of the Gender Co-ordination Group...”

QUOTE FROM AN EMPLOYEE AT OHCHR, 2000.

mass unemployment, especially in areas receiving a high number of returnees.

### **The United Nations Educational, Scientific and Cultural Organisation (UNESCO)**

Since the beginning of the conflict in former Yugoslavia, UNESCO has initiated projects in the fields of cultural heritage, education, cultural life and independent media and has developed activities in assisting refugee women in Bosnia and Herzegovina. UNESCO is co-operating with the International Criminal Court and other UN bodies in examining information relating violations of human rights.

### **The Organisation for Security and Co-operation in Europe (OSCE)**

The mandate of the OSCE Mission in Bosnia and Herzegovina has been primarily to provide assistance for the preparation and conduct of municipal elections and to provide assistance in the establishment of a permanent election commission. The mission also includes the promotion of democratic values, monitoring and furthering the development of human rights, and implementing arms control and security-building measures.

In 1997 the OSCE Democratisation Department developed a gender-based action plan (Democratisation Department Concept) for the implementation of their policies and programmes in Bosnia and Herzegovina. The concept is based on the Beijing Platform for Action and includes a Women in Politics programme, a Civil Society programme, and a Governance programme. The OSCE has a wide range of offices throughout Bosnia and Herzegovina, most of them with a democratisation officer employed, providing the OSCE with the opportunity to work in a locally based way.

Since 1997, the Democratisation Department has included a gender perspective in most of its programmes, involving local women both from NGOs and from political parties. It also has been a major player in inspiring women from the two spheres to work actively together.

### **The International Organisation for Migration (IOM)**

IOM is an intergovernmental body that assists the international community in solving migration problems. It has no action plan for the achievement of gender equality in its programmes. There is, nevertheless, a general IOM policy for the protection of migrant women, based on the triple affirmation that migrant women represent a significant part of the total of migrants, that they are exposed to special forms of discrimination and risks, and that their needs have not been given the attention they deserved in former policies and programmes.

Since the beginning of the 1990's, IOM has striven to raise awareness of the special conditions and needs of migrant women, and has intervened to ensure equal access to IOM projects and services and to develop projects and services aimed at migrant women.

Promotion of the prevention of trafficking in women is also one of the main issues in the IOM's information campaigns, to advance the understanding of migration issues.

## **Non-Governmental Organisations**

Among the international NGOs present in the GCG, evident awareness of gender issues can be found. Unfortunately, most of these NGOs have no clear gender action strategies.

### **The International Human Rights Law Group (IHLRG)**

The IHLRG has been involved in a number of activities in Bosnia and Herzegovina to promote gender equality and the advancement of women, even though the organisation works without a specific gender action strategy.

The IHLRG works with the local community, and several of the gender-based projects have been accomplished in co-operation with local women's NGOs.

### **OXFAM**

One of the regional priorities of OXFAM in Bosnia and Herzegovina is to protect women's rights, especially vulnerable groups such as disabled women and women victims of domestic violence. As a means of working for that priority OXFAM supports local partner organisations, which offer different kinds of services to women at risk.

### **The Kvinna till Kvinna Foundation (KtK)**

KtK has been supporting projects run by local women's organisations in Bosnia and Herzegovina since 1993. The projects vary from health service, educational programmes, and centres for legal aid free of charge to attendance in women's seminars and conferences about women issues, achievements to extend the number of women in politics, and networks between women in different parts of the West Balkans.

The activities by KtK are presented separately in the publication and are therefore not included in the following part on projects and programmes by the international community. Still, KtK is mentioned when it comes to joint projects with international agencies and other NGOs in the GCG.

### **The Central and Eastern European Network for Gender Issues (CEE Network)**

CEE Network has been running projects in Bosnia and Herzegovina since the beginning of 1999. The CEE Network was founded by the Socialist International and the Group of the Party of European Socialists in the European Parliament and works with the objective of assisting and strengthening the democratic processes in countries in transition, in order to address the gender issues and the status of women in democracy building. CEE Network is not a member of the Gender Co-ordination Group, but partners with the OSCE and is one of the initiators to the establishment of the Gender Task Force to the Stability Pact for South Eastern Europe.

## **PROJECTS AND PROGRAMMES**

The efforts made by the international organisations in the GCG, since the post-war reconstruction phase started in Bosnia and Herzegovina, are presented hereinafter, based on appropriate documents received from the GCG organisations, and on the replies to the KtK questionnaire. As the GCG priorities are based on the Platform for Action, the following projects and programmes are introduced in relation to the Critical Areas of Concern, spelled out in the Beijing document.

## 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 arena, only accessible by men. Nevertheless, as many women active in local NGOs were concerned with the lack of a 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 accords, on the same low level as in the 1990 elections. Women's representation in the Bosnia and Herzegovina House of Representatives was only 2 percent, in the Federation House of Representatives 5 percent and in the Republika Srpska National Assembly 2 percent. *The municipal elections held in 1997, where women's representation on average was 5 percent, only verified that women practically had no influence on the decision-making in the post-war reconstruction process.*

Cross-entity meetings on the issue were held by local NGOs as early as in 1996, but the international community did not take this into account until 1997 after two elections already had been carried out. As a response to the assessed need spelled out by women's NGOs and with the miserable elections in mind, the OSCE Democratisation Department initialled the Women in Politics programme in October 1997 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"<sup>12</sup> 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, "Nas je Vise" (There are more of us), 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. The 13

"For me politics represents the skeleton of everyday life. Policy and **the fight for power**, as well as their influence on the everyday life of citizens are what demand engagement from me. I can't let myself be blind and not think about my own life."

FROM THE WOMEN'S NGO ZENA ZENAMA ANNUAL REPORT 1998.

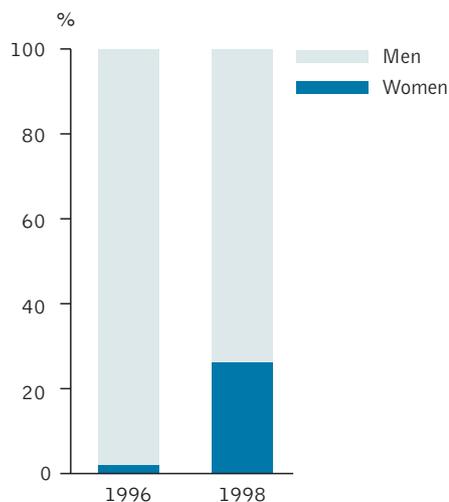
NGOs behind the campaign called on local women to discuss points of local political concern and the importance of voting for a political programme in preference of a nationalistic one. The campaign, that is said to have reached 14 000 women, also gave support to women prepared to set themselves up as 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, from 2 to 23 percent in the Republika Srpska National Assembly, and from 5 to 15 percent in the Federation 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.*

In the municipal elections held in April 2000, the provisional Rules and Regulations included open candidate lists and a quota mechanism of 30 percent. Unfortunately, women's representation is not guaranteed under the open list system and in average women constituted 18 percent of the elected to the Bosnia and Herzegovina municipal assemblies.

As the Dayton Peace Accords provide the OSCE with the mandate to work with political parties and as the women representation in the parliament was remarkably low already in the 1990 elections, *it is regrettable that a gender perspective was not included from the start of the OSCE Mission to Bosnia and Herzegovina.* Still, in a relatively short period of time the Women in Politics programme has expanded from the periphery of the OSCE activities in Bosnia and Herzegovina, to be a major programme within the OSCE Democratisation Department.

According to a recent OSCE poll of 1,050 Bosnia and Herzegovina citizens, the majority feels



The percentage of women elected to the Bosnia and Herzegovina House of Representatives 1996 & 1998.

that women are underrepresented in politics and that political parties need to do more to effectively address women's interests. 60 percent of all respondents felt that women are effective political representatives. To the questions of whether there should be more women in elected positions, 58 percent of all those surveyed said yes. 70 percent of the respondents felt that registered parties should be required to include a certain percentage of women candidates to increase women's representation. 64 percent thought a certain percentage of women should be appointed to government positions after elections.

These positive attitudes towards women's participation in decision-making, are surely due to the intensive work by local NGOs in co-operation with female politicians and the OSCE.

Another significant progress concerning women's participation in politics has been made in the interim Brcko<sup>13</sup> District Assembly in Bosnia and Herzegovina. In the interim elections in March 2000, 28 percent of the appointed Assembly councillors were women. As the interim elections are one of the initial steps in the establishment of the Brcko District, the visibility of women is encouraging, for the Assembly elections to come and for the future forming of rules and regulations.

To increase the co-operation between women in different political parties, NGOs, and trade unions, the CEE Network is now one of the partner organisations in the OSCE Women in Politics

programme. In co-operation with local and international NGOs, the network has organised a number of seminars, the Women Can Do It programme, to support women in politics.

To increase the visibility of women in the media, the OSCE Democratisation Department is working on fair representation and standards of conduct and content. The strategy also includes training of women politicians in media strategies.

**"The Power Booklet"** In co-operation with the OSCE Women in Politics programme, in 1998 KtK co-financed the translation of "The Power Booklet", a guide for women to recognise their obstacles and possibilities to gain power in the political life, published by the National Federation of the Social Democratic Women in Sweden. The booklet was distributed via the OSCE, and via KtK's local partner organisations in Bosnia and Herzegovina.

## VIOLENCE AGAINST WOMEN

Thousands of women and young girls in Bosnia and Herzegovina were assaulted during the war in Bosnia and Herzegovina, as systematic rape was used as part of the war strategy.

After the war, women's SOS hotlines reported from all over former Yugoslavia a huge increase in violence against women due to stress caused by war, and the overall political, economic, and social situation.

The Dayton Peace Accords do not specifically refer to women's rights in its annex on human rights. Although, a legal framework is set up pursuant to which allegations of assault can be brought forward to the Commission on Human Rights.

**Domestic violence** 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.

This report focuses on the projects supported by the international organisations represented in the GCG of Bosnia and Herzegovina. *Nevertheless, the greatest amount of the work for raising public*

*awareness and work for decreasing domestic violence has been done by local women's NGOs throughout the region.* A network of SOS hotlines for women is organised all over Bosnia and Herzegovina, local women NGOs have organised round-tables and radio shows on the topic, a number of the legal aid centres that have been established have clients who are victims of domestic violence, among other initiatives.

One of the first to address the issue of domestic violence within the international community in Bosnia and Herzegovina was the Special Representative of the Secretary General (SRSG) to UN-MIBH 1997-1999, Ms Elisabeth Rehn. She acknowledged the achievements by the women's NGOs, and for many Bosnian women she came to serve as a role model, showing that women in decision-making positions really can make a change.

One of the first major general attempts from the international community to deal with the issue of domestic violence was the seminar "Violence—a public health issue", organised by the World Health Organisation (WHO) in May 1998. Many local women's NGOs already involved in the topic, participated together with representatives from the health care sector, the judicial system and the international community. An action plan on how to address the problem of domestic violence was adopted.

Another effort was the research on domestic violence and sexual assault, conducted by the local NGO Medica in Zenica (with support from OXFAM and UNIFEM) in 1998. The research was an initial step to examine the underlying causes regarding violence against women in Bosnia and Herzegovina, covering governmental institutions, NGOs and women victims of violence. Out of recommendations from Medica, OXFAM developed the project to include in-depth interviews with the victims willing to communicate their experiences. The project was accomplished in partnership with three women's NGOs from both entities of the country — Zene Zenama in Sarajevo, United Women in Banja Luka and Medica in Zenica. Recommendations from the studies include demands for a legislative change concerning domestic violence, and stronger co-operation between governmental sectors and NGOs on the issue of violence against women.<sup>14</sup>

*Even though IPTF is 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.*

A pilot project in Zenica in 1999 attempted to deal with the police response to cases of domestic violence and gender education for prosecutors. The project objective was to support and empower the existing mechanisms for preventing, stopping and punishing violence against women. They were also surveying existing conditions in the local communities, legislation frames, institutional protocols and services offered to victims of domestic violence. A number of international organisations (such as IPTF, OHCHR, ABA-CEELI, OXFAM and the International Criminal Investigate Training Assistance Programme, ICITAP) were involved in this project together with the local NGOs Medica and the Centre of Legal Assistance for Women, the Ministry of Interior and the local police department.

This is one of the first joint projects in Bosnia and Herzegovina between a local police department and the NGO community. The feedback from the police in Zenica has been good and *it is deplorable that there is no funding for a replication of the programme in other areas of Bosnia and Herzegovina.*

It is now evident that awareness regarding the issue of domestic violence, is raised within the international community. Still, gender awareness among the IPTF personnel has not been emphasised, as pointed out in a 1998 OXFAM report on domestic violence: "They [the IPTF officers] are recruited from their own countries and receive little training generally on gender issues. There are very few women IPTF monitors and attitudes to violence against women depends entirely on their training and experience at home."<sup>15</sup>

*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. Still, it is 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.*

In 1997, Ms Rehn, former SRSG, pointed out the necessity of women police officers, referring to the large number of women victimised by the war, that have found it easier to report crimes of rape to a female officer than to a male officer.<sup>16</sup>

The Eastern Europe Women's Network is a new OXFAM project, with the aim to strengthen already existing networks and alliances of women's organisations in the region, particularly in response to violence against women. The network especially focuses on the involvement of women's groups and individuals that have less access to ex-

“They [the IPTF officers] are recruited from their own countries and receive little training generally on **gender issues**. There are very few women IPTF monitors and **attitudes to violence against women depends entirely on their training and experience at home.**”

SARAH MAGUIRE, A FAMILY AFFAIR, 1998.

isting networks, such as rural, disabled and minority women. Assessments throughout the region are conducted and the network is planned to start during the first six months of 2000. The Eastern Europe Women’s Network is also connected with the Coalition for Equal Opportunities of Disabled Persons, an umbrella organisation that lobbies the general public and authorities to develop more favourable attitudes, and legislation, in relation to the specific needs of disabled persons, and the provision of support through its member organisations. Within this coalition a separate women’s caucus is emerging, to be included in the Eastern European Women’s Network.

**Trafficking in women** The problem of trafficking in human beings, mainly women, for the purpose of forced prostitution in Bosnia and Herzegovina is since 1998 considered a serious human rights issue. The late approach to the problem is probably partly due to the Dayton Peace Accords, that nowhere mentioned the issue of trafficking in women.

In December 1998, OHCHR and the Council of Europe organised a round-table on the issue. The Social and Internal Affairs Departments from both entities participated, as well as international agencies and international and local NGOs. A first plan of action was taken to support women trafficked to Bosnia and Herzegovina. Since, a number of international agencies,<sup>17</sup> local women’s NGOs and local police authorities are involved in a programme to incorporate the social and economic rights of women, their protection and means of redress, and safe repatriation when requested. There has been positive response from the Ministry for Civil Affairs and Communication in respect of the provision of accommodation for trafficked persons. The Ministry is willing to identify state prop-

erty for the purpose, and entrust the running of a shelter to an NGO as soon as appropriate location is found.

Since September 1999, an interagency programme chaired by OHCHR and IOM has been developed for assistance to trafficked women. The program offers transport to home countries, mainly in Central and Eastern Europe, as well as counselling, medical assistance and limited re-integration allowances. Since December 1999, KtK supports the programme, on the availability of shelters, medical and psychological assistance.

In 1999, the IHRLG conducted three trainings on legal approaches on trafficking. Another course on the protection of and support to trafficked persons resulted in the creation of a network against trafficking in persons to and from Bosnia and Herzegovina among local NGOs, and the decision to develop a plan of action for 2000. The network will focus on legal issues (including legal analysis and research on the extent of the problem) and advocacy. Today the network consists of 14 organisations, and one of the objectives, besides the legislative part and the awareness raising campaign, is to provide a permanent shelter for trafficked women.

OHCHR has formulated changes to the draft law on a permanent Republika Srpska Criminal Code, concerning domestic violence and trafficking. The government response has been satisfactory and assistance from OHCHR has been requested concerning wordings on the specific chapters.

In the reforming of the Criminal Code of the Federation of Bosnia and Herzegovina, consultation with NGOs was not taken into account and the opportunity to get domestic violence prosecuted ex officio therefore was lost.

## Institutional Mechanisms for the Advancement of Women

*Gender equality within decision-making bodies can by no means be achieved without well-functioning national machinery.* 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 and NGOs still have little access to draft laws, and mandates to suggest adjustments.

**National institutions** To deal with the lack of institutional mechanisms for the advancement of women, UNDP started a consultative process in 1997, preparing the ground for development of a gender national strategy in Bosnia and Herzegovina. During this consultative phase, gender reference groups in both entities were established, composed of local key persons committed to gender equality and with an interest in the advancement of women. Contacts with the Prime Ministers offices led to promises of appointments of special Gender Persons within the offices. Unfortunately this project was not continued after December 1998, and national institutions are still not functioning.

**International obligations** At present, UNDP is assisting the Bosnia and Herzegovina government in the effort to complete its national report to the CEDAW committee, on the achievements made concerning the obligations under the Convention on the Elimination of All Forms of Discrimination Against Women.

A national NGO report on the same issue was initiated by the women's NGO Zene Zenama and IHRIG in 1998. A number of women's NGOs within the country participated in the study and the report was launched in 1999. The report is a first tool for promoting changes in Bosnia and Herzegovina, in accordance with the Platform for Action, and some of the involved NGOs are currently working on follow-up projects.

The Beijing Declaration and Platform for Action was launched in a translated version, "Pekinska Deklaracija i Platforma za Akciju", on the international women's day, March 8 1999, by the OSCE Women in Politics programme and women in the Federation Parliament. In a special preface, the government is reminded of its signing of the Beijing document and the need for achievement in reaching the goals set up in the Platform for Action. The appeal indicates women's step forward to claim their rights to play a major part on the political scene, with the aim to create a better position for women in Bosnia and Herzegovina.

**The Gender Task Force** The work for the establishment of a Gender Task Force to the Stability Pact for South Eastern Europe started at the Stability Pact summit on July 30, 1999 in Sarajevo. On the initiative of more than 150 women's NGOs from the whole region, and with assistance from the CEE Network and the OSCE Mission to Bosnia and Herzegovina, an appeal to the partici-

pants of the Stability Pact was launched, stating: "Women demand an equal and active role in development and implementation of the Stability Pact. Women do not accept any longer to be victims and objects of predominantly male politics. Women as a vital part of civil society of this region demand and accept the responsibility to work together with their governments and the international community towards lasting peace, good neighbourly relations and stability for individual countries as well as for South East Europe as a region. Women are the stakeholders and have a vital interest in peace, prosperity and sustainable human development of this region, which can not be achieved without half of its population."<sup>18</sup>

A demand for a Gender Task Force was presented at the first meeting of the Stability Pact Working Table on Democratisation and Human Rights in October 1999, where the initiative also was accepted.

An annual programme of action was set in November 1999, including:

- Women's political empowerment—to create Gender Task Force dual focal points in each state and to establish national and regional plans for women's capacity building.
- Electoral legislation—to undertake gender analysis of the national election legislation.
- Gender Machinery—to identify problem areas and strategies for the development of gender machinery.

Even the Task Force on Parliamentary Co-operation, within the Working Table on Democratization and Human Rights, has emphasised on special attention to be given to the role of women parliamentarians.<sup>19</sup>

However, it is necessary to point out that *the Gender Task Force is not incorporated into the structure of the Stability Pact. The two remaining Working Tables, on economic reconstruction, development and co-operation, and on security issues still have no gender programmes.*

## 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<sup>20</sup> and problems regarding maternity leave allowance have been encountered in most parts of the country.* In general women do not have access to executive positions and managing boards.

Put in totally new situations after the war, many of them as sole providers for their families, returnee women and widows are also facing new kinds of problems in the post-war society.

**Discrimination in employment** Women all over Bosnia and Herzegovina encounter problems regarding payment of maternity leave allowance, ranging from non-payment to the dismissal of pregnant women and mothers shortly before or after the maternity leave period. IHRLG and a number of women's NGOs have conducted a survey of the current situation, which recommends immediate changes in regulations in both entities of Bosnia and Herzegovina, including sanctions for employers who do not fulfil their obligations. In 1999, the analysis was distributed to the cantonal governments, media and to other NGOs. Through co-operation with an ad hoc delegation of women parliamentarians from a range of parties, the Federal Minister of Social Affairs, Labour and Refugees was urged to request the cantonal Prime Ministers for an enforcement of the law in relation to maternity leave allowance. In December 1999, three cantons had responded, outlining planned steps to ensure payment of the allowance. In addition, local NGOs have also been organising petition drives in several cantons, urging for the payment of maternity leave allowance.

Employment discrimination is also a problem in Bosnia and Herzegovina concerning recruitment. A 1999 OSCE Human Rights report<sup>21</sup> indicates 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 implemen-

tation of fair employment principles to promote equality and access to employment for women. The national NGO report on women's rights quoted earlier also presents recommendations to a permanent national labour law. "Government at all levels should take steps to eliminate all forms of employment discrimination by enacting and enforcing laws which clearly prohibit gender discrimination in the recruitment, hiring, promotion and termination of workers and in the application of terms, benefits and conditions of employment; include marital or family status and acts of sexual harassment within the definition of gender discrimination."<sup>22</sup>

In addition, the OSCE Democratisation Department has conducted seminars on women's role in the economy, through local NGOs and educational institutions, targeting rural women as well as women in the business sphere.

**Income generating** Economic recovery in post-war Bosnia and Herzegovina has proved to be a slow process, especially for displaced and returnee women. A large proportion of the women who before the war were financially dependent on their spouses, are now widows and single heads of households.

In October 1996, the Bosnian Women's Initiative (BWI) was launched by the UNHCR, to enable local, displaced, refugee and returnee women to better access to vocational, literacy and skills training programmes, as well as credit facilities. BWI initially focused all of its efforts on income-generating projects, but this approach was challenged by many Bosnian women, who argued, in the words of one Gorazde woman, that "the trauma of these people is not over with the last bullet."<sup>23</sup> Responding to such comments, the project extended the range of the programme to include counselling and psychosocial rehabilitation projects.

Since 1997, the BWI gradually has focused on minority returns. In 1999, the BWI became part of the UNHCR minority return programme, by reaching women in areas where minority returns happened or were expected. Today more than 80 percent of the funds are invested in income-generating projects, targeting local women's NGOs. The international NGOs, Malteser Hilfsdienst, Mercy Corps Europe/Scottish European Aid and New Bosnia Fund act as umbrella organisations, working directly with the local groups.

One of the greatest obstacles to the BWI, pointed out by UNHCR, is the overall weakness of the economic and social sectors of post-war Bosnia

and Herzegovina, making it difficult to guarantee sustainability. Still, most of the programmes have an inter-entity component, which can contribute to the understanding and healing of the country as a whole.<sup>24</sup>

It is nevertheless important also to focus upon the structure of the BWI, where international NGOs function as co-ordinators. To work directly towards the local NGO's would not only decrease the bureaucracy, it is also an acknowledgement of local competence and a contribution to the capacity building of the local organisations, making the programme more sustainable.

In the conditions for approval the BWI selection committee points out that "...projects [that] are innovative, do not duplicate existing programmes, and could serve as models for other women's groups to learn from and to adapt to their situation".<sup>25</sup> To run similar projects parallel to each other is by no means successful. Though, important to emphasise is that a duplication of functional programmes to other areas is a gain, as it transfers knowledge and experience.

At present, UNHCR and OHCHR are conducting a study into Minority Women and Return, focusing on additional or specific problems or difficulties faced by minority women in the return process.

Income-generating projects for women are also part of the UNESCO programme in Bosnia and Herzegovina. During 1999, UNESCO has resumed earlier activities related to income-generating projects, mainly encompassing women. In cooperation with a local NGO, a tailoring programme has been implemented in Bijelina. Similar activities are also running in areas like Gorazde, Tuzla and Zivinice.

## THE KVINNA TILL KVINNA FOUNDATION (KTK)

As KtK supports women's NGOs in post war societies, the strategies and methods of KtK are presented hereinafter along with the development within three of the KtK supported women's projects, as a demonstration of good practise.

The Kvinna till Kvinna Foundation (KtK) was founded by the women and peace movement in Sweden in 1993, when the war in former Yugoslavia was at its height and reports about mass

**KtK supports a wide variety of projects** conducted by local women's organisations, such as health service, educational programmes, centres for legal aid free of charge, attendance in women's seminars and conferences about women issues, achievements to extend the number of women in politics, and networks between women in different parts of West Balkans.

Six KtK co-ordinators are present in the West Balkans, in Bosnia and Herzegovina, Kosovo, Croatia and in Macedonia. Projects in Albania, Montenegro and Serbia are also supported.

KtK supports about 50 projects throughout the region of which 18 are conducted in Bosnia and Herzegovina.

rapes of women, prison camps and major violations of human rights were starting to come out.

KtK was founded to protest and condemn the war and to support women victimised by the ethnic cleansing polices.

KtK works to rebuild women's lives and strengthen women's positions in areas affected by war, and in communities under reconstruction.

*KtK is convinced that peace and democracy are dependent on the participation of both men and women in the peace process and in post-war reconstruction. Equality is the basic condition for fair and just societies.* Women constitute more than half of the world's population and women have other experiences of conflict than men have, which must be taken into account during the peace-building process.

During war-time women are usually the sole providers for their families and are responsible for holding war-torn societies together. In order to deal with the immediate consequences of war, women organise themselves to assist the war-affected population. Striving for peace, women are usually also the first to call for an end to the war.

Women's unique perspectives are needed in the peace-building process, but today they are often excluded.

In order to empower women to take active part in the peace process and in the post-war reconstruction, KtK supports women's NGOs and a wide range of women's projects.

The type of support KtK gives is dependent on the social, political and economic situation in a country or area, and on the present phase of the peace process. KtK also adjusts its support depending on the phase of development of partner organisations.

*In times of conflict, emergency aid, such as health care for women and psychosocial support and trauma treatment are offered. Relief efforts however need to be followed by, and combined with, long-term support.* The long-term efforts focus on strengthening women's self-esteem by providing education and training as well as knowledge

of women's human rights. Strengthening women's involvement in the political process and in the reconstruction of society is another focus point. This work is always done in co-operation with local groups and organisations. KtK believes that a *sustainable change can be achieved only by the local women themselves*.

KtK also works to further public opinion in favour of peaceful solution of conflicts. In co-operation with other organisations, KtK works to increase the gender sensitivity within the international community concerning women's human rights as they are regulated in UN conventions such as CEDAW and the Beijing Platform for Action. The importance of introducing gender measures in peace building/reconstruction processes is another focus point.

**Method** The KtK strategy is based on a qualified presence in the area, working in close contact with local organisations. KtK itself does not implement projects. The co-operating partners identify problems and formulate measures to address these problems, based on their competence and knowledge of current situations. KtK contributes with advice on the project development, financial help, supervision and organisational support.

### **The work of KtK is based on a couple of basic principles:**

#### **Mutual respect**

Co-operation based on mutual respect is a fundamental part of the KtK strategy, as expressed in a 1998 capacity study of KtK in Bosnia and Herzegovina, made on the request by the Swedish International Development Co-operation Agency, Sida: "We believe that the KtK supported projects are sustainable as they are based on women's own capacities and capabilities...and address the important problems in the lives of women."<sup>26</sup>

#### **Transfer of know-how**

Principally, the transfer of know-how is realised through close and continuous contacts between the KtK co-ordinators and the partner organisations and it is "without doubt the most important output from KtK. The transfer of knowledge takes place in many different fields; from how to organise and manage the supported women's organisations to how to enhance democratic values in the society."<sup>27</sup> The interchange provides KtK with intimate knowledge and understanding concerning

the priorities set by the local partners, and the capacity and possibility to achieve the expressed objectives.

KtK itself is organised to provide close co-ordination between the field offices and the central office in Stockholm, Sweden. The frequent contacts distribute knowledge within the organisation as a whole and lead to increasing competence and strengthen the commitment of the staff, the board and the supporting agencies.

### **Networking**

KtK serves as an important linking agent in the establishment of women's networks, on local, regional as well as on an international level. The field co-ordinators travelling in the area provide important contacts with other groups, and there are joint conferences for the partner organisations every year. In an 1998 evaluation of the activities by KtK in Bosnia and Herzegovina and Croatia<sup>28</sup> most of the partner organisations expressed that without the support of KtK they would not have the same level of access to information, or linkages with other women's organisations. The networking activity is also mentioned in the capacity study of KtK in Bosnia and Herzegovina: "The networking – putting organisations with similar values and goals in connection with each other for mutual benefit...This is a vital output from KtK whose value can hardly be overestimated in a country so divided by ethnic and political problems."<sup>29</sup>

KtK co-operates also with international agencies and NGOs, and participates in international co-ordination groups, such as the UNMIK Gender Task Force Group in Kosovo and the OHR Gender Co-ordination Group in Bosnia and Herzegovina. In these arenas KtK can introduce information about the work of the local women NGOs and present issues of concern expressed among the local partner organisations.

Many of the initial contacts between KtK and the future partner organisations take place at conferences or through other local women's organisations. Co-operation is always preceded by thorough discussions. KtK is also in close contact with many women's NGOs not receiving KtK funding, but which benefit from the information exchange and developmental discussions to the same extent as does KtK.

Three different KtK supported projects, run by local women's NGOs in Bosnia and Herzegovina, will be presented below to give an example of how

the KtK method works. These projects also demonstrate that long-term support of local NGOs, based on mutual respect, actually can make a difference in societies affected by war and conflict.

The projects are:

- The Centre of Legal Assistance for Women in Zenica, Federation of Bosnia and Herzegovina—a legal centre offering legal aid free of charge
- The Stope Nade women's centres in Mostar, Federation of Bosnia and Herzegovina—women's centres providing psychosocial support and educational activities
- Woman Today in Banja Luka, Republika Srpska—seminars and round-tables for women, conducted to increase the participation of women in decision-making bodies.

## The Centre of Legal Assistance for Women

The Centre of Legal Assistance for Women in Zenica in central Bosnia and Herzegovina is an off-spring of a therapy centre for women, established in Zenica in 1993 by the German organisation Medica. Realising that raping of women by soldiers and para-militaries was on an appalling scale, Medica saw the need for a women's centre, offering abused women treatment and care.

Zenica, with a pre-war population of around 120 000, received about 70 000 refugees and displaced persons during the war. *The signing of the Dayton Peace Accords brought about a very complex order of constitutional and legal systems on four levels (governmental, entity, canton and municipal), that especially complicated the situation for the displaced population without requisite documents, and knowledge about their rights.* For many individuals it was not clear to whom they should address their appeals and demands.

Women, returnees and widows in particular, are also disadvantaged from the gender-blind domestic laws on property rights, as they reflect traditional practises whereby men are primary owners of land.

During the war, the system of legal institutions offering free legal assistance relinquished. As many of the beneficiaries at the Medica centre were in need of legal assistance, the Centre of Legal Assistance for Women was founded in October 1996, by women at Medica and a number of local female lawyers.

KtK first met with the initiators of the legal centre at a women's NGO conference in 1995, and supported their initiative to open the centre. Co-operation between KtK and the Centre of Legal Assistance for Women started in early 1997.

*The objective of the Centre of Legal Assistance for Women is to reach and support women in need of legal aid and to inform them of their rights, in order to strengthen women's self-esteem and confidence in the future.*

The legal assistance consists of advice, composing of request petitions, interpretation of current regulations and procedures necessary for the applications and contacts with the authorised institutions in order to enable women to realise their rights. In specific cases assistance is also offered to men, under the condition that the procedure does not endanger women's rights.

The Centre of Legal Assistance for Women was one of the first legal centres to open in post-war Bosnia and Herzegovina.

**Legal assistance** The Centre of Legal Assistance for Women started with seven local legal experts providing free of charge legal aid to women, mainly refugees and returnees, self-supporting women and women soldiers. At the start, most cases were related to property, housing and labour rights.

As the project grew, the initiators of the legal centre saw the need for co-operation with other similar centres in former Yugoslavia. In June 1997, representatives from NGOs in the FRY, Croatia, and from both entities of Bosnia and Herzegovina met in Zenica to discuss the rights of refugees and displaced persons in the region. The recommendations and demands expressed at the meeting were put forward to representatives of governments from both entities of Bosnia and Herzegovina, as well as to international organisations such as OHR, UNHCR and the OSCE. The main suggestion, to create a minimum of common legal norms for property, housing and employment issues valid in both entities, influenced OHR to an initiative to advocate the change in legislation.

Out of the Zenica meeting, a network of women's NGOs emerged which increased the possibilities of assistance to clients. Today there is a well-established co-operation between legal aid centres in both entities of Bosnia and Herzegovina. They inform each other about new entity laws, help to access needed documents and organise joint trainings.

The number of clients at the Centre of Legal Assistance for Women has constantly increased, and as the economic, social and political situation has changed in Bosnia and Herzegovina, so has the cases. More and more mediate and highly educated women have been visiting the centres, asking for qualified legal help in realisation of their rights determined by law. Although, the main target group is still women without financial resources.

In 1999, the Centre of Legal Assistance for Women opened three local branches in smaller communities in the Zenica area. The offices are run by local women, with supervision and support from the legal centre in Zenica.

**Human rights and media** To deal with the lack of understanding for human rights issues in media, and to increase co-operation between NGOs and media, a conference on the issue was organised in 1998. Since then, two female journalists are linked to the centre, which have contributed to a relatively high visibility in media.

By the intention to ensure continuity on the protection of women's human rights, a project to analyse the legal treatment of women in post-war Bosnia and Herzegovina was implemented in 1999. The result, "Status of women in the legal system of Bosnia and Herzegovina", compares women's status with international conventions. The publication is a useful instrument for the human rights work for women in Bosnia and Herzegovina and a basis for the continuous work to change and improve the law system.

**Reflections** The Centre of Legal Assistance for Women has developed to one of the leading women's organisations on legal issues in Bosnia and Herzegovina. *The centre has functioned as a social institution and is well known and recognised, both by authorities, the judicial system, among the international community and NGOs.*

Out of the many hundreds of women that have visited the centres since the start, about 60 percent have got their rights realised. Many more cases are still in process. In 1999, more than 600 clients visited the Zenica centres.

Today the legal advice is supplemented with trainings on women's human rights, campaigns on increased participation of women in politics and lobbying for changes in the laws. The purpose is to reinforce the law concerning protection of trafficked women, to and within the country. The present legislation appears only on a cantonal levels,

resulting in women being evicted to neighbouring cantons, exposed to enforcement into trafficking again. The issue is addressed in co-operation with other local and international NGOs.

*One of the obstacles facing the Centre of Legal Assistance for Women and other NGOs is the lack of access to draft laws, and the mandate to suggest adjustments.* As many of the legal centres contain useful facts and information, they would be valuable bodies to which a proposed legislative measure could be referred for consideration.

As the legal system in Bosnia and Herzegovina still is under construction, the KtK support to the Centre of Legal Assistance for Women is continuing during 2000.

*The development of the Centre of Legal Assistance for Women is a good example of how long-term planning of projects gives result and sustainability and how women affected by war can develop into active participants in post-war reconstruction.*

## Stope Nade women's centres

The Croatian organisation Stope Nade was founded in 1995, out of the international NGO Marie Stopes International (MSI).<sup>30</sup> During the war, the organisation started more than 60 centres for refugee and displaced women in Bosnia and Herzegovina and Croatia, with a plan of a gradual hand-over to local women involved in the project. In 1994 all of the field workers were local women and in 1995 the last of the international staff was withdrawn. Today the activities of Stope Nade vary from women centres offering discussion groups and trainings, to health care, and media programmes on women's issues.

KtK first met with Stope Nade in 1994, when assessing the possibility to work in the divided town of Mostar in south-west Bosnia and Herzegovina. Co-operation with Stope Nade began later the same year, and a centre for women of all ethnicities were opened.

Mostar, with a population of 126 000 in 1992, was severely hit by the war. In the beginning of the conflict, the city was under heavy shelling as Bosnian Croats and the Bosniacs (the Muslims) were fighting the Bosnian Serbs. Later, when the conflict between the Bosnian Croats and the Bosniacs broke out, Mostar was hit again. The result was a division of the town, where the west part became Croat area and the east part a Bosniac area.

Still, four years after the Dayton Peace Accords, Mostar and the surrounding area remain divided in many ways. Even if people are free to move there are still a lot of tensions and mixed feelings about crossing to the “other side”.

The municipal authorities in Mostar are still not in function, and parallel systems of medical care, social service and education have been established over the years. The closeness to Republika Srpska further complicates the political climate in the area, and the amount of displaced people that actually live close to their place of origin further adds to the tension. Due to the situation, the return of internally displaced people in the city has been slow.

Mostar is seen as one of the key issues to solve if a long lasting peace in Bosnia and Herzegovina shall be achieved.

*In 1994, the overall objective with the Stope Nade activities in Mostar was to support alleviation of the physical and psychological hardships encountered by displaced, refugee and other war-affected women in the area. Stope Nade in the Mostar area has since continuously developed and changed with the current situation.*

Today, the objective is to facilitate return, reintegration and adaptation of returnee women and girls into the community and to assist and support women in the process of community building. The promoted activities aim to empower women to self-organise and become active participants in creating policies of local, national and international institutions. In the Mostar area, these objectives are reached through women’s centres where psychological support, as well as educational, occupational and social activities are offered. Stope Nade is also producing radio programmes on health education, and other topics of concern for women.

**Psychological support** After the cease-fire between Croats and Bosniacs in March 1994, Stope Nade started to establish women’s centres in Mostar. By the end of the year three centres had opened, two in the west part and one in the east part of the city. The centres constituted a safe space, where women could meet to talk and share experiences. Women from all over the area attended the centres, and in 1995 three centres outside the city opened.

During the war, the local psychiatric services had no capacity for the many psychosocially affected and traumatised women in need of assis-

tance. Therefore the first Stope Nade centres focused on offering psychosocial talking groups and some educational work within the centres. Also bearing in mind that “psychosocial support” could be experienced as a needless activity for women who had never been in contact with it before, Stope Nade organised occupational activities, i.e. knitting and other types of handicrafts.

In course of time, many women experienced the positive effects of sharing fearful experiences and moved on to the psychosocial talking groups. *For many Mostar women, attendance in the Stope Nade talking groups was their only opportunity to share experiences of the on-going conflict.* Stope Nade has worked after the device “to show that what you feel is a normal reaction in an abnormal situation”. Through the talking groups women learned to find support from each other in order to identify ways to cope with daily life in the war-torn society and to find a new social structure. A local staff team was trained to manage and support the talking groups.

*The assistance improved gradually and the groups moved towards self-help to facilitate problems, resolve conflicts, and build up confidence for decision-making.* As the situation gradually changed so did the topics within the talking groups.

After the war, issues concerning the reconstruction of a functional society came into focus. Stope Nade was also among the first to bring up the subject of welcoming returnees back to Mostar, facilitating mixed groups of returnees, displaced and local women who had stayed in the area during the conflict, to meet, discuss and understand each others situations. Some of the Stope Nade centres have functioned as meeting points for internally displaced persons on their first visits to their home villages.

By the end of 1996 eight KtK funded centres were in operation, in total visited by around 20 000 women each month. When the process of return for many refugees and displaced persons started, Stope Nade changed locations of the women centres to where the estimated need appeared to be most.

During the first three years, two different teams worked in Mostar, meeting only occasionally depending on the political situation. *The establishment of one field manager for all of the Mostar area centres in 1997, was a major breakthrough for the solidarity between the different ethnic groups in the area.* Although the town was still divided, the team of Stope Nade became unified and

the contacts between the staff in the area increased.

The nearness to Republika Srpska, and the fact that many of the former Mostar citizens were now living on the other side of the “border”, brought about an attempt within Stope Nade to establish a women’s centre in Republika Srpska. After lengthy negotiations with the local authorities a centre was opened in 1998, implying that *the first local project in Bosnia and Herzegovina, where all three ethnic groups were involved together, had been established.*

In total, there are today five Stope Nade women’s centres in the Mostar area.

In 1999, a mobile team was established where professionals on psychological, social and legal issues provide counselling service all over the Mostar area. The mobile team visits all of the centres and in doing so strengthens the support given to beneficiaries.

**Educational activities** As self-reliance increased among the women attending the different activities at the Stope Nade centres, requests for educational activities became more frequent.

For example courses in typing, English, basic accounting, hairdressing and sewing started, making women more attractive on the job market, and by learning new skills gaining more self-esteem. Today the most attractive courses in the centres are on language and basic computer skills, many of them accepted by local authorities as qualified education.

**Other programmes** Activities targeting children were realised at the women’s centres during the first years, offering children repose from the life in a war-torn society.

Today, the Stope Nade centres provide social activities, psychological support and education, especially directed to teenagers, to empower young women for self-organisation and self-sustainability. Focus is on the co-operation between different teenage groups in the area, providing opportunities for cross-ethnic meetings.

Another Stope Nade initiative of great importance is the reproductive health care programme. The number of cancer cases among women has shown a rapid growth since the war, and there is a great need for cancer tests all over Bosnia and Herzegovina. The Stope Nade centres are offering women smear tests and the centres are regularly visited by a gynaecologist for discussions on different topics concerning women’s health.

**Reflections** The basic principle that defines the project strategy for peace and sustainability in the Mostar area is the grass root involvement of the traumatised, displaced and returnee women. Women have been given the opportunity to break isolation and meet other women in similar situations affected by war. Through discussions alleviation of war experiences has been possible, including acceptance of the present and increased comprehension of women from other ethnic backgrounds.

*As a large number of the beneficiaries has been employed after the educational courses, it is evident that the psychological rehabilitation has been successful.* There are no statistics of the number of employed women, but according to Stope Nade there is a question of hundreds of cases during the past years.

*The most important remark is the development of the beneficiaries at the women’s centres in the Mostar area. From passive dependency on humanitarian aid in a society destroyed by war to active involvement in the forming of a future, where the women are in control of their own situations.* This is empowerment of women—the movement from beneficiary status to economic independence—at both personal and community level.

Stope Nade as an organisation has also passed through major changes in its development, and the work for a transformation into a local Bosnian organisation, hopefully with less dependency on external financial support, is in process. The progress will probably continue for several years, and is dependent on the authorities’ intention of acknowledgement and support to NGOs.

The many women still attending the centres show that there is still a big need both for psychosocial support and education, and therefore the KtK support will continue. During 1999, between 7 000 and 9 000 women visited to the centres each month.

The Mostar area has become the real case study for many local and international NGOs, proving the possibility of cross-ethnic work without obstruction from local communities or authorities, rather getting their consent.

## Woman Today

The project Woman Today in Banja Luka in Republika Srpska, is organised by two NGOs in co-operation, United Women (UW) and Helsinki Citizens’ Assembly (hCa). UW is a local NGO with members from different ethnic groups, founded in

1996 to support war-traumatised women throughout Republika Srpska. hCa is an international network that works to strengthen civil society through activities related to human rights and democracy. hCa has been represented in Banja Luka since 1996.

*The objective of Woman Today is to inform and train women about their rights and roles in public life, as a motivation to increased involvement in the reconstruction of their society.*

Banja Luka, with an estimated population of 200 000 before the war, is the biggest city in Republika Srpska. Banja Luka was heavily affected by ethnic cleansing during the war. As the city became Serb territory, most of the other ethnic groups were driven from the city. All the mosques in Banja Luka were totally destroyed, Serbs from other parts of former Yugoslavia arrived as refugees and the population became close to homogenous.

Due to obstruction from the Bosnian Serb leadership, it was nearly impossible for local NGOs in the Serb-held territory of Bosnia and Herzegovina (today's Republika Srpska) to conduct any kinds of activities during the war. International NGOs in Republika Srpska were also hindered by the political leadership, refusing to guarantee the safety for international actors in the area. The situation remained much the same even after the Dayton Peace Accords, limiting the amount of international aid coming in to the entity to only a few percent of the total aid given in the region. Partly due to this, the re-establishment of the economy has been a very slow process in the entity.

Today, the political climate is slightly more open due to a change in the political leadership and the number of international agencies in the entity has increased. Even if the political situation still is far from stable, the change has made an impact, especially on civil society. NGOs working for human rights and for women's access to decision-making bodies gain more support and have now the opportunity to work without obstructions.

The level of unemployment is still extremely high, and priorities are given to demobilised soldiers concerning new employment. Women's access to the labour market is low, leaving them at home with no forum for discussions or conversations with other women. Reminded that most of the women in former Yugoslavia were employed before the war, many women have expressed a feeling of being imprisoned in their own homes, with access to neither politics nor economics.

Despite the difficult situation in the area, hCa and the newly established UW managed to organise a women's conference in Banja Luka in 1996, where women from all ethnic backgrounds participated. After meeting with hCa and UW at a NGO gathering earlier in 1996, KtK decided to finance the Banja Luka conference. Co-operation then continued into the establishment of two mutual projects, Woman Today, open seminars on topics of interest for women, and Woman and Law, free legal assistance for women (not further presented in this publication).

**Woman Today round-tables** Woman Today is a series of round-tables and seminars (so-called "tribinas") on issues of concern to women, as part of the long-term strategy to increase the participation of women in decision-making bodies.

In 1997, eight open seminars, mainly on psychosocial and health issues, were held in Banja Luka. This was a highly politicised period, where almost no actual information reached the population of Republika Srpska, except pure propaganda. Therefore, the main objective with the seminars was to provide a forum for discussions, where women did not feel themselves exposed to any risks. The choice of "harmless" issues, as on women's health, was part of the strategy of avoiding obstruction from local authorities.

Around 40 women attended each round-table, and as the events had been openly advertised the organisers managed to reach women who previously were not active in any organisations.

The conclusions from the different round-tables were put forward to appropriate institutions and authorities. Although it did not result in any direct response, women learned to whom they should address their requests and demands.

In 1998, *Women Today* expanded to smaller municipalities in the area, with a round of seminars on the same topics held earlier in Banja Luka.

A survey of opinions from the participators in Banja Luka indicated a wish for a change in topics, towards issues concerning human rights, women in politics, and equality. To meet these demands, the topics for the 1998 cycle of round-tables in Banja Luka were altered, some focusing on women's participation in the elections to come.

To indicate that it is possible to change old systems of power, two round-tables were held on the Swedish initiative to increase the number of women parliamentarians in the national elections in 1994. One of the initiators of the Swedish campaign, Maria-Pia Boëthius, participated, and for

many local women she came to serve as a role model of how women can make a change in politics.

Other topics during 1998 dealt with equality and the legal versus the de facto position of women in Republika Srpska, indicating women's position as relatively unprotected despite the human rights aspects in the legislation.

Observing the increased occurrence of domestic violence, UW and hCa put the topic on the agenda, both in round-tables and in the media. Altogether, it developed to a campaign to raise public awareness about the problem, claiming domestic violence an unacceptable crime.

The Banja Luka round-tables were among the very first held in Republika Srpska, later to be followed by many others, organised by both international and local NGOs.

UW and hCa have been able to sense the present political situation, choosing relevant round-table topics often just on the edge of what has been acceptable to discuss. An illustrative example is the adjustments made in the project in 1999, during the NATO air strikes against the Federation of the Republic of Yugoslavia due to the conflict in Kosovo. The air strikes affected the neighbouring Republika Srpska, where antagonism due to nationalism increased and where almost all of the international agencies were evacuated. Despite this, the Woman Today round-tables suggested topics to deal with issues such as ethnic hatred, violence and reconciliation. The project was criticised for making public debate of the issue, but nevertheless round-tables were carried through, resulting in two well-attended, and media covered events on the title "Is It True that Everyone Hates the Serbs?". The organisers considered the round-tables a success. They reached their goal that every topic should be able to be discussed and that people should feel free to express their opinions.

With the 2000 elections near at hand and as a Permanent Electoral Law is to be adopted, Woman Today held a workshop on women in politics in 1999. Several women politicians and NGO representatives from both entities of Bosnia and Herzegovina participated. Suggestions were formulated and put forward to the OSCE Election Commission on how to increase the number of women in decision-making bodies and how to ensure that young people participate in elections. A workshop, especially focused on teenagers, was also conducted, educating both boys and girls on gender issues, communication, and leadership. The idea is to interest young women to take part in decision-making and in politics. These activities will be continued and further developed in 2000.

**Reflections** When Woman Today was initiated in 1997, it was many of the Banja Luka women's first opportunity to meet and discuss topics of concern to them. *During the three-year period of the project, the participating women have developed a far greater knowledge about their rights, but they are also more aware of violence in society and of the fact that active participation in society is essential.* The project in itself has been more institutionalised.

As the project started off with issues that did not disturb authorities, Woman Today had the chance to form a platform for women, that could develop to deal with more critical issues.

Since the round-tables are announced in the press and with posters in public domains, Woman Today has reached many women not previously involved in organisations. Due to media coverage of all round-tables held, women have become more visible in the region.

Each round-table is attended by 30 to 50 women, and many more women have been reached through the media coverage.

Woman Today is continuing during 2000, with support from KtK. To reach more women, a monthly TV broadcast debate on women's issues is planned to follow certain round-tables.

Joint projects with other areas in former Yugoslavia are also to be conducted during 2000. The objective is to discuss strategies for the advancement of women in the new millennium and to strengthen the network of female politicians.

## CONCLUDING REMARKS

Already during the war there was a germinating grass-roots culture of women's NGOs in Bosnia and Herzegovina, working for peace and reconciliation. The Stope Nade and Medica centres are examples of centres for women established in the midst of war, to alleviate the consequences women faced from the conflict (as sexual abuse and other kinds of harassment).

For many women, attendance at activities at the centres were their only opportunity to meet other women to share their experiences with. As these centres worked to encourage women to take an active role in the rebuilding of post-war societies and to reconcile different ethnic groups, the beneficiaries moved from passive dependency on humanitarian aid to active involvement in the forming of the future.

*Women were not only seen as war-victims, but also as active partners in the work for peace.*

*Many women's NGOs assumed the role of public institutions that were shut down due to the war.* The Centre of Legal Assistance for Women in Zenica for instance picked up the activities of governmental institutions, by offering free legal aid. In Mostar, the local psychiatric clinics did not have the capacity to handle the many traumatised women in the city and the Stope Nade centres became a valuable resource for trauma treatment.

Most women's NGOs have been working with *long-term strategies to ensure sustainability and development.* There is strong evidence that these strategies show result. One example is the Woman Today seminar project in Banja Luka, which increased women's political participation after starting with discussions on health related issues.

In general, women's NGOs have identified and handled the problems in the post-war society much earlier than the international community. The SOS hotlines were, for example, established shortly after the war to deal with the increased violence against women. The trafficking issue and the support needed for the many internally displaced persons (IDPs) are other examples of problems that the local NGOs brought to the attention of the international community.

The contacts and co-operation between women across borders, also started at a relatively early stage, in 1996, despite the intense ethnic hatred that flourished even after the Dayton Peace Accords.

Due to the fact that the Dayton Peace Accords did neither take CEDAW nor the Beijing Platform for Action into consideration, there was from the very beginning a lack of gender sensitivity in the international community structures responsible for the implementation of the agreement. *Less gender neutral peace accords would probably have contributed to gender sensitivity as part of the strategies within the implementing bodies from the very start of their missions.* Articulated peace accords might counteract the ignorance to gender related commitments (as in the international community of post-war Bosnia and Herzegovina), and thus guarantee that work on trafficking in women, violence against women, women's participation in decision-making, and on women's property rights takes place.

The study of the implementing bodies in Bosnia and Herzegovina indicates that gender sensitivity probably is most apparent in the OHCHR and the OSCE Democratisation Department, where

women have been employed on senior levels within the organisations.<sup>31</sup> Out of concern for the issue, these women have managed to raise gender issues within the international community as a whole. OHCHR, for example, is involved in nearly all joint initiatives taken by the GCG.

*The need for more gender-concerned women and men in decision-making bodies is therefore of vital importance. A specific structure is also needed for systematic mainstreaming in all post-war operations.*

The Dayton Peace Accords put little emphasis on organisations of civil society, such as women's NGOs, and their potential to contribute to peace-making and structural stability. The NGO community and the international organisations were to a large extent working on parallel tracks towards a new Bosnian society. The NGOs tried to get the attention of the international community as early as in 1995, when the Dayton Peace Accords were signed, but without results.

*As gender awareness increased in the international community it later responded to the demands from women's NGOs, and then satisfactory results were achieved in a relatively short period of time.* One example is the co-operation between the OSCE and women's NGOs in the election process.

In their answers to the KtK questionnaire, many of the international organisations emphasised the importance of NGOs and their work. Still, only a few international agencies have actually co-operated with local NGOs. However, as this report shows, it is these joint projects that actually have shown sustainable results. The local 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 and increase their respect for local competence.*

Without this co-operation no sustainable peace can be achieved, as the Hungarian Minister for Foreign Affairs János Martonyi emphasised in Budapest in January 2000 (at the Task Force Meeting of the Stability Pact for South Eastern Europe Working Table on Democratization and Human Rights): "The only way to achieve a lasting settlement of the problems of the region is to bring the objectives of the international community into line with the legitimate demands and expectations of the countries and the peoples concerned."

The first initiative from the international community to deal with gender issues on a joint basis was the forming of the GCG in 1999. Gender awareness has subsequently been raised in a relatively short period of time. Co-operation with local NGOs has increased 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 handle issues relating violence nationally.

The Human Rights Task Force<sup>32</sup> points out that “in many areas where progress has been achieved, it is still not self-sustaining as it is often based on ad hoc arrangements or personal contacts rather than on a structure or systematic integration of a gender perspective.”<sup>33</sup> Gender awareness is still very much due to a few devoted persons, and no integration has really taken place in the structures of society.

*Therefore there is an evident need for a clear mandate for the GCG, and for more gender sensitive staff in senior positions.*

*The formation of the Gender Task Force to the Stability Pact for South Eastern Europe indicates how the long-term strategy among NGOs, of empowering women, finally has given result.* Four years earlier, at the signing of the Dayton Peace Accords, women were not yet visible and acknowledged as a valuable asset.

Still, the Gender Task Force is not yet incorporated in the structures of the Stability Pact, as it subordinates only to one of the three Working Tables within the Stability Pact.

*When women participate in the re-building of society, the entire population is represented. It is not only an issue of democracy and human rights. It is important to acknowledge that women’s specific experiences and knowledge from the war period are necessary in the work for a sustainable and democratic new society.*

## Notes

1. Levine, Corey (1999), II.A.
2. In 1996, the number of ICVA registred organisations was 185, but there is said to have been more than 300 international organisations present during the first years after the adoption of the Dayton Peace Accords post-war Bosnia and Herzegovina.
3. Terms of reference for the GCG are articulated in an annex to the Madrid Declaration of the Peace Implementation Council (PIC), adopted in December 1998. The Madrid Declaration is a reinforcement of the

- Dayton Peace Accords concerning the peace implementation in Bosnia and Herzegovina.
4. Report from Round-table on Gender Mainstreaming in Kosovo (1999).
5. The Human Rights Priorities 2000 (1999).
6. The questionnaires were sent out in October 1999.
7. From the OSCE reply to KtK’s questionnaire on the gender awareness within the organisation (1999)
8. The Dayton Peace Accords (1995), Annex 10.
9. Quote from an employee in OHCHR.
10. The Dayton Peace Accords (1995), Annex 7.
11. From the UNHCR reply to the KtK questionnaire on the gender awareness within the organisation (1999).
12. Rule 7.50 for the 1998 elections, set by the Provisional Election Commission.
13. Brcko is a Bosnia and Herzegovina district, not part of either of the entities, since the Dayton Peace negotiations did not manage to deal with the antagonism within the district. In February 1999, Brcko was accepted as a district within Bosnia and Herzegovina.
14. Infoteka, Medica (1999), p. 91.
15. Maguire, Sarah (1998), p. 24.
16. Olsson, Louise (1999), p. 22.
17. OHCHR, IOM, IPTF CoE, among others.
18. Short minutes, inaugural meeting of the Gender Task Force to the Stability Pact (1999).
19. Record of Working Table 1 Democratization and Human Rights Task Force meeting (2000).
20. A national NGO report on Women’s Human Rights on Bosnia and Herzegovina (2000), p. 156.
21. Employment discrimination on Bosnia and Herzegovina (1999).
22. A national NGO report on Women’s Human Rights on Bosnia and Herzegovina (2000), p. 164.
23. UNHCR (1997).
24. The European Commission & UNHCR (1999).
25. Ibid.
26. Danielson, Birgitta & Karlberg, Pia (1998), p. 52.
27. Ibid. p. 43.
28. Mamula, Maja (1998).
29. Danielson, Birgitta & Karlberg, Pia (1998), p. 43.
30. Not to complicate the text, Stope Nade will be mentioned as the only implementing organisation, even during the initial stage when MSI took an important part in supporting the new organisation.
31. For example, the Deputy Head of the OSCE Democratization Department when the Women in Politics programme was initiated, was Ms Elisabeth Rasmussen, and Ms Madeleine Rees is the present Head of the OHCHR office in Bosnia and Herzegovina. One of the first to raise the issue of domestic violence within the international community was Ms Elisabeth Rehn, former Special Representative of the Secretary General to UNMIBH (presented earlier in the report).
32. The Human Rights Task Force is endorsed by the principals of the main organisations in the International Community in Bosnia and Herzegovina, such as the OSCE, OHR, and UNMIBH.
33. Priorities 2000 document, the Human Rights Task Force (1999).

“The international community and member states must recognise that women in conflict regions are not only victims of armed conflicts, but also **partners for non-violent conflict prevention** and resolutions, **peace making** and reconstruction.”

THE NGO CAUCUS ON WOMEN AND GIRLS IN ARMED CONFLICT, ECE REGIONAL PREPARATORY MEETING ON THE REVIEW OF THE IMPLEMENTATION OF THE PLATFORM FOR ACTION, 2000.

## C O N C L U S I O N S

## C H A P T E R 4

# Looking Forward

THIS REPORT GIVES AN INSIGHT into one of the peace agreements adopted around the world, the 1995 Dayton Peace Accords. It also explains how the lack of a gender dimension within it negatively has influenced the work for democratic and sustainable post-war societies.

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.

On the other hand, with gender awareness raised generally within the international community, partly due to demands from NGOs, gender-sensitive bodies were created and the ac-

knowledge and support of gender-oriented NGOs increased. The result is that gender-sensitive progress now is evident in the work for a sustainable democratic society. *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, discussed hereinafter.

## The peace negotiation process

- Because gender and the development of civil society were not a focus of the Dayton Peace Accords, implementation of the accords relative to the concerns of women and women's rights in civil society has been weak at best. Civil society, including women's groups, had hardly any official channel of influence on the peace process. *However, as a peace agreement sets the standards for post-war reconstruction work, gender issues and related human rights considerations must be highlighted at an early stage of the peace process if civil society is to gain from it.*
- Peace negotiators are predominately male representatives of the fighting 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.* Women, as representatives of civil society, have knowledge about the basic needs and obstacles encountered in forming new societies, and their experiences cannot be excluded. Therefore, *women's access to the peace table needs to be supported.*
- *International agencies and NGOs should be pro-active in including gender in their conflict analysis and into their situation assessments (humanitarian, political, economic, and social), and thus into the negotiated peace settlement.*
- 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 in 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.*
- Peace accords should *emphasise the obligations set up by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* and accentuate reporting to the CEDAW committee. The committee should give priority to the analysis of reports from post-war countries.
- As gender sensitivity in the implementation phase of a peace process depends on the mandates spelled out in the peace accords, *it is essential that the mandates for bodies as the UN and other international agencies articulate gender-sensitive strategies.*

## The implementation process

- The support by the international community is a vital part in the advancement of women in the peace process. Women's rights as human rights have to be acknowledged and international organisations must *guarantee that resources identified in a peace agreement are translated into concrete actions that gain women in society on a long-term basis, in both legal, economic, social and political contexts.*
- *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 experiences from times of war 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.
- *Gender Co-ordination Groups, or similar initiatives, such as the Gender Task Force to the Stability Pact for South Eastern Europe, must be established at an early stage and need a proper mandate from the start.* It is important that these groups will have the power to change the structures they are intended to influence.
- *As for Bosnia and Herzegovina, increased co-operation between those responsible for drafting legislation and the Gender Co-ordination Group is required.* A transparent, formalised consultative process, where NGOs also are acknowledged, ensuring accountability needs to be developed in order to build a gender perspective into the draft legislation process. The Gender Co-ordination Group should work closely with the Co-ordinating Group on Economic and Social Rights in relation to employment and social assistance. In general, *gender should be taken into account in the drafting of all laws, including the participation of women in the drafting process itself.*
- *To guarantee that women have equal access to opportunities in the area of economic empowerment, Gender Co-ordination Groups have to ensure that investment policies and credit facilities are monitored.* The World Bank and other donors and investors should be encouraged to participate in the groups, and to ensure the gender analysis of their programmes.
- *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.* Without co-operation with NGOs and civil actors, based on their own initiatives and preferences, no sustainable peace can be achieved.
- *As evident from post-war Bosnia and Herzegovina, increased civilian participation in the reconstruction process can be reached if war affected women are supported at an early stage. As shown in this report, psychological support, complemented with education and trainings on human rights, result in women's active involvement in the society.* As women move from beneficiary status to economic independence, it is profitable for the whole society.
- *Know-how on achievements made and obstacles encountered concerning gender sensitive activities in a post-war society should be transferred to other regions, experiencing similar situations.* Successful programmes, such as the OSCE Women in Politics programme in Bosnia and Herzegovina, can be duplicated and established in other post-war regions.
- *As the Gender Task Force to the Stability Pact for South Eastern Europe is organised under one of the three Working Tables (on Democratization and Human Rights), it has practically no influence on the Working Tables on Economic Reconstruction, Development and Co-operation; and on Security Issues. To be able to influence the overall work, the Gender Task Force, and similar initiatives in other regions, needs to be incorporated in the structures of the pacts.*

## 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 gender awareness in peace-keeping forces must be raised, to prevent practices of trafficking and prostitution, and the spread of HIV.*
- *The international community should ensure that international police task 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 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. A special body in the UNHCR should be responsible for drawing up a charter for IDPs, as this group is especially vulnerable and lacks a binding international convention to protect their rights.
- *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 RECOMMENDATIONS FOR NGOS

- 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 can not be achieved.*

Finally, it is necessary to dispense with the old image of women in wars and conflicts as being primarily victims and introduce a new image of women as key actors in prevention, in conflict resolution and in the post-conflict development.

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## ABBREVIATIONS

ABA/CEELI	American Bar Association/ Central and East European Law Initiative
BWI	Bosnian Women's Initiative
CoE	Council of Europe
CEDAW	Convention on the Elimination of All Forms of Violence against Women
EU	The European Union
FRY	Federation of the Republic of Yugoslavia
GCG	Gender Co-ordination Group
hCa	Helsinki Citizens Assembly
HRCC	Human Rights Co-ordination Group
HRSB	Human Rights Steering Board
HRTF	Human Rights Task Force
ICITAP	International Criminal Investigate Training Assistance Programme
ICVA	International Council of Voluntary Associations
IDP	Internally Displaced Person
ICTY	International Criminal Tribunal for the former Yugoslavia
IFOR	Implementation Force
IHRLG	International Human Rights Law Group
IOM	International Organisation for Migration
JSAP	Judicial System Assessment Programme
KtK	The Kvinna till Kvinna Foundation
MP	Member of Parliament
MSI	Marie Stopes International
NATO	North Atlantic Treaty Organisation
NDI	National Democratic Institute for International Affairs
NGO	Non-Governmental Organisation
OHCHR	Office of the High Commissioner for Human Rights
OHR	Office of the High Representative
OSCE	Organisation for Security and Co-operation in Europe
PIC	Peace Implementation Council
Sida	Swedish International Development Agency
SRSR	Special Representative to the Secretary General
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNMIBH	United Nations Mission in Bosnia and Herzegovina
UW	United Women
WHO	World Health Organisation

# KVINNA TILL KVINNA

**Kvinna till Kvinna** addresses the specific needs of women in areas affected by war and conflict.

Kvinna till Kvinna co-operates with women's organisations in Bosnia and Herzegovina, Croatia, Kosovo, Serbia, Montenegro, Macedonia and Albania.

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