

GENDER DISCRIMINATION AT WORK

MECHANISMS FOR WOMEN'S RIGHTS PROTECTION AND GOOD PRACTICE AT THE BIH MOD AND ARMED FORCES



BRIGADIER GENERAL MIRSAD AHMIĆ

The Inspector General

Ministry of Defence of Bosnia and Herzegovina

Sarajevo, 11.11. 2019.



AGENDA

- Legal Framework
- Mechanisms for Complaints in Gender-Based Discrimination and Sexual Harassment
- MOD and AFBiH Regulations
- Submission of complaints and requests for IG assistance
- Method of informing personnel on regulations by the BIH MOD IG Office
- Survey results and recommendations

LEGAL FRAMEWORK

- Law on Defense of BiH (Official Gazette of BiH 88/05),
- Service Law in the AF of BiH ("Official Gazette of BiH, Nos. 88 / 05,53 / 07,59 / 09 and 74/10, 42/12 and 41/16),
- BiH Criminal Code ("Official Gazette of Bosnia and Herzegovina", No. 3/2003, 32/2003 - ed., 37/2003, 54/2004, 61/2004, 30/2005, 53/2006, 55/2006, 8 / 2010, 47/2014, 22/2015, 40/2015 and 35/2018)
- Law on Work in the Institutions of Bosnia and Herzegovina (Official Gazette of BiH No: 26/04; 7/05; 48/05; 60/10; 32/13),
- Law on Gender Equality in BiH (Official Gazette of BiH No. 32/10),
- Law on Prohibition of Discrimination ("Official Gazette of BiH", No. 59/09, No. 66/16),
- Law on the Parliamentary Military Commissioner ("Official Gazette of BiH" No. 51/09),

LEGAL FRAMEWORK

- UN Security Council Resolution 1325 and accompanying resolutions 1820, 1888, 1889, 1960, 2106, 2122, 2272,
- Action Plans for the Implementation of UNSCR 1325 in Bosnia and Herzegovina,
- Gender Action Plan of Bosnia and Herzegovina (GAP BiH),
- Bi-strategic Command Directive (BI-SCD) 40-1
- Rulebook on Military Discipline and Disciplinary Procedure Code of Ethics for military personnel, cadets and candidates for training in the MoD BiH and the AF BiH, and ect.



MECHANISMS OF COMPLAINTS BASED ON LEGAL FRAMEWORK

BIH DEFENSE LAW

Article 55 (Appeals and assistance)

Any professional military personnel in the Armed Forces or other citizens of Bosnia and Herzegovina **may submit a complaint or request** to the Inspector General regarding matters within its jurisdiction.



MECHANISMS OF COMPLAINTS BASED ON LEGAL FRAMEWORK

BIH ARMED FORCES SERVICE LAW

Article 28 (Equal Opportunities)

Professional military personnel and personnel/kandidates who wish to be admitted to the Armed Forces are treated with full respect of the principles of transparency, fairness and equal opportunity. **There will be no discrimination** on any grounds, **such as gender, ...or other status.** “

Article 161, (Disciplinary Offenses) Paragraph t)

An action that offends dignity of subordinates or that discriminates people **based on sex, race, skin color, religion or nationality, and in particular sexual abuse or harassment, or any act that violates their prerogatives,**



MECHANISMS OF COMPLAINTS BASED ON LEGAL FRAMEWORK

BIH CRIMINAL CODE

Article 145 (Violation of equality between human and citizen)

- (1) An official or responsible person in the institutions of Bosnia and Herzegovina who, on the basis of race **difference**, ..., gender, sexual orientation, ..., denies or restricts civil rights established by the Constitution of Bosnia and Herzegovina, a ratified international treaty, the law of Bosnia and Herzegovina, other regulation of Bosnia and Herzegovina or a general act of Bosnia and Herzegovina, or which, on the basis of this difference or affiliation, **gives individuals unjustified privileges or benefits. shall be punished by imprisonment for a**



MECHANISMS OF COMPLAINTS BASED ON LEGAL FRAMEWORK

BIH ANTI DISCRIMINATION LAW

Article 11

Any person or a group of people who feels that **they have been discriminated may seek protection** of their rights through existing judicial and administrative procedures...

MECHANISMS OF COMPLAINTS BASED ON LEGAL FRAMEWORK

BIH PARLIAMENTARY MILITARY COMMISSIONER LAW

Article 8

Every military person and cadet in the AFBiH **has the right to contact the Parliamentary military commissioner directly**, without mediation of official services, and to submit a complaint

MECHANISMS OF COMPLAINTS BASED ON LEGAL FRAMEWORK

BIH LAW ON GENDER EQUALITY

PART FIFTEEN - PENALTY PROVISIONS

Article 29

Whoever commits gender based violence, harassment or sexual harassment that threatens peace, mental health and bodily integrity shall be punished by imprisonment for a term **between 6 months and 5 years**

Criminal Code of BiH

IV - CHAPTER FOUR – Article 14, Paragraph (1)

*“Unless otherwise provided in this Law, criminal prosecution cannot be undertaken when, since the commission of the criminal offense has elapsed: d) **ten years for the criminal offense with the prescribed sentence of imprisonment for more than three years;**”*



MECHANISMS OF COMPLAINTS BASED ON LEGAL FRAMEWORK

BIH MOD – BOOK OF RULES ON MILITARY DISCIPLINE

Article 6 (Disciplinary Offenses) paragraph (1) item s

A process that offends the dignity of subordinates or young people, or **that discriminates** based on gender, race, color, religion or nationality, and in particular sexual abuse or harassment, or any act that violates their rights under the regulations

Article 7 (Disciplinary sanctions) paragraph (2)

Disciplinary measures are imposed for **disciplinary errors and disciplinary penalties are imposed for disciplinary action**

MECHANISMS OF COMPLAINTS BASED ON LEGAL FRAMEWORK

BIH LAW ON LABOR IN THE BIH INSTITUTIONS

Section c) **Prohibition of discrimination**

Article 86 d (Gender Equality)

1. All persons **are equal on the basis of gender** in the employment process.
- 2. Unequal treatment on the bases of gender** in the employment process, ...or durring the contract shall not be allowed, except in the following cases: (b) the establishment of special measures to achieving gender equality and eliminating existing inequalities, or gender protection, on the basis of biological determination.

Article 86 e (harassment, sexual harassment, employer



MECHANISMS OF COMPLAINTS BASED ON LEGAL FRAMEWORK

- **Instructions for the work of inspectors in GI MO BiH and inspectors in the AF BiH** (subsequently slide on work and procedures how to contact IG MOD BiH and inspectors in AF BiH)

Service Code in the AF BiH (December 2012)

Item 13 (complaints, complaints, appeals, appeals and other submissions on a regular basis).....

Item 16 “***right of direct communication with the General Inspectorate** and inspectors in the Armed Forces units*”



MECHANISMS OF COMPLAINTS BASED ON LEGAL FRAMEWORK

- **Gender Equality SOP in the AF of Bosnia and Herzegovina**
(December 2018)
 - *procedure in accordance with the Rulebook on Military Discipline and Disciplinary Procedure*
- **SOP for Contact Persons Appointed in the AF BiH for Gender Equality** (March 2017)

II Role and tasks of the gender contact person

2.2.2. **conducts the procedure for determining the justification of violation and rights in the field of gender equality**, *proposes further measures*

III Reporting

-from battalions through brigades and commands to MoD BiH quarterly



MECHANISMS OF COMPLAINTS BASED ON LEGAL FRAMEWORK

- **Code of Ethics for Military Personnel, Cadets and Candidates for Training in MoD BiH and AF BiH (Januar 2019)**
 - **Article 8** (Prohibitions)
 - **Article 14**, paragraph 2 “*violation of the Code of Conduct entails disciplinary responsibility and procedure in accordance with the Rules on Military Discipline*”
 - **Article 16** - Advisers for the ethics of the command or unit with brigade and higher level in the AF BiH

MOD / AFBIH ETHICAL CODE OF CONDUCT

Article 8

Military personnel, cadets and candidates for training are **strictly prohibited** from:

- a) **Any harassment, segregation, warranting of others**, incitement to discrimination, as well as victimization.
- b) Any act that offends the dignity of a subordinate or a lower rank, acts that are discriminatory **by gender, sexual orientation, race, religion or nationality, and in particular sexual abuse or harassment**.
- c) **Mobbing** as a form of harassment, abuse and attempt to eliminate the person he / she thinks is annoying.
- d) Using an official position to court and approach another military person, cadet and candidate for training.
- e) **Verbal harassment** with inappropriate comments **about sex, sexual vulgarities, comments suggesting sex**, describing one's physical characteristics in a sexual way, as well as addressing inappropriate words that offend a person's dignity and sending sexual content messages by any means of communication.
- f) **Non-verbal harassment** (eg inappropriate staring, kissing, winking,

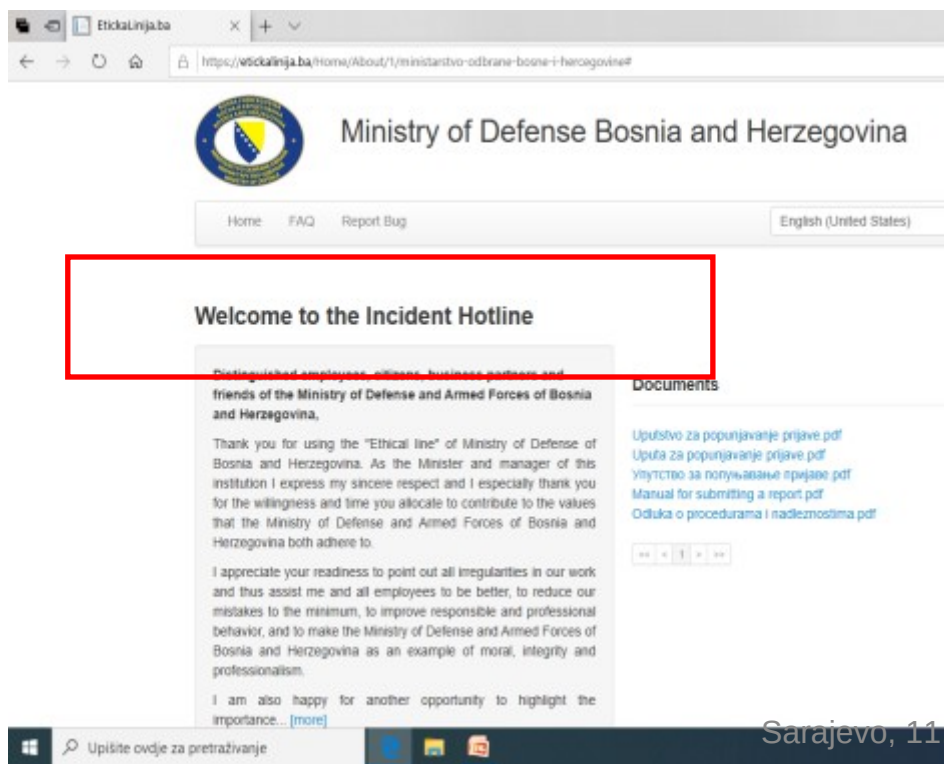


COMPLAINTS - (OPPORTUNITIES)

- **COMMAND AND CONTROL**
- **PARLAMENTARY MILITARY COMMISSIONER**
- **TIG, IGs** (up to brigade level)
- **ADVISORS FOR ETHICS** (to brigade level and above)
- **GENDER CONTACT PERSONS** (up to battalion level and above)

CONTACT TOOLS

Efficient use of the **web based system „Ethical Line“** and other tools for reporting irregularities and corruption (telephone, direct contact, mail, e-mail.....)



Create Incident Report

Manual for submitting a report

☒ 2. I want to stay anonymous.

Information about the incident

Violation of internal procedures of the institution
Irregularities in accounting and finance
Irregularities in public procurement
Personal irregularities and irregularities in employment
Irregularities in resource allocation
Inflicting harm to institution
Stealing
Abuse of Office
Unprofessional behavior
Mobbing
Sexual harassment
Hate speech
Conflict of interest
Acts of corruption
Other

Raising Awareness – PROMOTION OF INTEGRITY

The campaign is implemented with the relevant content on the MOD BiH website, social media, print media and TV shows

www.mod.gov.ba



mod.gov.ba



facebook.com/modbih



MinistarstvoOdbraneBiH



instagram.com/mod_i_os_bih

Sarajevo, 11.11. 2019.



Raising Awareness – PROMOTION OF INTEGRITY

Zapovjedništvo za potporu
Vojarna "Kozara"
Banja Luka

pukovnik Zoran Vrgoč
inspektor
051/335-600
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zoka.vrgi@hotmail.com

5. pješačka brigada
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Čapljina

bojnik Ivo Deanović
inspektor
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Kamp Butmir, Krtelji bb,
Sarajevo

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bzjeljo@gmail.com

Brigade taktičke potpore
Vojarna "Rajlovac"
Sarajevo

pukovnik Elvedin Mulagić
inspektor
033/773-408
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elvedindedi@gmail.com

4. pješačka brigada
Vojarna "Božan Šimović"
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Brigade zračnih snaga i
protuzračne obrane
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Banja Luka

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Sarajevo, 11.11. 2019.



Ministarstvo obrane
Bosne i Hercegovine

GENERALNI INSPEKTORAT



Raising Awareness – PROMOTION OF INTEGRITY

GENERALNI INSPEKTORAT Ministarstva obrane Bosne i Hercegovine

NADLEŽNOSTI

- Osigurava provođenje Kodeksa i standarda ponašanja osoba na službi u MO BiH i OS BiH.
- Osigurava da osobe na službi u OS BiH štite i održavaju državnu imovinu i koriste je samo u propisane svrhe.
- Osigurava da djelatne vojne osobe na službi u OS BiH ne obavljaju bilo kakve djelatnosti koje ih mogu dovesti u sukob interesa.
- Osigurava poštivanje zabrane političkog i javnog djelovanja pripadnika OS BiH uključujući i generale.
- Osigurava da vojne osobe na službi u OS BiH podržavaju Opći okvirni sporazum za mir u BiH.
- Provodi obuku djelatnih vojnih osoba na službi u OS BiH iz oblasti profesionalizma i etike.
- Inicira, provodi, kontrolira i nadgleda ispitivanja i istrage tvrdnji o lošem vladanju djelatnih vojnih osoba u MO BiH i OS BiH.
- Savjetuje ministricu obrane BiH u vezi uklanjanja okolnosti koje štete moralu, djelotvornosti i ugledu OS BiH.
- Preporučuje izmjene ili dopune propisa ili kreiranje novih standarda.

Imate pravno na zaštitu!

Nitko Vas ne smije, ni na koji način, ograničiti u komunikaciji sa inspektorima.

Zabranjeno je poduzimati ili prijetiti nepovoljnim mjerama, odnosno bilo kojim oblikom revanšizma, protiv bilo koje osobe koja je kontaktirala sa inspektorom.

Zabranjeno je spriječiti povoljnu mjeru ili prijetiti da će se spriječiti povoljna mjera za osobu koja traži pomoć od inspektora.

U slučaju da smatrate da Vam se desila nepovoljna mjera zbog prijašnjeg kontakta sa inspektorima u Vašoj postrojbi i zapovjedništvu, slučaj odmah prijavite u Generalni inspektorat Ministarstva obrane BiH.

Proces djelovanja po Vašem predmetu



Po okončanju rada inspektora imate pravo biti informirani isključivo o činjenicama koje se Vas samih tiču.

Po okončanju rada na slučaju, inspektor nije nadležan za sprovođenje mjera za otklanjanje nepravilnosti, već isključivo daje preporuke i prati realizaciju istih prije zatvaranja predmeta.

Imate pravo na povjerljivost

Svaki vaš kontakt sa inspektorom je povjerljiv. Inspektor je obavezan maksimalno štitići Vaš identitet, kao i identitete svih osoba koje komuniciraju s inspektorom.

Iako je inspektor obavezan na svaki mogući način štitići povjerljivost informacija i zaštitu identiteta, isto se ne može u potpunosti jamčiti.



Sarajevo, 11.11. 2019.

PODNOŠENJE ZAHTEJEVA ZA POMOĆ

Uvijek pokušajte prvo riješiti svoj problem putem lanca zapovijedanja i kontrole.

Zahtjev za pomoć možete uputiti osobnim kontaktom, telefonom, elektronskom poštom, pismom ili anonimno.

Zahtjev za djelovanje inspektora možete preuzeti na web stranici Ministarstva obrane - mod.gov.ba

MO BiH > USTROJSTVO > SEKTORI > GENERALNI INSPEKTORAT

PODNOŠENJE ZAHTEJEVA ZA DJELOVANJE

U slučaju da raspolazete sa informacijama koje, prema Vašem uvjerenju, predstavljaju bilo koji oblik prijevare ili korupcije, isto ste dužni prijaviti Uredu generalnog inspektora MO BiH.

Prijavu nepravilnosti možete uputiti Vama najbližem inspektoratu osobno, putem pisma, ili e-maila ili

Generalnom inspektoratu Ministarstva obrane putem sustava "Etička linija". Uvijek možete ostati **anonimni!**



etickalinija.ba

Osigurajte dovoljno informacija

Prilikom podnošenja zahtjeva za djelovanje inspektora, bilo da se radi o zahtjevu za pružanje pomoći, žalbi ili prijavi nepravilnosti, ukoliko ste u mogućnosti osigurajte inspektorima dokaze vezane za Vašu žalbu ili prijavu.



Na ovaj će način možete znatno utjecati na sam tijek istrage, odnosno ubrzati donošenje zaključka inspektora.

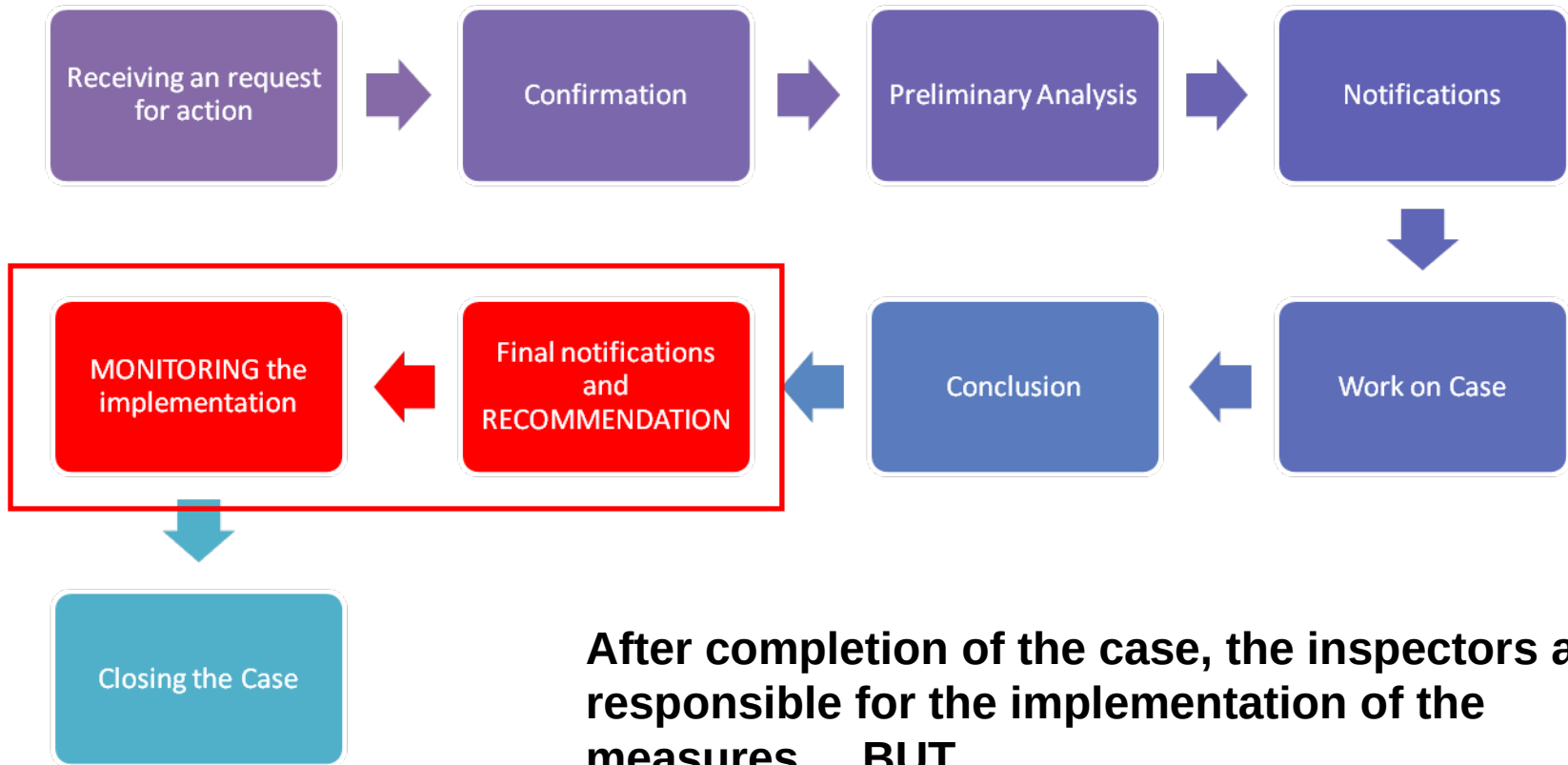


REQUEST FOR ASSISTANCE

- Always try to solve a problem first through the chain of command and control
- Request for assistance / engagement of inspectors may be made by personal contact, telephone, email, mail, e-system „Ethical line“, etc.
- All guidances available on BIH MOD web site and on the new mobile application "My Inspector"



IGs ACTION PROCESS



After completion of the case, the inspectors are not responsible for the implementation of the measures.... BUT...

...they follows the implementation of recommendations before the closing of the case

CONFIDENTIALITY

- **Every contact with the inspector is confidential**
- The inspector is obliged to maximally protect the identity of all persons who communicate with the inspector
- Although the inspector is obliged to protect the confidentiality, it can not be **fully guaranteed**



Mobile Application **MOJ INSPEKTOR**

Out of **906** cases **434** (48%) were not substantiated/founded

Lack of knowledge of internal procedures

Moj inspektor

M&P Apps Libraries & Demo

PEGI 3

This app is compatible with all of your devices.



Sarajevo, 11.11. 2019.

- INFO ABOUT THE IG SYSTEM
- LAWS AND RULE BOOKS
- READ THE MOD NEWS SECTION
- REPORT THE IRREGULARITY
- LOCAL IG CONTACT LIST



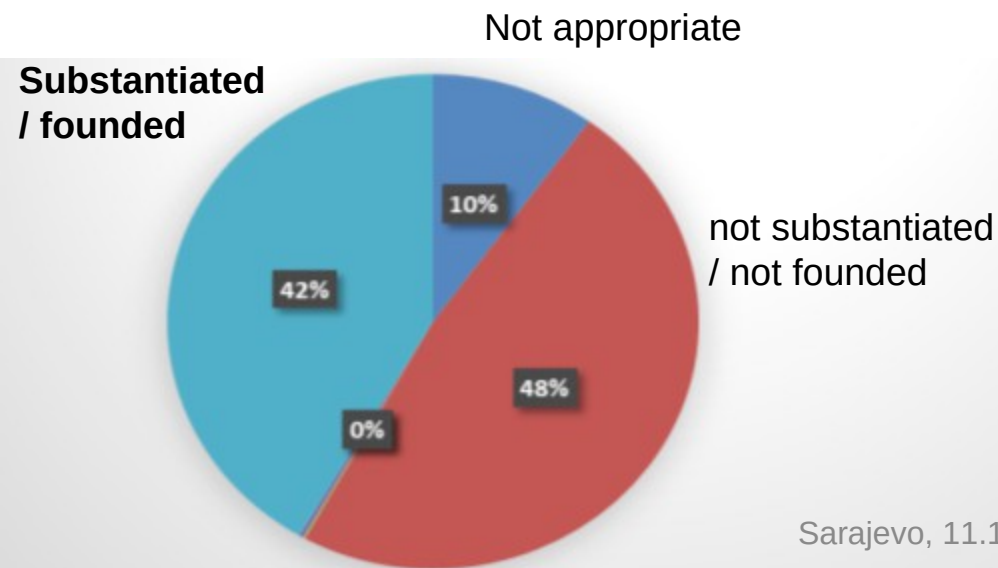
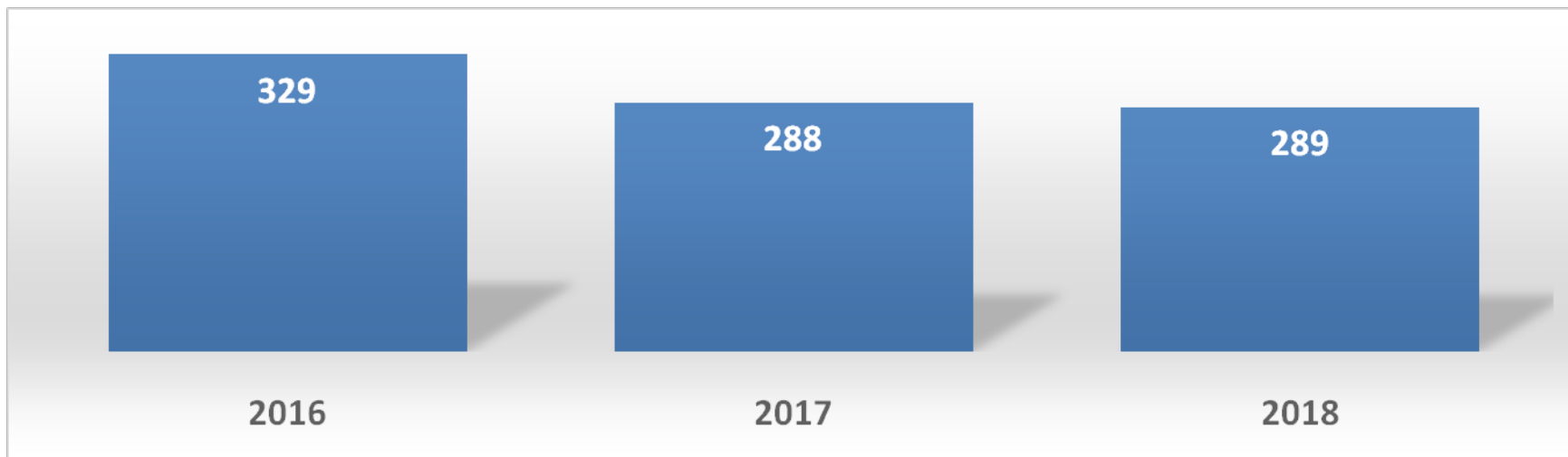


METHODS OF PROVIDING INFORMATION BY THE MOD IG

- **The Inspector General of MoD** and inspectors in the AF of BiH, **carry out training at all levels**,
- **Advisers for Ethics** of the Brigade Commander, Command, or Higher Levels **conduct training on the Code of Ethics** for military personnel, cadets, and candidates for training in MoD BiH and the AF BiH
- Records of attendance at training and topics covered are submitted to The GI MOD BiH monthly, and training analysis is done annually at the annual IG MOD BiH conference (Over **22,000 listeners in 2016-2018**)
- **Training program** inspructions issued by the GI MOD BiH **incorporated the topics related to gender** equality (2019)

CASESS ASSESSMENT

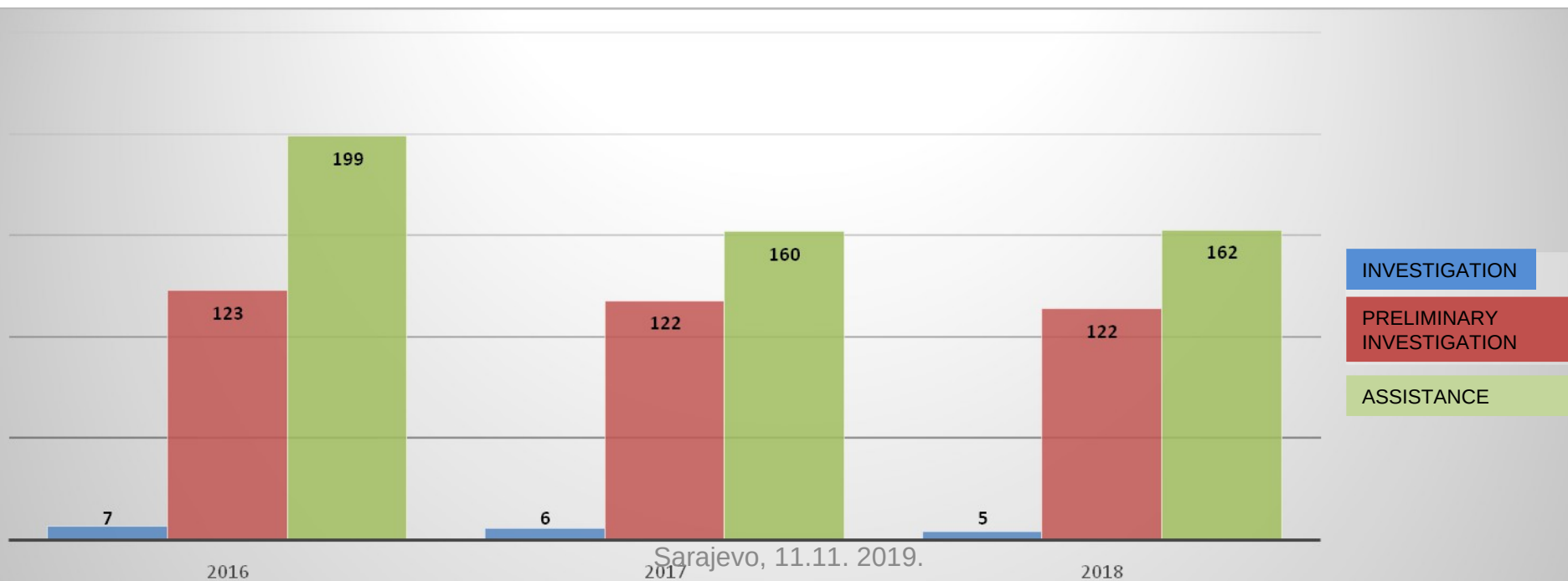
Number of IG Cases 2016-2018



In the period from **2016-2018**, IG and inspectors in the AF BiH received a total of **906 cases** (requests for their engagement)

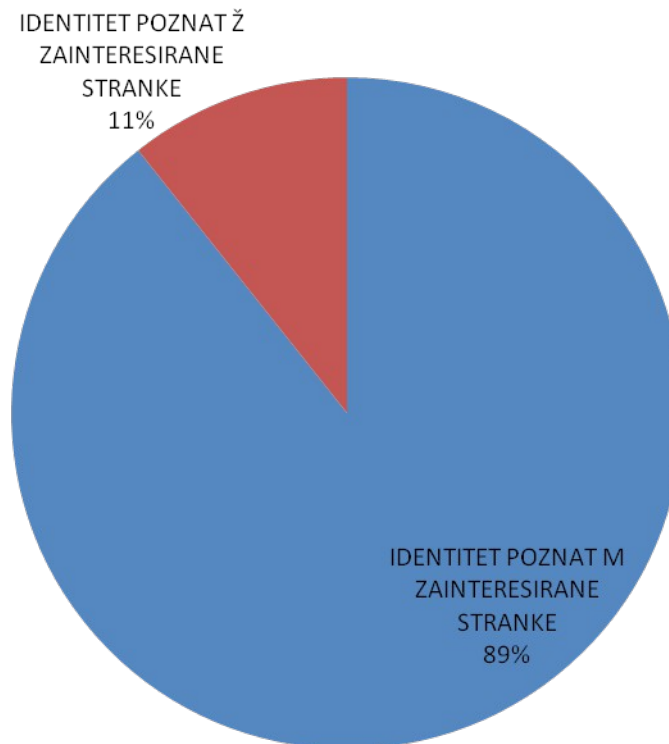
Number of IG Cases 2016-2018

- Out of the **906** cases received:
 - **18** investigations,
 - **367** preliminary investigations, and
 - **521** assistance



COMPLAINANTS (GENDER)

- Out of the known identity of 421 cases, 376 complaints are submitted by men and 45 by female



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SUBSTANTIATED CASES

4 requests out of 21 substantated, were gender related issues, and 2 were also related to missuse of the Code of ethics



UTEMELJENO

ž

ZAINTERESIRANE STRANKE

Sarajevo, 11.11.2019.
IDENTITET POZNAT

STATUS AND ROLE OF WOMAN SURVEY IN 2019

Based on the 2016-2018 IG Action Request Analysis, only **4 requests** out of 21 substantiated, were **gender related issues**

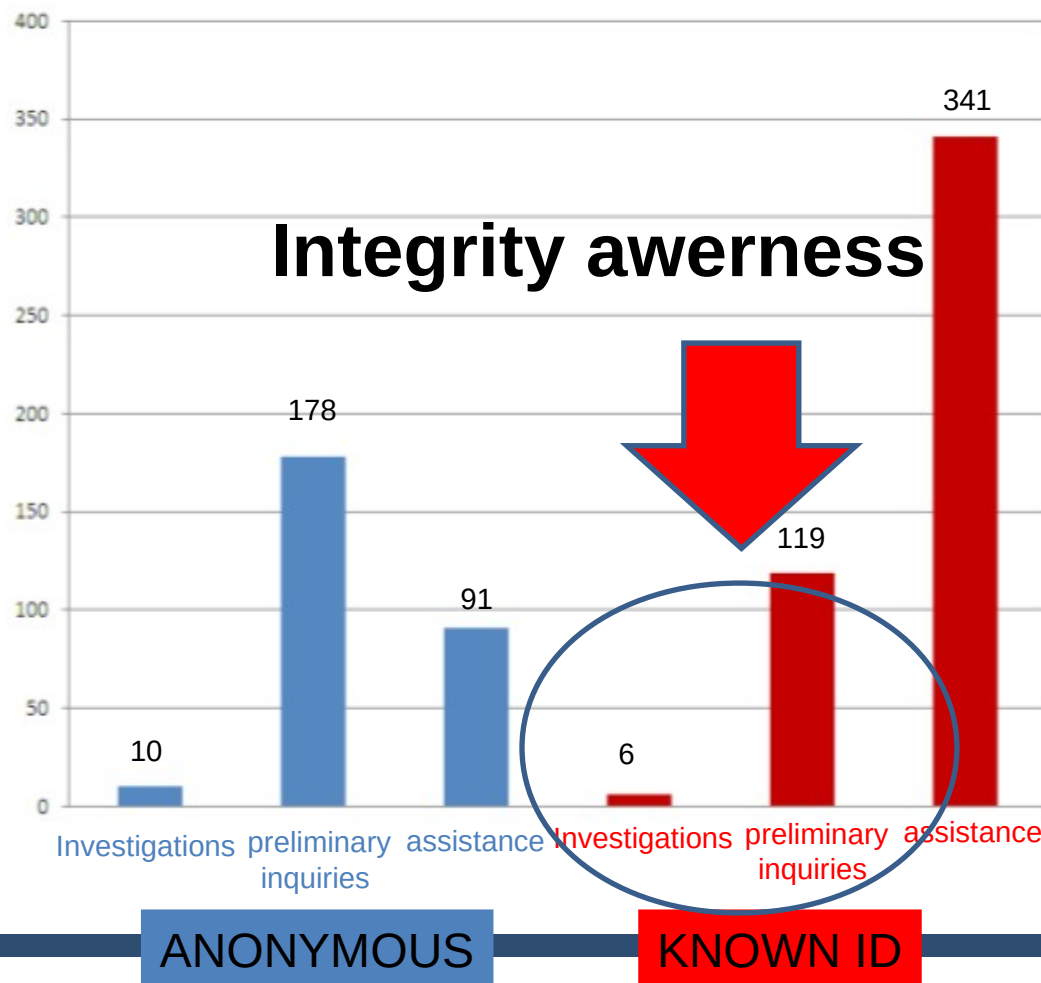
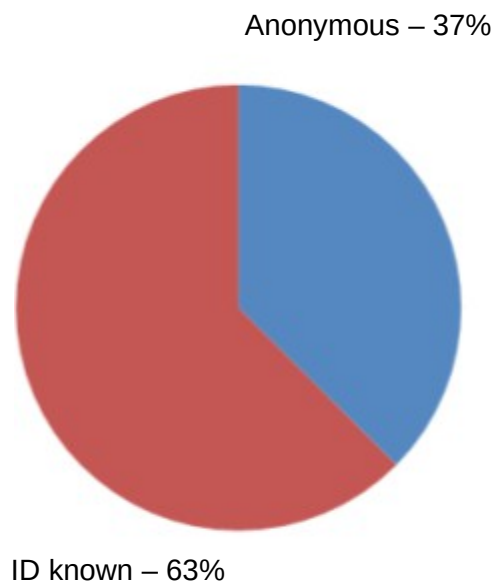


TIG, HRM division in cooperation with Agency for gender equality conducted **a survey of 29% female** employees in MoD and AF BiH with the aim of determining the status and position of female in MOD and AF BiH



REQUESTS FOR THE INSPECTOR GENERAL ASSISTANCE

2015-2018 IDENTITY vs. ANONYMOUS



TIG SURVEY IN MOD AND ARMED FORCES IN 2018

Method: Quantitative

Purpose of the survey: To establish confidence in the Insepectors' system at MOD and AFBiH

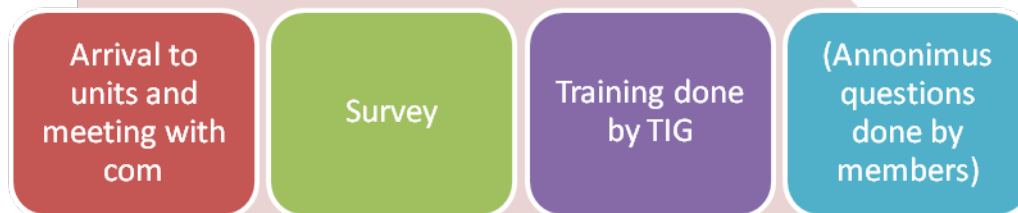
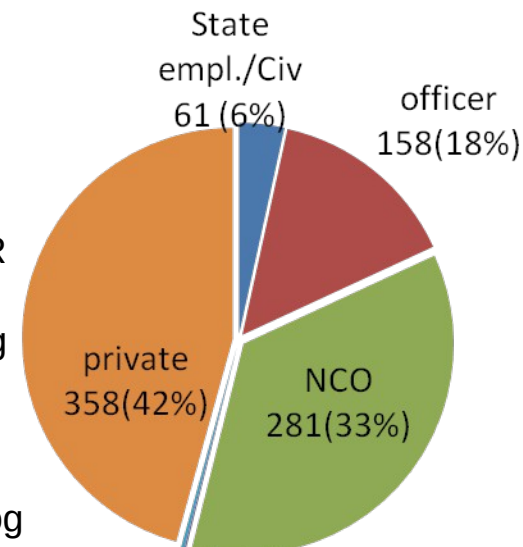
Target group: AF BiH members of all categories

Place/location: locations of AF BiH
 - Banja Luka (Support Command, 6 INF BDE, AIR BDE, Log Command)
 - Rajlovac (TACT SP BDE, AIR FORCE BDE, Log Command)
 - Čapljina i Livno (4 INF BDE, Log Command)
 - Zenica (5 INF BDE, Log Command)
 - Dubrave (5 INF BDE, TACT SUPPORT BDE, Log Command)

Command)

Target group /

sample in AF BiH: 784 members AF BiH (cca 8% AF BiH)
 sample in MOD and AF: 858 members (cca 9% MOD i AF BiH)



Very important that survey was organised

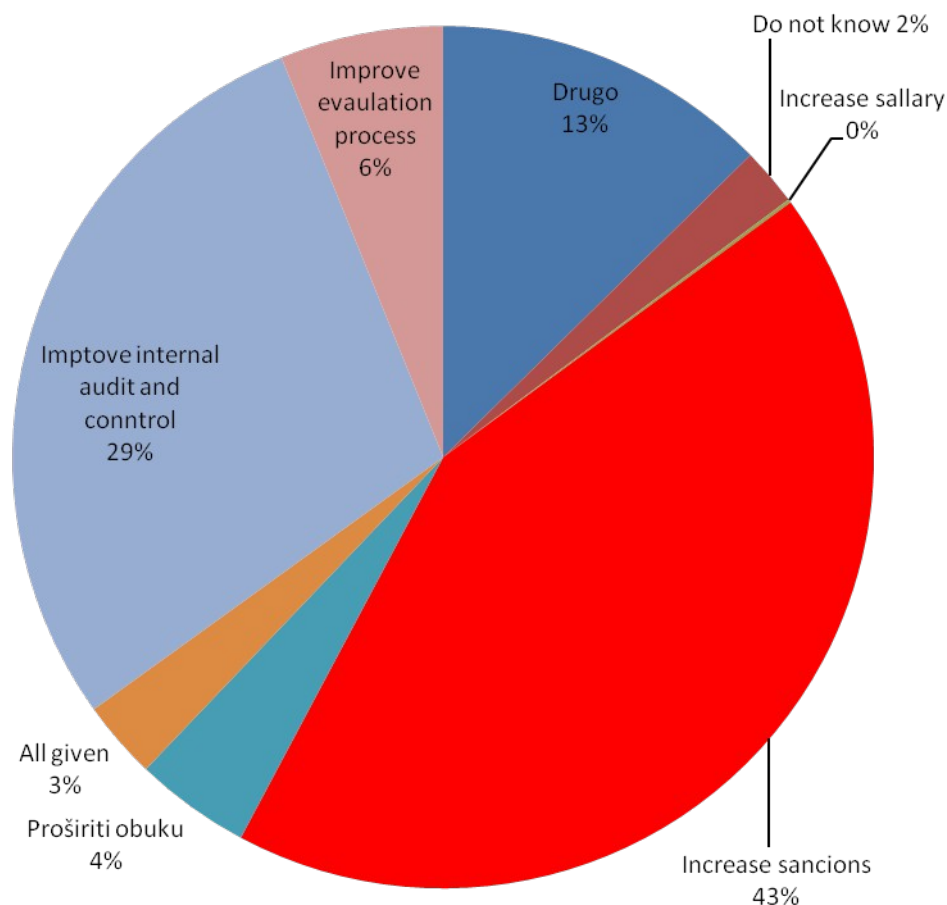
Sarajevo, 11.11.2019

first

TIG SURVEY IN MOD AND ARMED FORCES IN 2018

What is the most important in combating corruption?

Answers	
Others	99
Do not know	17
Povećati plaće	1
Increase sanction	336
Expand training	34
All given	23
Improve internal audit and control	226
Improve evaluation process	48
Total	784



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STATUS AND ROLE OF WOMAN SURVEY IN 2019

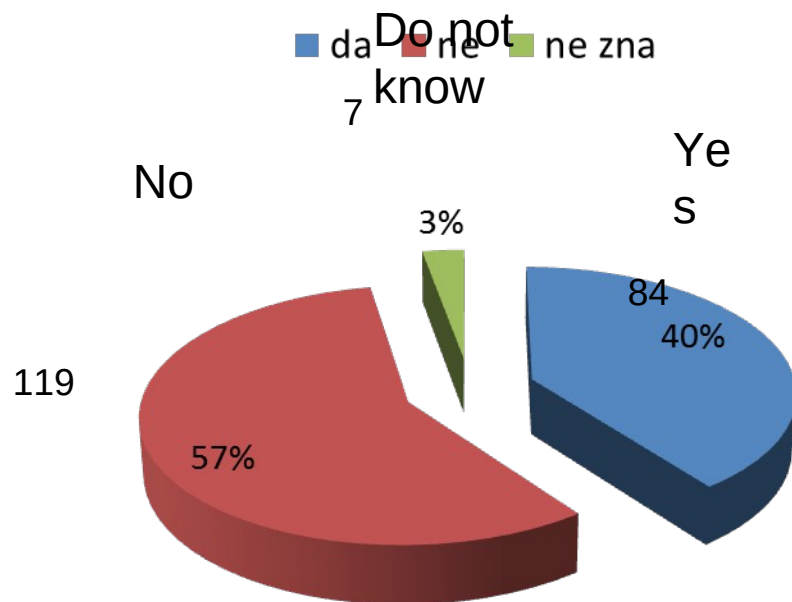
Survey conducted in the period from 15.02. to 14.03.2019, at the main locations of the AF BiH:

- Tuzla, February 15, 2019
 - Banja Luka, 25.02.2019
 - Čapljina, March 12, 2019
 - Rajlovac, 14.03.2019.
-
- Total sample: 210 persons surveyed out of a total of 707 women employed in the AF BiH (29.4%)
 - Based on the analysis of the survey, the MOBiH has adopted Decision on taking action to improve the living and working conditions of employees in the MoD and AF of BiH

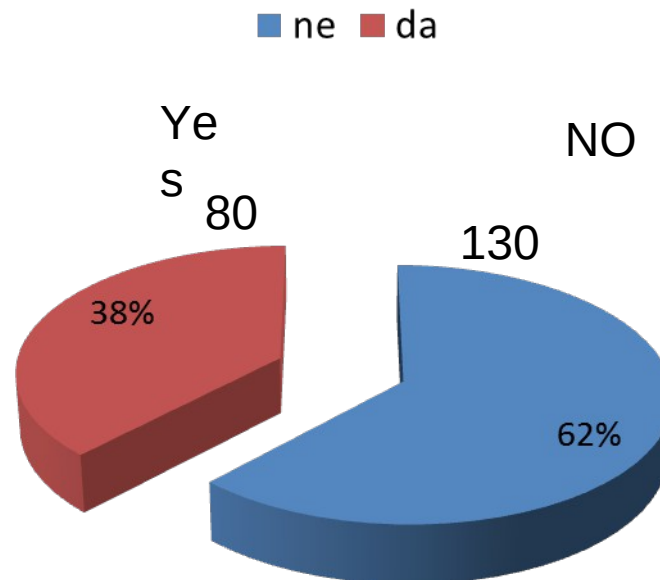
STATUS AND ROLE OF WOMAN SURVEY IN 2019

Adequate sleeping and hygiene facilities on duty, guard / guard duty

all respondents



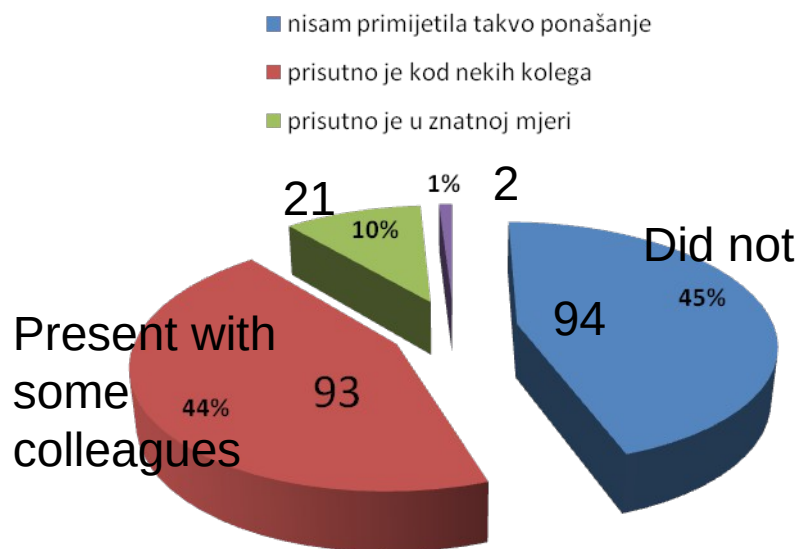
only professional



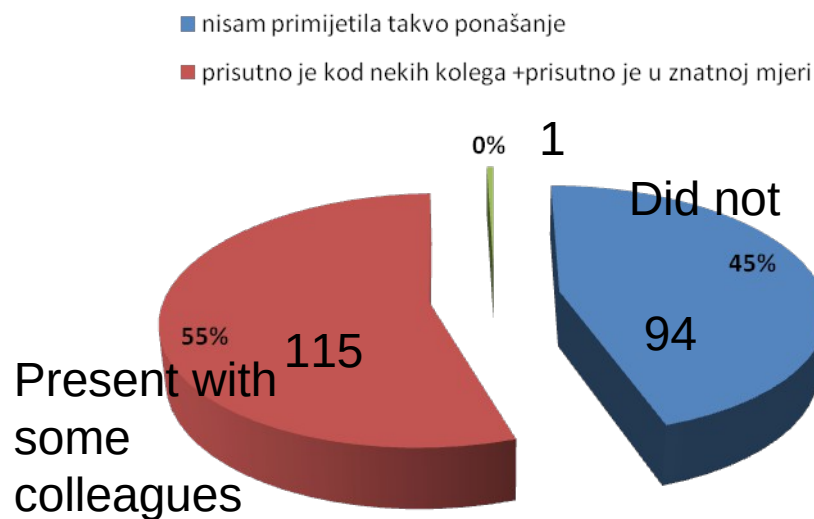
STATUS AND ROLE OF WOMAN SURVEY IN 2019

The presence of sexism and sexist behavior in the workplace

all respondents



professional



Sexism (a set of beliefs and actions that privilege men against women and underestimate and degrade women's values and activities) and sexist behavior in the workplace divided respondents into responses where **45% of respondents said they did not notice such behavior**, **44% that it is present with some colleagues**, **10% that it is present to a considerable extent**. Such answers required a more detailed analysis by category, location / units, by age structure, and by the education of the respondents, which we present in the following slides.

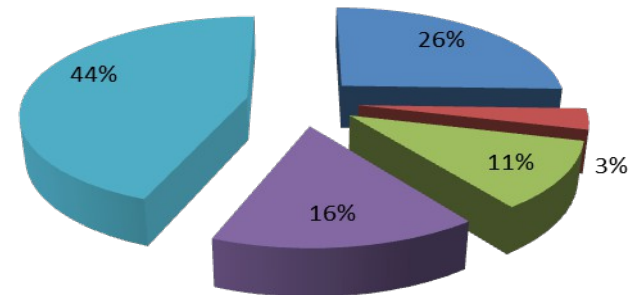
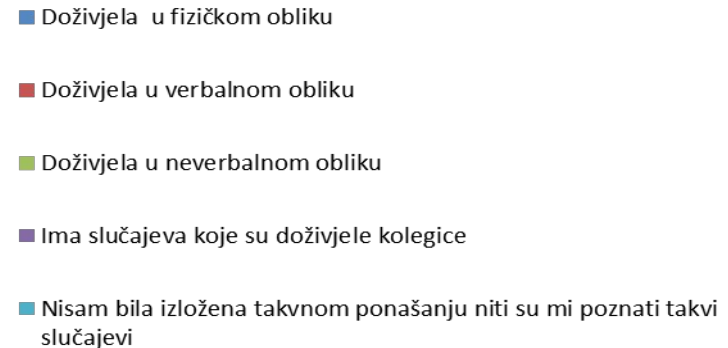
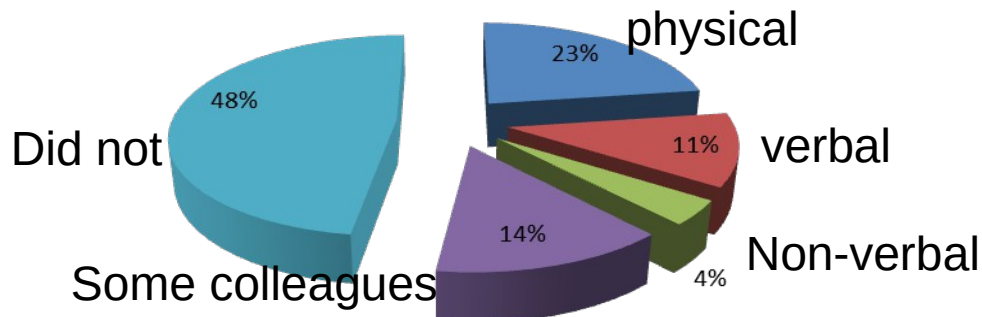
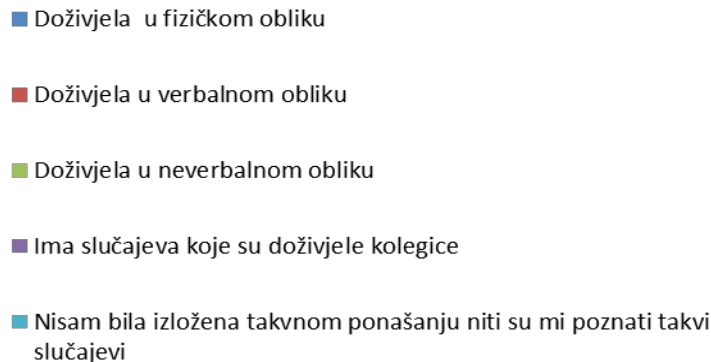


STATUS AND ROLE OF WOMAN SURVEY IN 2019

Sexual harassment (physical, verbal, non-verbal)

all respondents

only professional



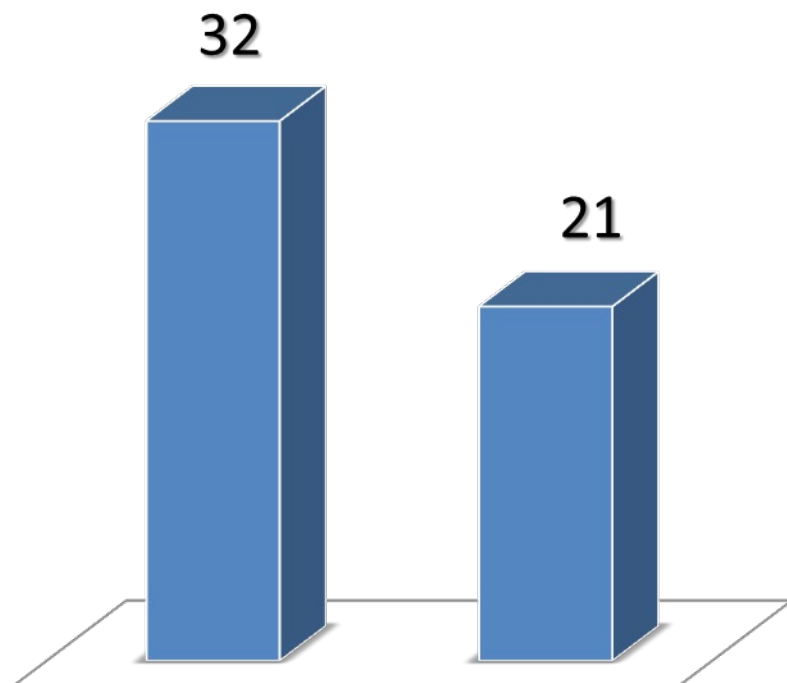
Sexual harassment responses: 38% of respondents stated that they had personally experienced some type of harassment in the workplace (physical, verbal or non-verbal), as well as 14% of respondents indicating that there were cases experienced by their colleagues although not personally, required a more detailed analysis by category, locations / units, by age structure, and by education of respondents, which we present in the following slides

Sarajevo, 11.11. 2019.

STATUS AND ROLE OF WOMAN SURVEY IN 2019

Sexual harassment the victim's reaction

a) I have been avoiding the perpetrator



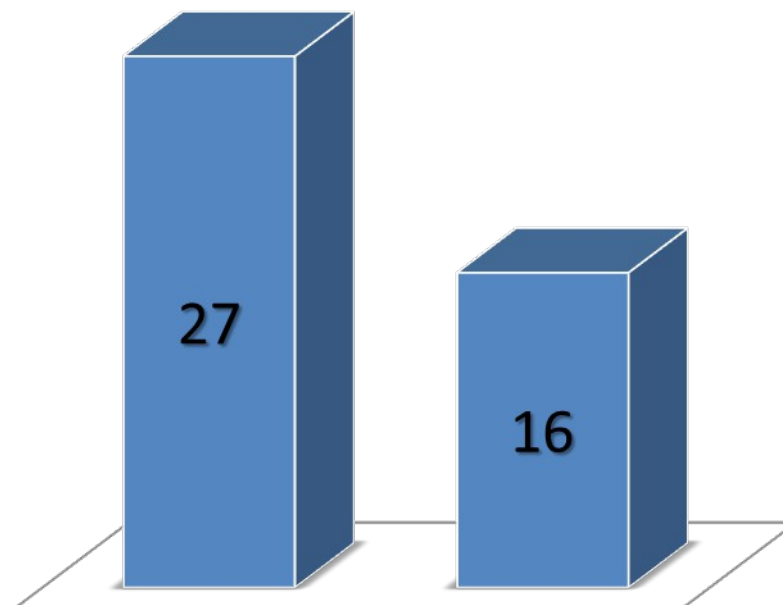
Prestao se ponašati

Stop with the
same
behaviour

Nastavio je sa istim
ponašanjem

Continue with
the same
behaviour

b) I let the perpetrator know in four eyes to stop the behavior



Prestao se opisano
ponašati

Stop with the
same
behaviour

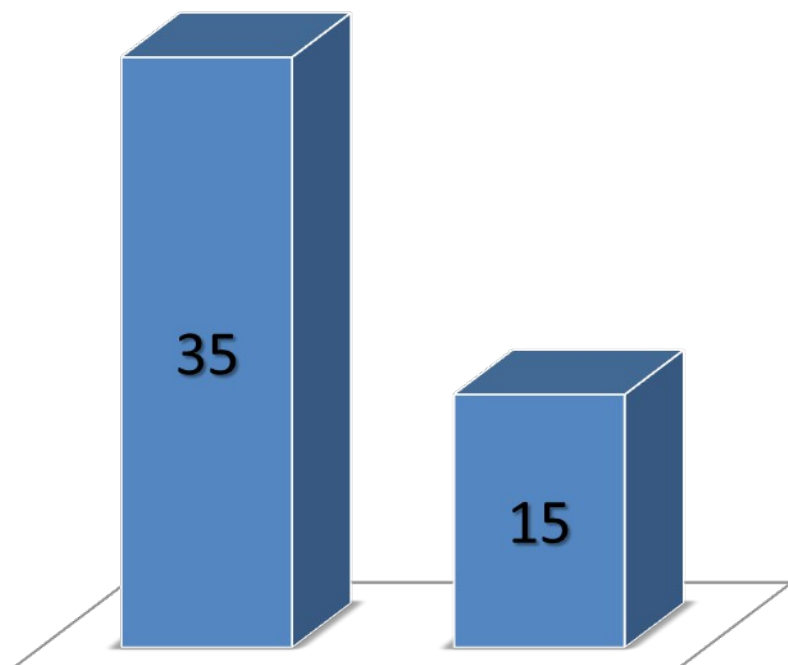
Nastavio je sa istim
ponašanjem

Continue with
the same
behaviour

STATUS AND ROLE OF WOMAN SURVEY IN 2019

Sexual harassment the victim's reaction

c) I made it clear to the perpetrator that he should stop with such behavior



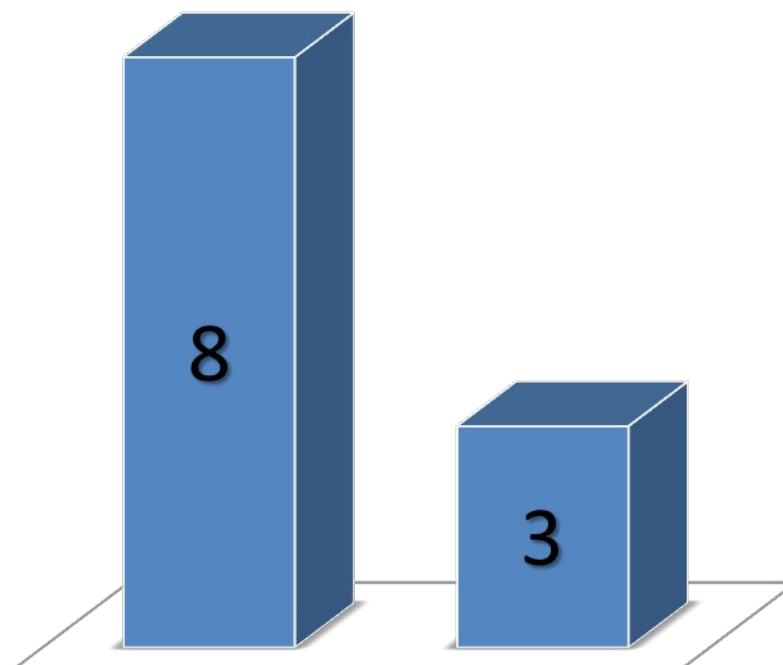
Prestao se opisano
ponašati

Stop with the
same
behaviour

Nastavio je sa istim
ponašanjem

Continue with
the same
behaviour

d) Reported to the inspector



Prestao se ponašati

Stop with the
same
behaviour

Nastavio je sa istim
ponašanjem

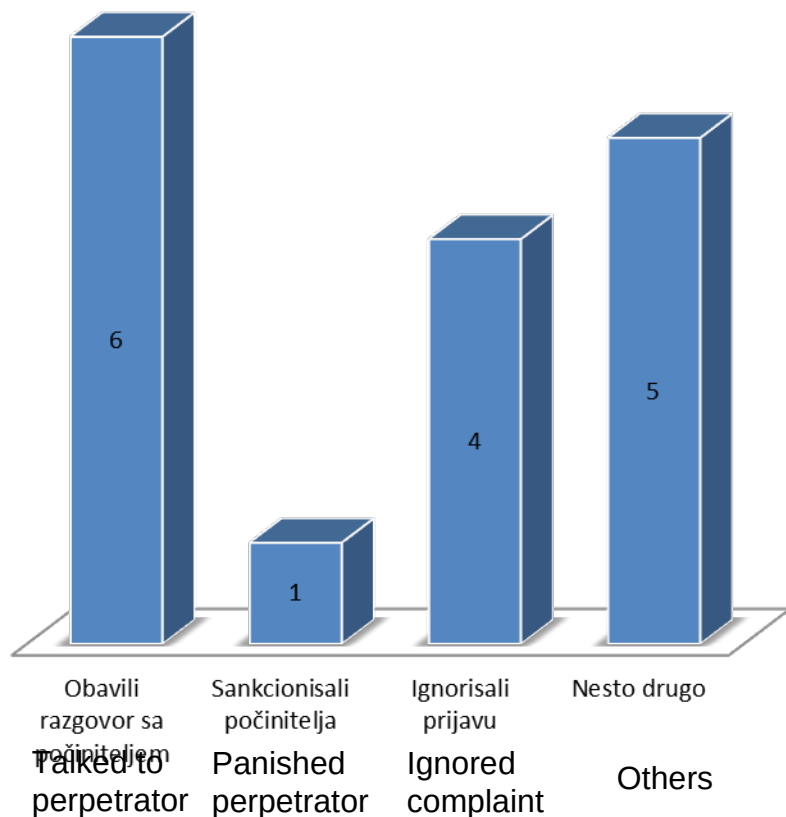
Continue with
the same
behaviour



STATUS AND ROLE OF WOMAN SURVEY IN 2019

Sexual harassment the victim's reaction

e) Reported to superior
-reaction of superiors



Comments

I did not report

Reported to inspector

All superiors were presenting the case

I had reported to comander he did not react
Nothing happened, he was noticed, and my boss started creating "stories2 about me. It was the same with the other girls

There wasno only one person, some stoped but some continue with the same behaviour
Complaints had been stopped in comanders office

Detention on the battallion level

SOME OF THE BIH MOD MEASURES

- Review the conditions of accommodation of men and women in AF locations, and submit proposals for renovation to create required hygiene conditions and separate sleeping quarters at these locations.
- Gender Contact Ethics Advisers and Ethics Counselors, as well as TIG and inspectors, continue to plan training to familiarize as many people with gender equality regulations as possible.

SOME OF THE BIH MOD MEASURES

- Implement the BORs that envisaged the adoption of affirmative measures in accordance with the Law on Gender Equality (admission to service, education and training, professional development and PSO)
- For commanders - strengthen surveillance and control measures to combat irregularities given in the report through training, outreach, working with gender contacts.
- Encourage reporting of all types of harassment (physical, verbal, non-verbal) and promote zero tolerance for these types of behavior in the AFBiH.



SOME OF THE BIH MOD MEASURES

- On the web site of the MoD and the AF create the folder “Gender Equality” for the purpose of making it accessible to all interested parties.
- Continue cooperation work with the UNDP and UK Embassies on the gender related project, as well as on WPS CHOD Network Program and implementation of the dynamic agenda.

QUESTIONS



BRIGADNI GENERAL MIRSAD AHMIĆ
Generalni inspektor
Ministarstvo odbrane Bosne i Hercegovine

Sarajevo, 11.11. 2019.