



International
Labour
Office



THE STATE OF APPLICATION OF THE PROVISIONS
FOR SOCIAL SECURITY OF THE INTERNATIONAL
TREATIES ON SOCIAL RIGHTS RATIFIED BY

Bosnia and Herzegovina

ILO
TECHNICAL
NOTE

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The information and data contained in the Technical Note is taken from the Government reports, on-line databases of the National Statistical office, official web-sites of the government departments, MISSCEO, MISSOC, SSI, ILOSTAT and EUROSTAT.

List of international abbreviations:

CAS	Committee on the Application of Standards, International Labour Conference
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
COE	Council of Europe
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ECSR	European Committee of Social Rights
ECSS	European Code of Social Security
ESC	European Social Charter
EU	European Union
EUROSTAT	Statistical Office of the European Union
GC	Governmental Committee of the European Social Charter and European Code of Social Security
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILS	International Labour Standards
IMF	International Monetary Fund
MISSEO	Mutual Information System on Social Protection of the Council of Europe
MISSOC	Mutual Information System on Social Protection
OECD	Organisation for Economic Co-operation and Development
SSI	Social Security Inquiry

CHAPTER I. Country profile: adequacy of social security benefits, income and poverty indicators. Determination of the Standard Reference Wage used for calculating the replacement level of benefits

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Country profile by national indicators and minimum standards of social security

Table 1. MISSCEO (2015)	
<i>Social Security branch</i>	Compensation rate
Sickness benefit	80% of the last month net salary
Unemployment benefit	40% of the average monthly net salary over the previous 3 months
Old-age benefit	45% of the pension base for 20 years of the pension service period increased by 1,50% for each additional year of insurance up to maximum of 75% of the pension base
Employment injury benefit	100% of net wage
Family benefit	Child benefits and other allowances vary by canton
Maternity benefit	50-90% of salary for period of 1 year
Invalidity benefit	Not less than the amount of an old-age pension
Survivor's benefit	70-100% of the pension of the deceased

Fig. 1. Article 65: Type of social security schemes and method of benefit calculation

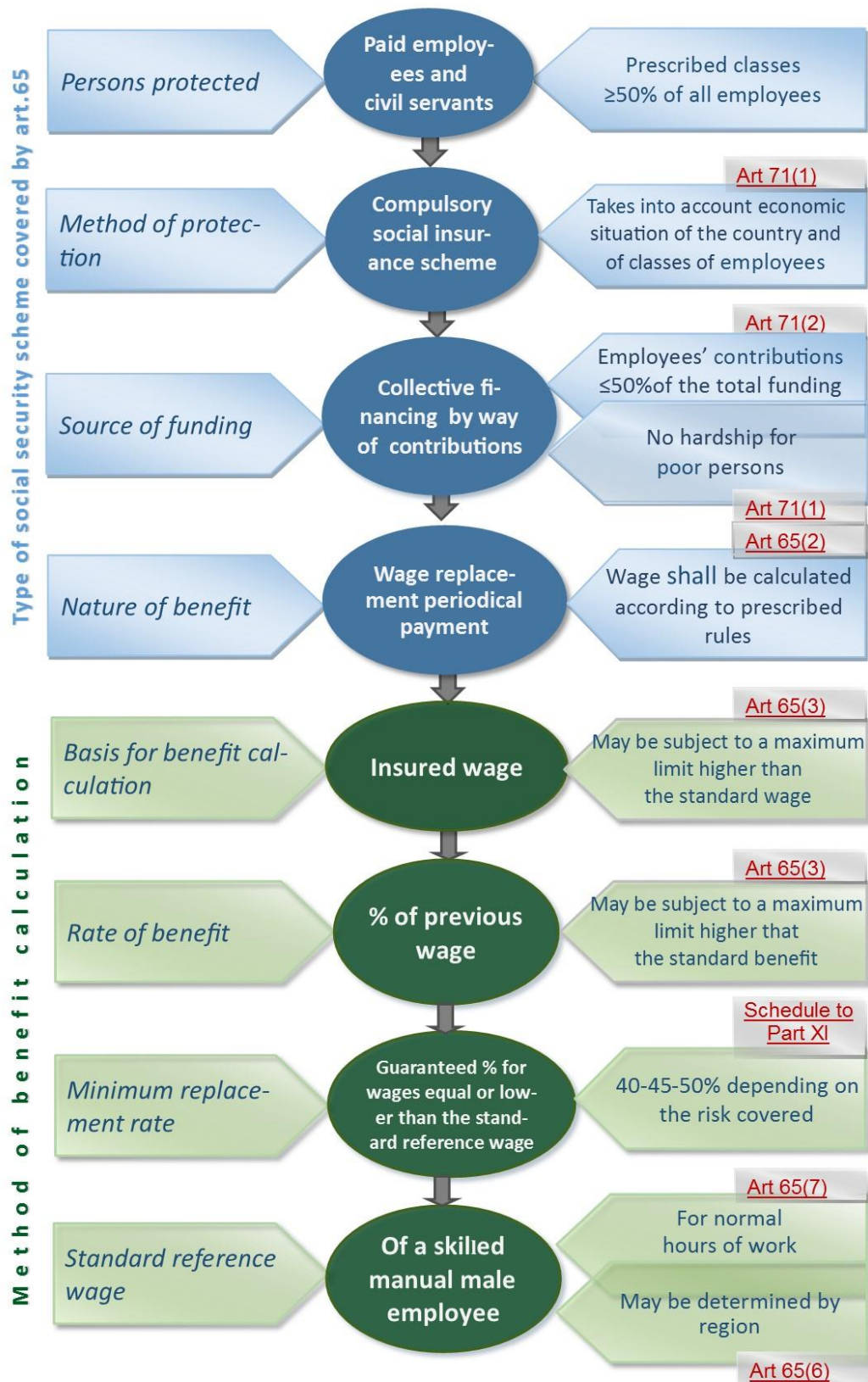


Fig. 2. Article 66: Type of social security schemes and method of benefit calculation

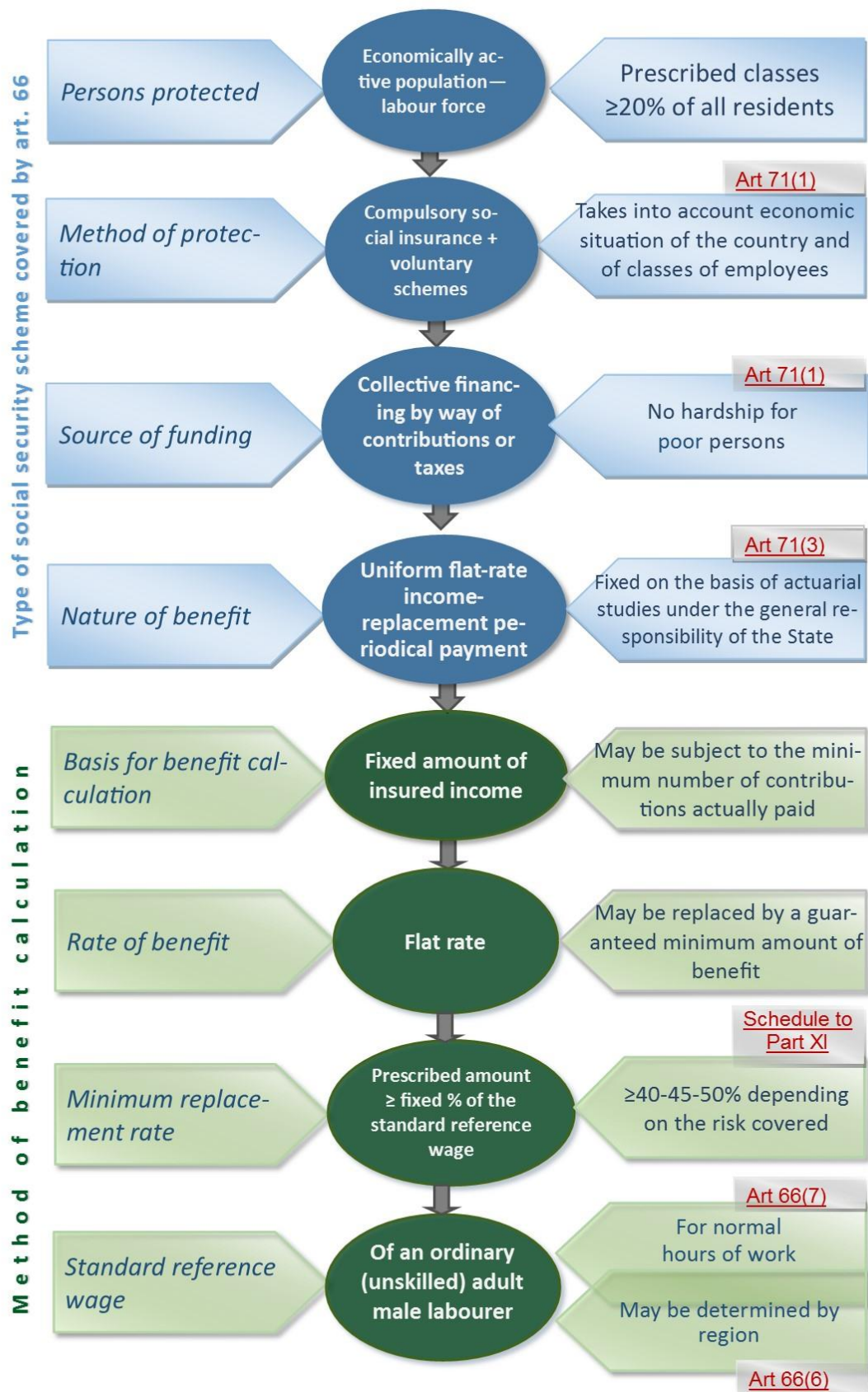


Fig. 3. Article 67: Type of social security schemes and method of benefit calculation

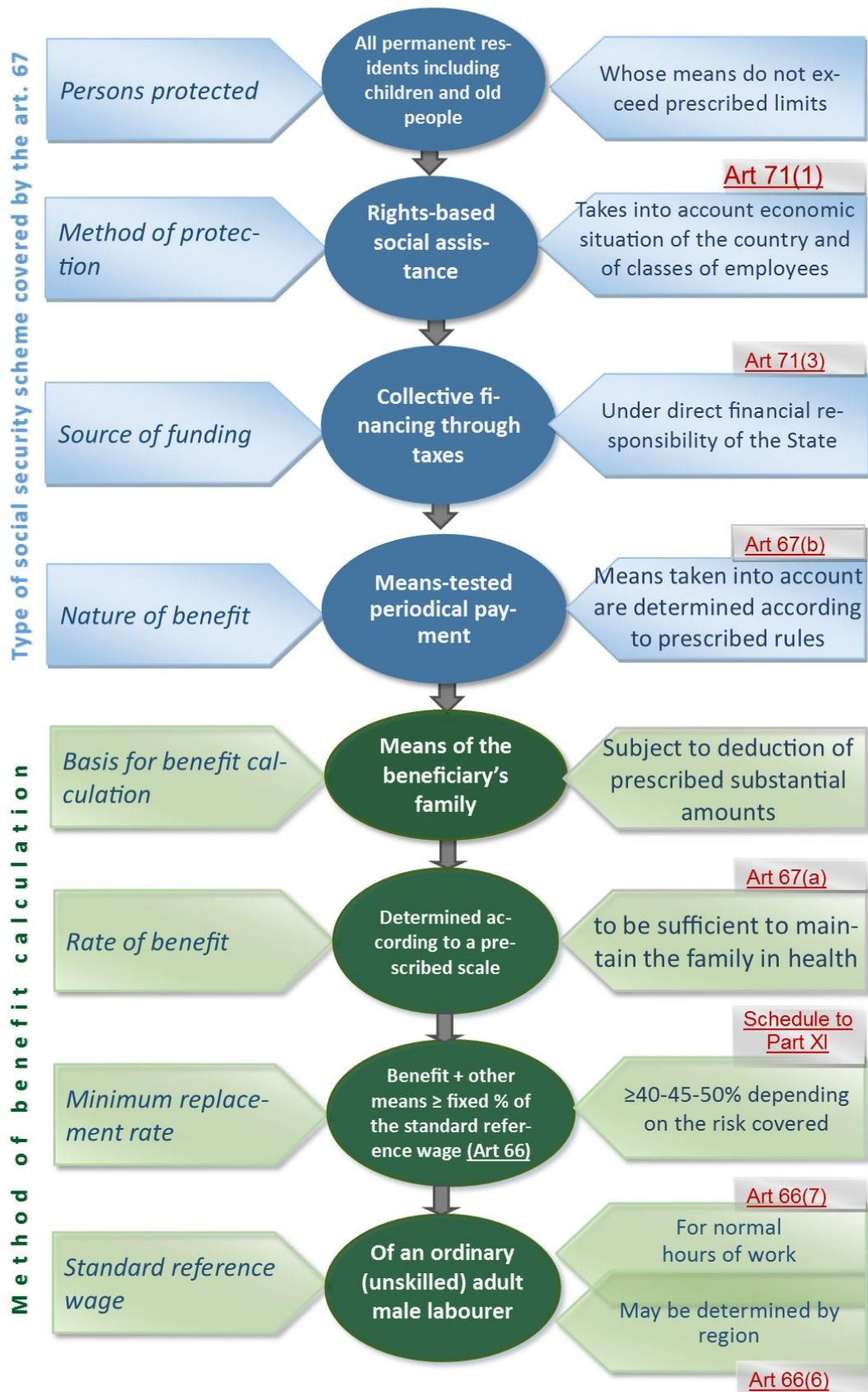


Table 2. Calculation of the reference wage under all options permitted by Articles 65-66 of the C102

Articles in the ECSS/C.102		Comments	Reference wage: amount	
			ILO calculations ¹ -2010	Government ²
Article 65 (para 6): a skilled manual male employee				
Option 1	Art.65 (6)a: a fitter or turner in the manufacture of machinery other than electrical machinery	occupations of fitter and turner can be found among skilled employees of ISCO 08 ³ (group 7)	N/A	
Option 2	Art.65 (6)b: a person deemed typical of skilled labour	a skilled employee of the ISIC rev.4 ⁴ group with the highest number of male employees: typical skilled male worker in manufacturing	463 euros (total skilled+unskilled)	
Option 3	Art.65 (6)c: a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected	in countries where all employees are protected average wage is normally used	837 euros	
Article 66 (para 4): an ordinary manual male labourer				
Option 4	Art.66 (4)a: a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery	an employee of the ISIC rev.4 Manufacture of machinery (2-digit level of the classification: ISIC Rev.4 Section C. Manufacturing, code 28)	N/A	
Option 5	Art.66 (4)b: a person deemed typical of unskilled labour	an unskilled employee of the ISIC rev.4 group with the highest number of male employees: typical unskilled male worker in manufacturing	N/A	

* Gross wages are used unless stated otherwise

¹ ILO calculations based on ILOSTAT data from Labour Force Survey - LFS-2013 and SES-2010 (see detailed information further)

² Reference wage reported by the Government on the application of ECSS and C.102

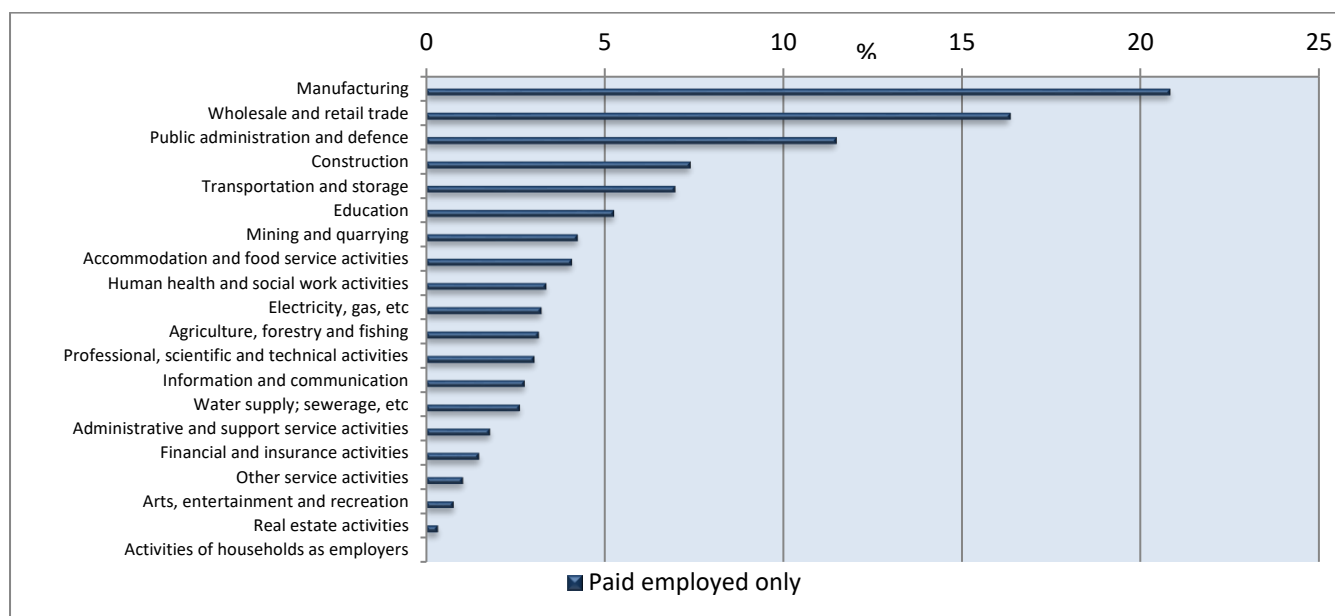
³ ISCO 08 – International Standard Classification of Occupations 2008 (detailed explanation to follow) <http://www.ilo.org/public/english/bureau/stat/isco/isco08/>

⁴ ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008 <http://unstats.un.org/unsd/cr/registry/isc-4.asp>

ILO assessment of the options offered by articles 65-66:

OPTION 2 - a typical manual male employee is found in the sector with the highest number of employed males = Manufacturing

Fig. 4. Share of employed males by economic activity in total male employment and share of males in paid employment by economic activity in total number of males in paid employment (ISIC rev.4, 2013, LFS)



Source: ILOSTAT database

http://www.ilo.org/ilostat/faces/home/statisticaldata/new_link_10?_afzLoop=798261325165480#%40%3F_afzLoop%3D798261325165480%26_adf.ctrl-state%3D1cql65ly4_190

Fig. 5. The average wages of a typical skilled/unskilled manual male employee are determined by cross-tabulating of the two classifications:

- ISCO 08 – International Standard Classification of Occupations (group 7- skilled and 9 – ordinary)
- ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008

		ISCO 08			
		ISCO 08	Total	7. Craft and related trades workers	9. Elementary occupations
ISIC rev.4	ISIC rev.4				
	Total				
	...				
	C. Manufacturing			skilled	unskilled
...					

ISCO 08:

ISCO 08: Major group 7

Craft and related trades workers apply their specific knowledge and skills to produce or process goods. The tasks call for an understanding of all stages of the production process, the materials and tools used and the nature and purpose of the final product. Most occupations in this group require skills at the second ISCO level.

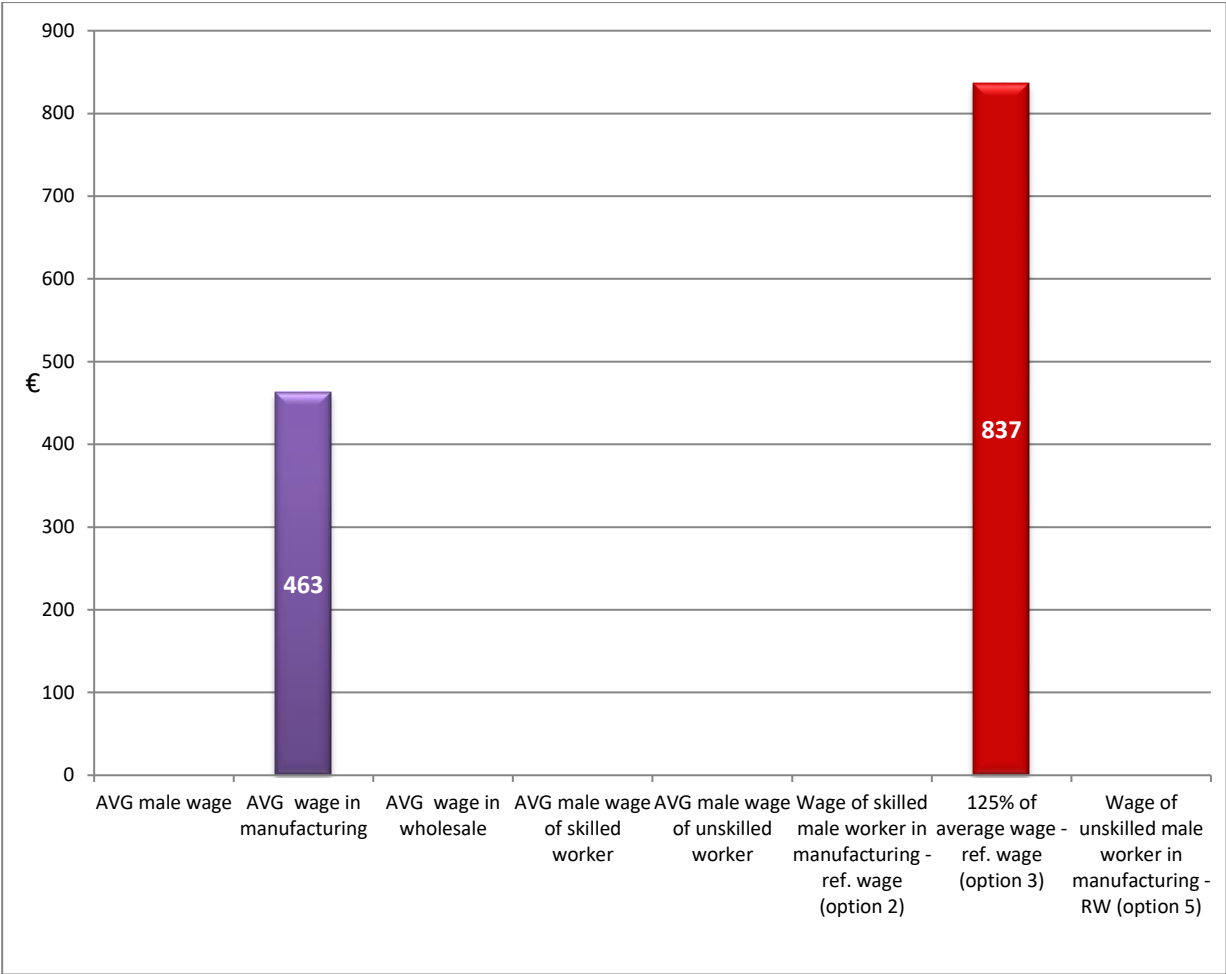
The work is carried out by hand and by hand-powered and other tools.

ISCO 08: Major group 9

Elementary occupations involve the performance of simple and routine tasks which may require the use of hand-held tools and considerable physical effort.

Most occupations in this major group require skills at first level of ISCO (involve physical and manual tasks, require only primary education at most)

Fig. 6. Comparison of the reported reference wage to other wage indicators in Bosnia and Herzegovina, 2010, euros



Source: ILOSTAT database

http://www.ilo.org/ilostat/faces/home/statisticaldata/new_link_10?_afzLoop=798261325165480#%40%3F_afzLoop%3D798261325165480%26_adf.ctrl-state%3D1cql65ly4_190

CHAPTER II. Checklists of the main provisions of the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) and corresponding national legislation

- [Table 1. Medical Care \(Part II\)](#)
- [Table 2. Sickness benefit \(Part III\)](#)
- [Table 3. Unemployment benefit \(Part IV\)](#)
- [Table 4. Old-Age benefit \(Part V\)](#)
- [Table 5. Survivors' benefit \(Part X\)](#)

Table 1. Medical Care (Part II)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
<i>Article 7</i> State guarantees :	<ul style="list-style-type: none"> • <u>Preventive</u> medical care + • Curative medical care 			NO INFORMATION	
<i>Article 8</i> Risks covered	Any morbid condition (sickness), whatever its cause? + Pregnancy and confinement and their consequences?			NO INFORMATION	
<i>Article 9</i> Persons protected => prescribed classes of:	<u>Employees</u> in paid employment which represent 50% of all employees + their wives and children? OR <u>Economically active population</u> (employees, self-employed, farmers, etc.) which represent 20% of all residents, + their wives and children? OR <u>Residents</u> which represent 50% of all residents.			The following classes of residents are covered: all person who have signed an employment contract under the labour law, registered with the health insurance institution and their family members; citizens employed in foreign consular and diplomatic on the territory of B&H; permanent residents employed abroad by an international employer without international health insurance; self-employed persons; agricultural workers; pension beneficiaries, invalid/disabled persons and unemployed persons registered; dependent wives and children.	

Table 1. Medical Care (Part II)

ILO C. 102	Main provisions	Yes	No	National legislation	Comments
<p><i>Article 10(1)</i></p> <p>Types of medical care to be provided:</p> <p>a) in case of sickness:</p> <p>b) in case of pregnancy and confinement and their consequences:</p>	<p>(i) general practitioner care, including domiciliary visiting;</p> <p>(ii) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;</p> <p>(iii) the essential pharmaceutical supplies as prescribed by medical or other qualified practitioners; and</p> <p>(iv) hospitalisation where necessary; and</p> <p>(i) pre-natal, confinement and post-natal care either by medical practitioners or by qualified midwives; and</p> <p>(ii) hospitalisation where necessary.</p>			<p>Primary healthcare, specialist care and hospital health services:</p> <ul style="list-style-type: none"> - emergency medical assistance; - treatment of infectious diseases; - treatment of acute, chronic diseases and conditions in life threatening cases; - health care of children under the age of 15; - health care for full time students; - detection and treatment of endemic nephropathy; - treatment of diabetes; - health care during pregnancy and motherhood; - healthcare for mental illness; - healthcare of patients with progressive disease (sclerosis); - mandatory child immunization against communicable disease; - health protection of citizens over 65 years of age (mean tested); - treatment of drug addiction; - blood collecting services; - orthopaedic and dental prosthetic assistance 	
<p><i>Article 10(2)</i></p> <p>Possibility of sharing in the cost of medical care received</p>	<p>By the beneficiary or his breadwinner in case of sickness?</p> <p>Are there any special rules aimed at avoiding hardship for poor persons?</p>			<p>Possibility of individual participation of protected persons in health protection costs with the exception of the costs related to pregnancy, childbirth and related services. The participation rate depends on the type of service.</p>	

Table 1. Medical Care (Part II)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
<i>Article 10(3)</i> Objectives of medical care	<ul style="list-style-type: none"> ✓ Maintaining (preventive care) ✓ Restoring (curative care) ✓ Improving <ul style="list-style-type: none"> • the health of the person protected + <ul style="list-style-type: none"> • ability to work and to attend to their personal needs 			NO INFORMATION	
<i>Article 10(4)</i> Promotion of general health services	What general health services are placed at the disposal of protected persons?			NO INFORMATION	
<i>Article 11</i> Maximum qualifying period	<p>What period of contribution, employment or residence shall be completed to receive medical care?</p> <p>Is this period necessary to preclude abuse of health insurance?</p>			There is no qualifying period for entitlement to health care.	
<i>Article 12</i> Minimum duration of benefit	<ul style="list-style-type: none"> • Is medical care provided until the end of sickness (risk covered)? • Is medical care provided for at least 26 weeks in each case of sickness? • What diseases are recognised as entailing longer care? 			The right to medical care benefit last “for as long as it is medically justified”	

Table 2. Sickness benefit (Part III)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
<i>Article 14</i> Risk covered =>	Incapacity for work for work due to any morbid condition + suspension of earnings			NO INFORMATION	
<i>Article 15</i> Persons protected => Prescribed classes of:	Employees in paid employment which represent 50% of all employees OR Economically active population (employees, self-employed, farmers, etc.) which represent 20% of all residents, OR All residents whose means are below a prescribed limit			Prescribed classes of Economically active population (employees and self-employed persons).	FURTHER INFORMATION REQUESTED CONCERNING STATICAL DATA AND LEGISLATIVE PROVISIONS
<i>Article 16(1) and (2)</i> Amount of cash benefit	The benefit is a periodical payment? <ul style="list-style-type: none"> Article 65 : Calculated as a percentage of previous earnings $\geq 45\%$ OR <ul style="list-style-type: none"> Article 66: Calculated at a flat rate or guaranteed minimum rate $\geq 45\%$ of the reference wage of an unskilled male labourer OR <ul style="list-style-type: none"> Article 67: Means-tested benefit: calculated according to a fixed scale. 			80% of previous earnings in the Federation of B&H (100% of the reference wage when the work incapacity is due to a complication caused by pregnancy, or childbirth, or related to the transplantation of lives tissues or organs). Between 70 and 90% of previous earnings in the Republika Srpska.	INFORMATION ON THE PERIODICITY OF THE PAYMENT REQUESTED
				There is no qualifying period for	

Table 2. Sickness benefit (Part III)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
<i>Article 17</i> Maximum qualifying period	Does the national legislation prescribe a qualifying period for entitlement to sickness benefit?			entitlement to sickness benefit	
<i>Article 18</i> Minimum duration of benefit	Is sickness benefit paid until: <ul style="list-style-type: none"> • recovery of working capacity? • for at least 26 weeks in <u>each case of sickness</u>? 			Benefit payable for a maximum total period of 12 months (consecutive or not consecutive) every 2 calendar years, at the expiration of which an assessment of the working capacity shall be made by the body responsible for pension and disability insurance.	
<i>Article 18(1)</i> Waiting period of 3 days	Is there a waiting period before the start of payment of sickness benefit?			There is no waiting period for the payment of the benefit and the employer is responsible for the payment of the first 42 days in the Federation of B&H and the District of Brcko and of up to 120 days in the Republika Srpska.	

Table 3. Unemployment benefit (Part IV)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
<i>Article 20</i> Risk covered = involuntary unemployment	Suspension of earnings due to inability to obtain <u>suitable</u> employment when: <ul style="list-style-type: none"> capable of, and available for, work? 			Unemployment resulting from the insured person's lay off without his/her consent or fault, as well as periods of qualification for employment purposes.	FURTHER INFORMATION REQUESTED
<i>Article 21</i> Persons protected = Prescribed classes of:	<u>Employees</u> in paid employment which represent 50% of all employees OR <u>Residents</u> whose means are below a prescribed limit.			The information provided by the Government in its report is not sufficient to assess whether the scope of personal coverage of unemployment benefit is in compliance with the requirements of this article.	FURTHER INFORMATION REQUESTED
<i>Article 22</i> Calculation of the benefit	The benefit is a <u>periodical</u> payment? <ul style="list-style-type: none"> <u>Article 65</u>: Calculated as a percentage of previous earnings: $\geq 45\%$ <u>Article 67</u>: Means-tested benefit: calculated according to a fixed scale. 			The benefit paid in the Republika Srpska and the Brcko District depends on the qualifying period and the average net monthly salary of the insured person in the last 3 months of employment. Brcko District: 35% of the salary after 10 years of contribution and 40% after more than 10 years. Federation of B&H: flat-rate benefit = 40% of the average monthly net salary	NOT IN CONFORMITY
<i>Article 23</i> Maximum qualifying period	What qualifying period of employment, contribution or residence a person has to complete for entitlement to unemployment benefits?			In the Federation of B&H, entitlement to the benefit is conditional upon the person having paid contributions without any interruption during minimum 8	

Table 3. Unemployment benefit (Part IV)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
				<p>months or with interruptions over a period of 8 months in the last 18 months before unemployment took place.</p> <p>In the Republika Srpska and the Brcko District, entitlement to the benefit is conditional upon the person having paid contributions without any interruption during minimum 8 months in the last 12 months or with interruptions over a period of 12 months in the last 18 months before unemployment took place.</p>	
<p><i>Article 24</i></p> <p>Minimum duration of payment of unemployment benefit</p>	<p>Is unemployment benefit limited to:</p> <ul style="list-style-type: none"> • For protected employees: 13 weeks within 12 months? • For protected residents: 26 weeks within 12 months ? <p>Does the duration of the benefit vary with the length of the contribution period and/or the benefit previously received?</p>			<p>- 3 months for 8 months to 5 years of service;</p> <p>- 6 months for 5-10 years;</p> <p>- 9 months for 10-15 years;</p> <p>- 12 months for 15-25 years;</p> <p>- 15 months for 25-30 years;</p> <p>- 18 months for 30-35 years;</p> <p>- 24 months for more than 35 years of services</p>	
<p>Article 24(3)</p> <p>Waiting period of 7 days</p>	<p>Is there a waiting period before the unemployment benefit becomes payable?</p>	.		NO INFORMATION	

Table 4. Old-Age benefit (Part V)					
<u>ILO C. 102</u>	<u>Main provisions</u>	Yes	No	<u>National legislation</u>	<u>Comments</u>
<ul style="list-style-type: none"> • Article 26 • Risk covered = Old age 	<ul style="list-style-type: none"> • Pension age ≤ 65 years • • OR • • > 65 years if elderly persons maintain their working ability • 			<p><u>Federation of B&H</u>: old-age benefit arises both for men and women at age 65 after a qualifying period of 20 years or at any age after a qualifying period of 40 years.</p> <p><u>Republika Srpska</u>: old-age benefit arises both for men and women at age 65 after a qualifying period of 20 years. A person with less than 20 years of qualifying period becomes eligible at 65 if he/she has completed a minimum qualifying period of 25 years.</p> <p>Protected persons having completed a qualifying period of 40 years and more are eligible to old-age benefit regardless of age, however, women are eligible to old-age benefit at 60 after 20 years of qualifying period or regardless of age after 35 years of qualifying period.</p>	
<p>Article 27</p> <p>Persons protected =</p> <p>Prescribed classes of:</p>	<p><u>Employees</u> in paid employment which represent 50% of all employees</p> <p>OR</p> <p><u>Economically active population</u> (employees, self-employed, farmers, etc.) which represent 20% of all residents,</p> <p>OR</p>			<p>Protected persons are listed exhaustively in sections 8 to 12 and 14 and 15 of the law on Pension and Disability of the Federation of B&H.</p> <p>Section 17 adds that citizens residing in the territory of the Federation, who are not covered by compulsory pension and disability insurance for themselves and members of their families, take voluntary insurance under the conditions and scope of this law.</p>	

Table 4. Old-Age benefit (Part V)					
<u>ILO C. 102</u>	<u>Main provisions</u>	Yes	No	<u>National legislation</u>	<u>Comments</u>
	<u>All residents</u> whose means are below a prescribed limit				
Article 28 Amount of pension	<p>The benefit is a periodical payment?</p> <ul style="list-style-type: none"> • <u>Article 65</u>: Calculated as a percentage of previous earnings: $\geq 40\%$ <p>OR</p> <ul style="list-style-type: none"> • <u>Article 66</u>: Calculated at a flat rate or guaranteed minimum rate: $\geq 40\%$ of the reference wage of an unskilled male labourer <p>OR</p> <ul style="list-style-type: none"> • <u>Article 67</u>: Means-tested benefit: calculated according to a fixed scale. 			<p>The calculation of old-age benefit takes into account the average monthly salary which constitutes the “pension base” and the contributory period completed.</p> <p><u>Federation of B&H</u>: after 20 years of contribution, the benefit is equal to 45% of the pension base increased by 2% for each additional year of insurance up to a maximum of 85% of the pension base.</p> <p><u>Republika Srpska</u>: after 20 years of contribution, the benefit is equal to 45% of the pension base for men and 55% for women increased for each additional year of insurance.</p>	
Article 29 Maximum qualifying period	<ul style="list-style-type: none"> • Employees and Economically active persons: 30 years of employment or contributions? 			<p><u>Federation of B&H</u>: old-age benefit arises both for men and women at age 65 after a qualifying period of 20 years or at any age after a qualifying period of 40 years.</p> <p><u>Republika Srpska</u>: old-age benefit arises both for men and women at age 65 after a</p>	INCONFORMITY OF THE PROVISIONS CONCERNING REDUCED PENSION

Table 4. Old-Age benefit (Part V)					
<u>ILO C. 102</u>	<u>Main provisions</u>	Yes	No	<u>National legislation</u>	<u>Comments</u>
	<ul style="list-style-type: none"> • Residents: 20 years of residence? • Reduced benefit after 15 years of employment or contribution? 			<p>qualifying period of 20 years. A person with less than 20 years of qualifying period becomes eligible at 65 if he/she has completed a minimum qualifying period of 25 years. Protected persons having completed a qualifying period of 40 years and more are eligible to old-age benefit regardless of age, however, women are eligible to old-age benefit at 60 after 20 years of qualifying period or regardless of age after 35 years of qualifying period.</p> <p><u>Reduced pension</u> possible at 55 after 30 years of contribution for women or at 60 after 35 years of contribution for men.</p>	
Article 30 Minimum duration of benefit	Benefit granted until death?			NO INFORMATION	

Table 5. Survivors' benefit (Part IX)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
Article 60 Risk covered = Death of the breadwinner	<p>Are widows and dependent children protected in case of loss of death of the breadwinner?</p> <p>In the case of a widow, is the right to conditional benefit on her being incapable of self-support?</p>			<p>A survivor spouse shall be entitled to survivor's benefit if he/she fulfills one of the following conditions: has reached 45 years of age (women) and 60 years of age (men) at the time his/her spouse dies; or if he/she becomes completely incapable of earning; or if he/she is the parent of one or more children who have the right to a survivor's benefit.</p>	
Article 61 Persons protected = Prescribed classes of :	<p>Employees in paid employment which represent 50% of all employees OR Economically active population (employees, self-employed, farmers, etc.) which represent 20% of all residents, OR Residents whose means are below a prescribed limit</p>			<p>The family members and dependents of all categories of economically active persons are covered.</p>	<p>STATISTICAL DATA ARE REQUESTED</p>
Article 62 Type and Calculation of benefit	<p>The benefit is a periodical payment?</p> <ul style="list-style-type: none"> Article 65: Calculated as a percentage of previous earnings: $\geq 40\%$ <p>OR</p> <ul style="list-style-type: none"> Article 66: Calculated at a flat rate or guaranteed minimum rate: $\geq 40\%$ of the wage of an unskilled male labourer <p>OR</p>			<p>Benefit calculated as a percentage of the old-age or disability benefit that would be paid or is paid to the deceased person at the time of death, and the total amount of the benefit is determined by the number of family members entitled to the benefit as follows: 70% for 1 dependent; 80% for 2; 90% for 3 and 100% for 4 or more dependents</p>	

Table 5. Survivors' benefit (Part IX)					
<u>ILO C. 102</u>	<u>Main provisions</u>	<u>Yes</u>	<u>No</u>	<u>National legislation</u>	<u>Comments</u>
	<ul style="list-style-type: none"> Article 67: Means-tested benefit: calculated according to a fixed scale. 				
Article 63 Qualifying period	<ul style="list-style-type: none"> 15 years of contribution or employment OR 10 years of residence of the breadwinner Reduced benefit for survivors after 5 years of contribution or employment of the breadwinner 			20 years of contribution and no reduced benefit provided.	NOT APPLIED
Article 64 Duration of benefit	When does the benefit stop for: <ul style="list-style-type: none"> The widow? The children? 			For the widow, benefit paid from 45 years of age onwards; For the widower, benefit paid from 60 years of age onwards, For children until 15 years of age – unless they are incapacitated) or 25 years of age if they are students.	QUESTION RAISED CONCERNING THE CESSATION IN CASE OF NEW MARRIAGE

CHAPTER III. Integrated Management of compliance and reporting obligations of Bosnia and Herzegovina under social security provisions of the ratified international treaties on social rights

- [Table 1. Up-to-date social security standards in force](#)
- [Table 2. Pending comments of the supervisory bodies](#)
- [Table 3. Up-to-date standards on which reports are due in 2017](#)
- [Table 4. Up-to-date standards on which reports are due in 2018](#)
- [Parts of Convention No.102 no longer applicable following ratification of more advanced standards](#)
- [Fig. 1. Example of time management of the 5 years reporting cycle on international and European social security standards](#)
- [Fig. 2. Example of time management for reporting on social security standards](#)

Table 1. Up-to-date social security standards in force

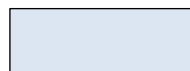
Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.3, 15§2	Art.16 Art.27§1b,c	Art.8§1	Art.15 §1,§3		Art.4§1, 30 Art.13§1§2§3, Art. 14	
	Right to Social Security Art.12§1§2§3										
Protocol	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21	C121 Art.22-26
										C128 Part V, C130 Part III, C168 Art.15,16	C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003 C103	C037 C038	C039 C040		C44 Art.10, C35Art.8-11, C37Art.11-12, C39, Art.13-14 C24 Art.6-8, C25 Art.6-8



Social Security Standards in force for Bosnia and Herzegovina



Standards no longer in force

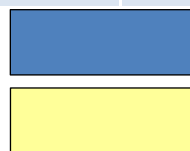


Social Security Standards not in force

C102 - Part VI is no longer applicable as a result of the ratification of C121;
 C003 - denounced on 14 Dec 2011
 C103 - Automatic Denunciation on 18 Jan 2011 by C183
 C056 - Automatic Denunciation on 20 Aug 2013 by MLC

Table 2. Pending comments of the supervisory bodies

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	<i>Right to Social Security Art.9</i>										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		☹️ Art.1§1 Art.1§3	Art.23	Art.3, 15§2	☹️ Art.16 Art.27§1b,c	☹️ Art.8§1	Art.15 §1,§3		Art.4§1, 30 Art.13§1§2§3, Art. 14	
	☹️ <i>Right to Social Security Art.12§1§2§3</i>										
Protocol	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21 C128 Part V, C130 Part III, C168 Art.15,16	C121 Art.22-26 C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003 C103	C037 C038	C039 C040		C44 Art.10, C35Art.8-11, C37Art.11-12, C39, Art.13-14 C24 Art.6-8, C25 Art.6-8



Social Security Standards in force for Bosnia and Herzegovina

Pending comments of the supervisory bodies



Social Security Standards not in force



Critical comments or non-compliance

Table 3. Up-to-date standards on which reports are due in 2017

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD*	CRC	CEDAW	CRPD*			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.3, 15§2	Art.16 Art.27§1b,c	Art.8§1	Art.15 §1,§3		Art.4§1, 30 Art.13§1§2§3, Art. 14	
	Right to Social Security Art.12§1§2§3										
Protocol	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21 C128 Part V, C130 Part III, C168 Art.15,16	C121 Art.22-26 C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003 C103	C037 C038	C039 C040		C44 Art.10, C35Art.8-11, C37Art.11-12, C39, Art.13-14 C24 Art.6-8, C25 Art.6-8



Social Security Standards in force for Bosnia and Herzegovina

Report in 2017



Social Security Standards not in force

**¶CRPD – initial report submitted on 27 Jan 2015, list of issues published in 2016, State party response expected in 2017*

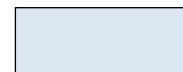
Table 4. Up-to-date standards on which reports are due in 2018

Social Human Rights	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
International treaties											
ICESCR	<i>Right to Social Security Art.9</i>										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a §ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC Revised	Art.11, 13§1		Art.1§1§3	Art.23	Art.3, 15§2	Art.16 Art.27§1b,c	Art.8§1	Art.15 §1,§3		Art.4§1, 30 Art.13§1§2§3, Art. 14	
	<i>Right to Social Security Art.12§1§2§3</i>										
Protocol	<i>II</i>	<i>III</i>	<i>IV</i>	<i>V</i>	<i>VI</i>	<i>VII</i>	<i>VIII</i>	<i>IX</i>	<i>X</i>	<i>Schedule to XI</i>	
ECSS	<i>Medical care Part II</i>	<i>Sickness benefit Part III</i>	<i>Unemployment benefit Part IV</i>	<i>Old-age benefit Part V</i>	<i>Employment injury benefit Part VI</i>	<i>Family benefit Part VII</i>	<i>Maternity benefit Part VIII</i>	<i>Invalidity benefit Part IX</i>	<i>Survivor's benefit Part X</i>	<i>Level of benefits Part XI</i>	<i>Financing & Organization Part XII</i>
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
Advanced ILO Conventions	C130 Part II	C130 Part III	C168	C128 Part III	C121		C183 Art.6,7	C128 Part II	C128 Part IV	C121 Art.19-21	C121 Art.22-26
										C128 Part V, C130 Part III, C168 Art.15,16	C128 Part VI, C130 Part IV, C168 Part VIII
First generation ILO Conventions		C024 C025 C056	C044	C035 C036	C012 C017 C018 C042		C003 C103	C037 C038	C039 C040		C44 Art.10, C35Art.8-11, C37Art.11-12, C39, Art.13-14 C24 Art.6-8, C25 Art.6-8



Social Security Standards in force for Bosnia and Herzegovina

Report in 2018



Social Security Standards not in force

Parts of Convention No.102 no longer applicable following ratification of more advanced standards

C102 - Social Security (Minimum Standards)

Article 75

If any Convention which may be adopted subsequently by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

C121 - Employment Injury Benefits → C102, Part IV

Article 29

In conformity with Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part VI of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention comes into force for that Member, but acceptance of the obligations of this Convention shall be deemed to constitute acceptance of the obligations of Part VI of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention

C128 - Invalidity, Old-Age and Survivors' Benefits → C102, Parts V, IX, X

Article 45

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, the following Parts of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 38 is in force:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 38 is in force, be deemed to constitute acceptance of the obligations of the following parts of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention:

- (a) Part IX where the Member has accepted the obligations of this Convention in respect of Part II;
- (b) Part V where the Member has accepted the obligations of this Convention in respect of Part III;
- (c) Part X where the Member has accepted the obligations of this Convention in respect of Part IV.

C130 - Medical Care and Sickness Benefits → C102, Part III

Article 36

1. In conformity with the provisions of Article 75 of the Social Security (Minimum Standards) Convention, 1952, Part III of that Convention and the relevant provisions of other Parts thereof shall cease to apply to any Member having ratified this Convention as from the date at which this Convention is binding on that Member and no declaration under Article 3 is in force.
2. Acceptance of the obligations of this Convention shall, on condition that no declaration under Article 3 is in force, be deemed to constitute acceptance of the obligations of Part III of the Social Security (Minimum Standards) Convention, 1952, and the relevant provisions of other Parts thereof, for the purpose of Article 2 of the said Convention.

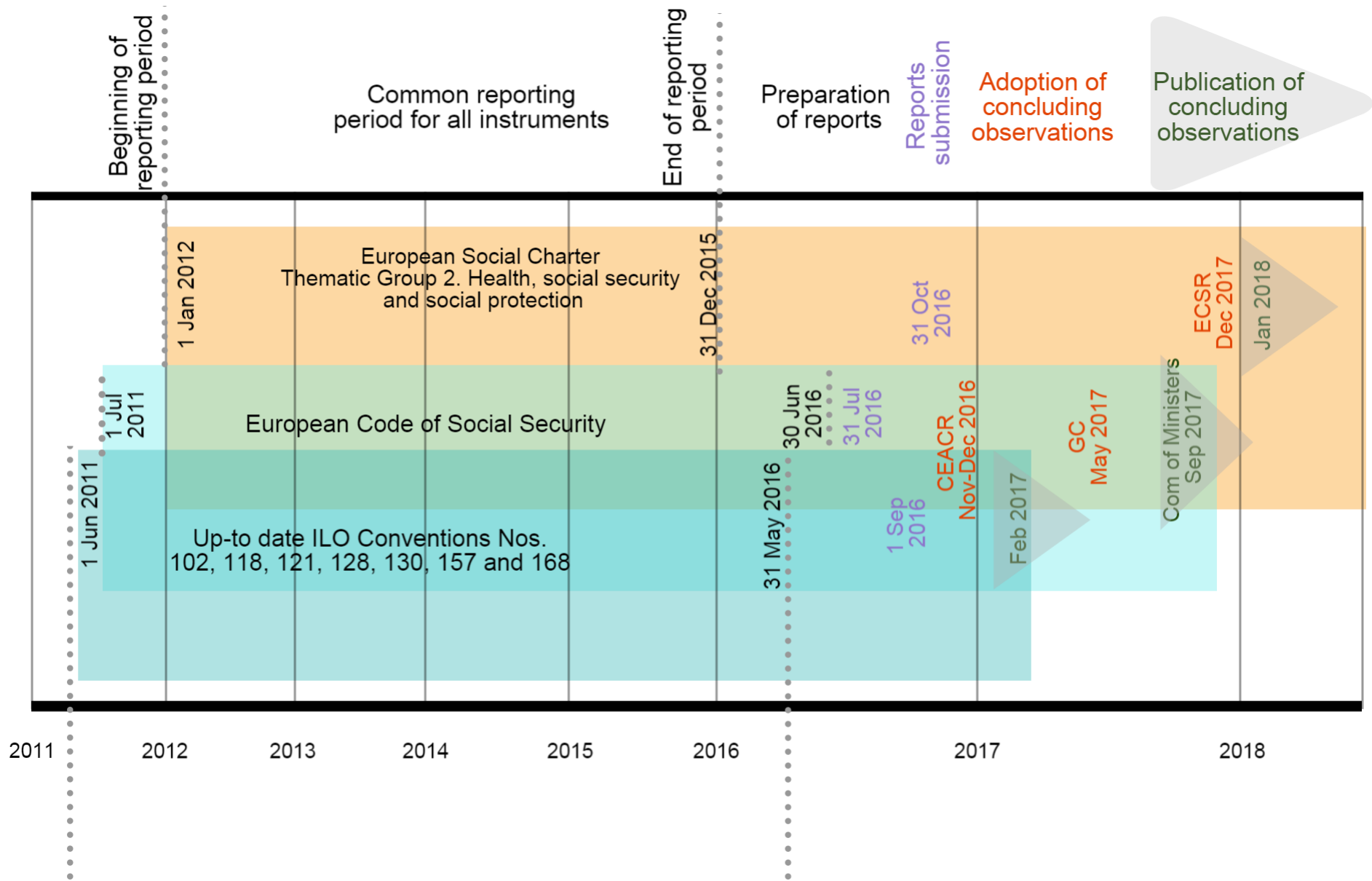
C130, Part II → C102, Part II

N.B! For information and reporting purposes, more advanced provisions on medical care contained in C130 include all those contained in Part II of C102.

C168 → C102, Part IV

N.B! For information and reporting purposes, more advanced provisions on unemployment benefit of C168 include those contained in Part IV of C102.

Fig. 1. Example of time management of the 5 years reporting cycle on international and European social security standards



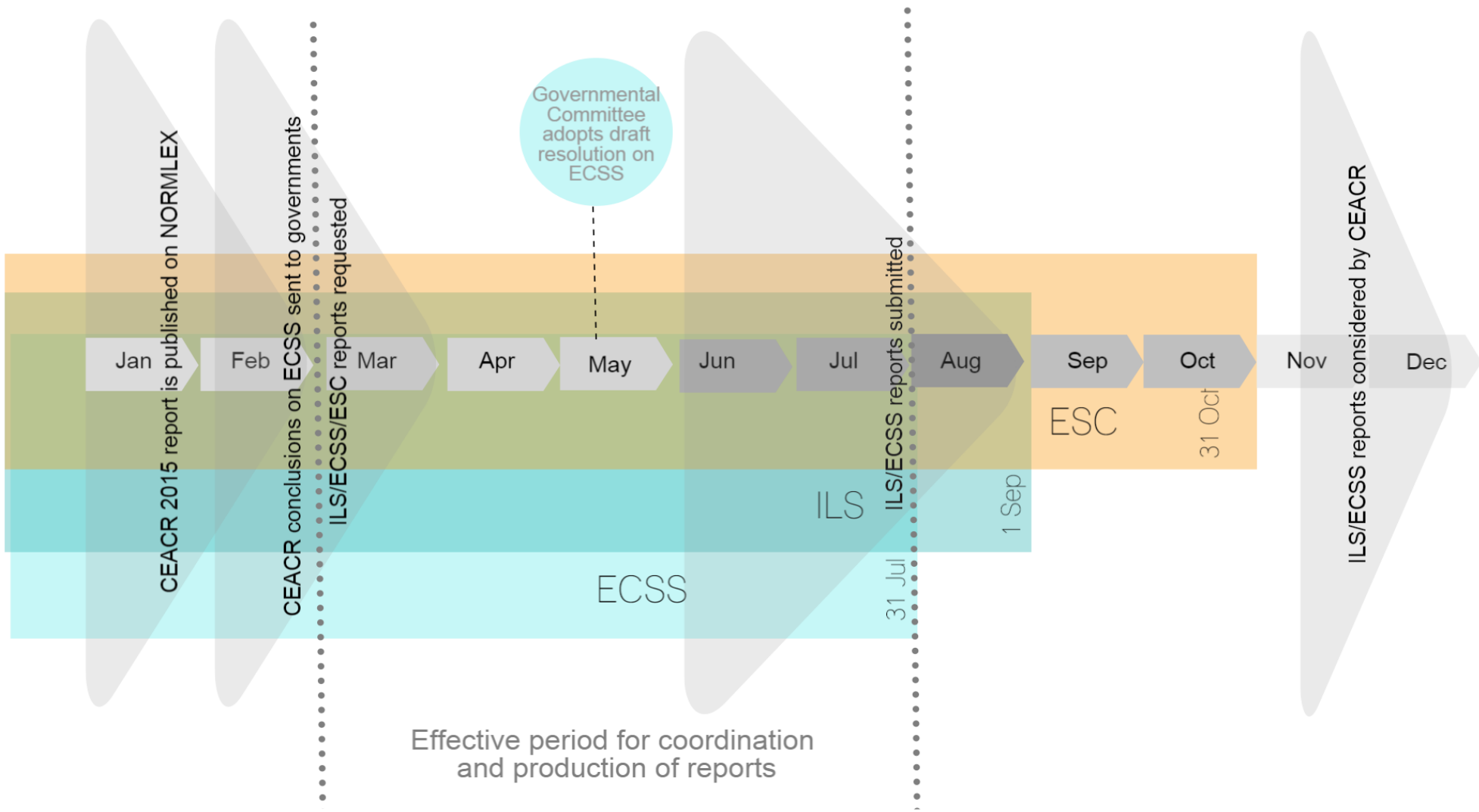


Fig. 2. Example of time management for reporting on social security standards

Chapter IV. Concluding observations of the supervisory bodies concerning provisions of the ratified international treaties on social rights and statements of other international bodies reviewing national economic and social policy

- [Table 1. International treaties on social rights ratified by Bosnia and Herzegovina](#)
 - [Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations](#)
1. [United Nations](#)
 - [International Covenant on Economic, Social and Cultural Rights](#)
 - [Convention on the Rights of the Child](#)
 - [Convention on the Elimination of All Forms of Discrimination against Women](#)
 - [Convention on the Right of Persons with Disabilities](#)
 2. [Council of Europe](#)
 - [European Social Charter](#)
 3. [International Labour Organization](#)
 - [Social Security \(Minimum Standards\) Convention, 1952 \(No.102\)](#)
 - [Employment Injury Benefits Convention, 1964 \(No.121\)](#)
 - [Maternity Protection Convention, 2000 \(No. 183\)](#)

Table 1. In force international treaties on social rights ratified by Bosnia and Herzegovina

Body	International Treaty	Entry into force for Bosnia and Herzegovina	Next report due on
United Nations	International Covenant on Economic, Social and Cultural Rights	1 Sep 1993	30 Nov 2018
	Convention on the Rights of the Child	1 Sep 1993	05 Sep 2017
	Convention on the Elimination of All Forms of Discrimination against Women	1 Sep 1993	01 Jul 2017
	Convention on the Rights of People with Disabilities	12 Mar 2010	Submitted on 27 Jan 2015
Council of Europe	European Code of Social Security		
	European Social Charter	07 Oct 2008	31 Oct 2016
International Labour Organization	Convention 102	02 Jun 1993	1 Jun - 1 Sep 2017
	Convention 103		
	Convention 121	02 Jun 1993	1 Jun - 1 Sep 2017
	Convention 128		
	Convention 130		
	Convention 168		
	Convention 183	18 Jan 2010	1 Jun - 1 Sep 2018
	Convention 012	02 Jun 1993	1 Jun - 1 Sep 2017
	Convention 024	02 Jun 1993	1 Jun - 1 Sep 2017
	Convention 025	02 Jun 1993	1 Jun - 1 Sep 2017

Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations

Instrument	Supervisory body	Type of a State party report/Reporting cycle	Comments of a supervisory body
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights (CESCR)	Periodic reports – every 5 years; initial report – within one year after the entry into force (Art.17)	Concluding observations of the CESCR
Convention on the Rights of the Child	Committee on the Rights of the Child (CRC)	Periodic reports – every 5 years; initial report – within two years after the entry into force (Art.44)	Concluding observations of the CRC
Convention on the Elimination of All Forms of Discrimination against Women	Committee on the Elimination of Discrimination against Women (CEDAW)	Periodic reports – every 4 years; initial report – within one year after the entry into force (Art.18)	Concluding observations of the CEDAW
Convention on the Rights of People with Disabilities	Committee on the Rights of Persons with Disabilities (CRPD)	Periodic reports – every 4 years; initial report – within two years after the entry into force (Art.35)	Concluding observations of the CRPD
European Code of Social Security (ECSS)	ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; European Committee on Social Rights (ECSR) ; Governmental Committee of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Full reports – every five years in conjunction with the ILO Convention 102; Annual reports every year (Art.74).	Conclusions of the CEACR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
European Social Charter/ Revised European Social Charter (ESC)	European Committee on Social Rights (ECSR) ; Governmental Committee (GC) of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Normal reports – annually on one of four thematic groups; simplified reports – every two years in case of acceptance of the collective complaints procedure.	Conclusions (national reports) and decisions (collective complaints) of the ECSR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
ILO Conventions (C102, C121, C128, C130, C168, C183)	Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; Conference Committee on the Application of Standards (CAS) .	Five-year cycle – simplified reports under the ILO technical conventions; detailed report – one year following the entry into force.	Observations and direct requests of the CEACR; Conclusions of the CAS.

1. United Nations

International Covenant on Economic, Social and Cultural Rights – Concluding observations 2013

UN Office of the High Commissioner for Human Rights website link, Treaty bodies database

C. Principal subjects of concern and recommendations

The Committee is concerned that the complex system of administration in the State party has resulted in disparities in the level of enjoyment of economic and social rights, in particular regarding social protection, social services and access to health care between Republika Srpska, the Federation of Bosnia and Herzegovina and the Brčko District, as well as between Cantons within the Federation (arts. 2, para. 2; 9 and 12).

The Committee urges the State party to intensify its efforts to address disparities in the level of enjoyment of economic and social rights, in particular social protection, social services and access to health care between Republika Srpska , the Federation of Bosnia and Herzegovina and the Brčko District , as well as between Cantons within the Federation.

The Committee is concerned that refugees and internally displaced persons, especially those belonging to ethnic minorities, are still facing discrimination resulting in difficulties in access to economic, social and cultural rights, thereby impeding their sustainable return despite the State party's efforts in elimination of discrimination against returnees, especially in terms of restitution of property (arts. 2, para. 2; 6 and 9-14).

The Committee urges the State party to intensify its efforts, including through the adoption at State level of the draft law on amendments to the Criminal Law of the Federation of Bosnia and Herzegovina, which expands the definition of a hate crime, to ensure the sustainable return of refugees and internally displaced persons to their home communities by ensuring their equal enjoyment of Covenant rights, especially in the field of social protection, health care, education and employment.

The Committee is concerned that Roma continue to face difficulties in equal access and enjoyment of rights in the area of employment, social and health protection (arts. 2, para.2 ; 6; 9 and 11-12).

The Committee recommends that the State party revise the current Action Plan of Bosnia and Herzegovina for addressing issues of Roma in the area of employment, housing and health care in order to better reflect the needs of the Roma population. The Committee also urges the State party to comprehensively implement the Roma Health Care Action Plan. The Committee further urges the State party to continue its efforts in the registration of all Roma and issuance of identity documents, including those in refugee camps.

The Committee is concerned about the limited human and financial resources of the Gender Equality Agency and the Gender Centre of the Entities impeding implementation of the Law on Gender Equality of Bosnia and Herzegovina and the Gender Action Plan(art.3).

The Committee recommends that the State party strengthen the Gender Equality Agency's involvement in the assessment of legal documents, from a gender equality perspective, proposed for the adoption by the State party's Council of Ministers. The

Committee also recommends that the State party provide the national machinery in the field of gender equality with the necessary human and financial resources to improve its effective functioning.

The Committee is concerned that persons working in the informal sector are sanctioned by still having their registration with the employment bureaux suspended for a period of six months (art.6).

The Committee recommends that the State party take measures to repeal the sanction imposed on persons working in the informal sector, i.e. the suspension of their registration with the employment bureaux for a period of six months.

The Committee notes with deep concern that, due to the difficult economic situation in the State party, employers fail to respect their legal obligations towards their employees, namely by arbitrarily dismissing employees or by failing to pay their salaries or social contributions on time. The Committee is also concerned that employers disregard their legal obligations towards pregnant women and women who are on maternity leave. The Committee further notes with concern the increased number of labour-related accidents and injuries in the workplace (art. 7). **The Committee reiterates its recommendation that the State party take effective measures to ensure that employers abide by their legal obligations towards their employees, namely by paying their salaries or social security contributions in time and by refraining from arbitrary dismissal, in particular, in relation to pregnant women and women who are on maternity leave. The Committee also reiterates its recommendation that the State party ensure that labour inspection units are sufficiently staffed and resourced.**

The Committee is concerned that the amount of the minimum wage is not adjusted to the cost of living, as well as at the fact that the set minimum wages differ between the Entities (art. 7).

The Committee requests that the State party take measures to ensure that the minimum wage is regularly adjusted to the cost of living and that it enables employees and their families to enjoy a decent living, in accordance with article 7 (a) (ii) of the Covenant. The Committee also recommends that the State party take the necessary steps to eliminate differences in the amount of the minimum wage between the Entities.

The Committee is deeply concerned that the allocation of benefits under the social welfare scheme is fragmented throughout the State party, leading to disparities in the level and amount of benefits between the Entities and within the Cantons of the Federation. The Committee is also concerned that the amount of the benefits is not sufficient to ensure an adequate standard of living for the beneficiaries. The Committee is further concerned that social welfare centres are still inadequately funded and understaffed to effectively carry out their functions (art. 9).

The Committee urges the State party to take the necessary steps, including by adopting adequate laws and a national action plan, to ensure a comprehensive and harmonized approach to the social protection system at the State level in order to eliminate existing disparities in the available social protection and assistance benefits between the Entities and between the Cantons and to reduce poverty taking into account the real needs of beneficiaries. The Committee also reiterates its recommendation to ensure that adequate funds from the overall resources of the Entities, Cantons and municipalities are allocated to the social welfare centres and that these centres are adequately staffed in order to ensure effective functioning.

The Committee is concerned that the right to social assistance of certain categories of persons, such as war veterans, is established in ad-hoc laws that are not included within the group of general laws on social protection, thereby resulting in disparities in the level of protection and discrimination against other categories of victims. The Committee is also concerned that the existing legal framework has been deepening discrimination of persons with disabilities of all categories (art. 9).

The Committee urges the State party to ensure a more equitable allocation of existing funds for social protection, in particular of disabled war veterans, civilian war victims and of persons with disabilities in general, with a view to reducing discrepancies between the allocated budgets for each of the categories mentioned.

The Committee is deeply concerned that wartime victims of sexual violence are not recognized as an eligible category for social assistance in the State party (art. 9).

The Committee recommends that the State party amend all relevant criminal codes to include definition of wartime sexual violence, including rape, as a war crime and crime against humanity. The Committee urges the State party to grant, in the legislation on a social protection system at the level of State and the Entities, wartime victims of sexual violence the recognition and status of an eligible category of persons for social protection and various forms of social assistance as deemed necessary.

The Committee is concerned about the continuing absence of an inter-Entity agreement on pension rights and the failure of the Entities to implement the existing inter-Entity agreement on health insurance (art. 9).

The Committee reiterates its recommendation that the State party promote the adoption of an inter-Entity agreement on pension rights and to ensure the implementation of the inter-Entity agreement on health insurance with a view to guaranteeing access to pension benefits and health care by persons who move from one Entity to another.

The Committee remains concerned that the activity under the National Action Plan to Combat Trafficking in Bosnia and Herzegovina for 2008-2012 in relation to internal harmonization of criminal legislation at the level of State, Entities and Brčko District has still been delayed. The Committee is also concerned that no statistical data are available concerning a number of cases where charges were brought against law enforcement officials involved in trafficking, and on sentences imposed (art. 10).

The Committee recommends that the State party promote the harmonization of legislation in the field of criminalization of trafficking in human beings at all levels of the State. The Committee also requests the State party to provide statistical data on the number of cases where charges were brought against law enforcement officials involved in trafficking, and on sentences imposed.

The Committee is concerned that victims of trafficking are not recognized in the State party's legislation as potential recipients of social protection assistance (art. 10).

The Committee recommends that the State party develop and adopt amendments to the Laws on Social Protection and Labour in order, in accordance with international standards, to recognize victims of trafficking as an eligible group for social protection assistance.

The Committee is deeply concerned about the extent of poverty in the State party, in particular among displaced persons, minority returnees, children without parental care, pensioners, persons with disabilities, the Roma people and families with two or more children (art. 11).

The Committee reiterates its previous recommendation and urges the State party to:

- (a) Develop the official determination of the poverty line and its yearly adjustment;**
- (b) Address extreme poverty faced in particular by members of marginalized groups, including minorities, and to ensure, on a priority basis, that adequate social assistance be provided to individuals and groups living below the poverty line;**
- (c) Assess the impact of any laws and policies on the enjoyment of economic, social and cultural rights by individuals and groups living in poverty on the basis of regularly updated data, disaggregated by sex, age, ethnic background, social status and other relevant criteria, and that effective monitoring mechanisms be adopted and implemented to that effect;**
- (d) Develop strategies to address the regional disparities that affect the equal enjoyment of economic, social and cultural rights; and**
- (e) Allocate sufficient funds for the implementation of these strategies, drawing attention to the Committee's statement on poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10), adopted by the Committee on 4 May 2001.**

The Committee notes with deep concern that, 18 years after the war and signing of the Dayton Peace Agreement, many returnees and displaced persons in the State party are still out of their pre-war homes. In this context, the Committee is also concerned about the continued existence of collective housing despite the fact that these collective housing centres were designed as a temporary solution to address the acute housing situation (art. 11).

The Committee recommends that the State party continue its efforts to ensure the sustainable return of refugees and internally displaced persons to their pre-war houses by facilitating the reconstruction of housing units, infrastructure and continued clearance of mines. The Committee urges the State party to duly implement the Joint Declaration on Resolving Protracted Displacement in Bosnia and Herzegovina which addresses, inter alia, the issue of collective centre residents and according to which all collective centres are expected to be closed by the end of 2014 and current occupants placed in adequate housing units with significantly improved living conditions.

The Committee is deeply concerned that access to safe drinking water is not ensured in all parts of the State party (art. 11).

The Committee recommends that the State party take the necessary steps to implement the Water Management Strategy of the Federation of Bosnia and Herzegovina . It also urges the State party to promote the speedy adoption of the Framework Plan for the Development of Water Resources in Republika Srpska by the National Assembly of Republika Srpska. In this regard, the Committee invites the State party to take into account its general comment No. 15 (2002) on the right to water.

The Committee is concerned that access to adequate health-care services is not sufficiently ensured for marginalized groups, especially returnees, asylum seekers, Roma and persons with disabilities. The Committee is also concerned at the high number of teenage pregnancies in the State party (art. 12)

The Committee recommends that the State party intensify its efforts to ensure that disadvantaged and marginalized groups have equal access to health - care services and adequate health insurance throughout the State party, including through harmonizing its

health - care system. The Committee also recommends that the State party raise awareness of contraceptive methods, with age appropriate education on sexual and reproductive health and rights, in the school curricula, with the aim of preventing early pregnancies.

Convention on the Rights of the Child – Concluding observations 2012

[UN OHCHR website link](#), [Treaty bodies database](#)

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

The Committee's previous recommendations

7. The Committee, while welcoming the State party's efforts to implement the Committee's concluding observations of June 2005 on the State party's initial report (CRC/C/15/Add.260), notes with regret that some of the recommendations contained therein have not been fully addressed.

8. The Committee urges the State party to take all necessary measures to address those recommendations from the previous concluding observations (CRC/C/15/Add.260) that have not been implemented or sufficiently implemented, particularly those relating to coordination, family environment, adoption, health, social security and standard of living.

Allocation of resources

15. While noting that the State party devotes significant proportions of its national budget to social protection, the Committee is concerned that the majority of these expenditures are for war-related beneficiaries, resulting in insufficient funds for other persons in situations of vulnerability with similar or higher levels of need, including children and their families. The Committee is also concerned that there continues to be substantial discrepancies in the availability of social assistance in the different territories of the State party. In that context, the Committee is particularly concerned at the recently reduced level of child allowance provided in the Republika Srpska. Additionally, the Committee is concerned at the absence of legislation regulating and funding social benefits for children and their families in numerous cantons of the Federation of Bosnia and Herzegovina, resulting in social benefits being inaccessible in numerous areas.

16. The Committee reiterates its previous recommendation (CRC/C/15/Add.260, para. 17) to harmonize expenses for children's rights protection between the entities to ensure a minimal level of social and health protection for all children throughout the State party. Furthermore, in the light of the Committee's recommendations during its day of general discussion of 2007 on "Resources for the rights of the child – responsibility of States", the Committee recommends that the State party:

- (a) Establish a budgeting process which adequately takes into account children's needs at the national and territory levels, with clear allocations to children in the relevant sectors and agencies, as well as specific indicators and a tracking system;**
- (b) Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention;**
- (c) Enact legislation for regulating equitable funding and social benefits for children and their families throughout the territory of Bosnia and Herzegovina.**

Data collection

17. The Committee notes the State party's efforts to collate available data relating to children through the establishment of a common DevInfo database. However, the Committee remains deeply concerned at the lack of statistical data relating to the implementation of the Convention in the State party and the limited capacity of the State party's statistical offices. The Committee also reiterates its concerns about the lack of a clear division of responsibilities for collection, consolidation and analysis of data among different government bodies and that no national population census has been undertaken since 1991 (CRC/C/15/Add.260, para. 18). Furthermore, the Committee is concerned that the DevInfo database does not incorporate any quality assurance process for verifying the reliability of its data.

18. The Committee reiterates its previous recommendation that the State party urgently carry out a census of the population and develop a coordinated system for a comprehensive collection of data that should cover all children under the age of 18 and be disaggregated by those groups of children who are in need of special protection (CRC/C/15/Add.260, para. 19) . In that light, the Committee specifically recommends that the data be disaggregated according to, inter alia, age, sex, ethnicity, disability, socioeconomic status and geographic location.

B. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

29. The Committee welcomes the adoption of the Law on Prohibition of Discrimination, in July 2009, and the Revised Action Plan on the Educational Needs of Roma, in July of 2010. However, the Committee notes with concern that racial discrimination remains serious and widespread in the State party. It is particularly concerned that:

(a) The harmonization of the State party's legislation with the anti-discrimination law is inadequate, resulting in its limited practical implementation, as reflected by the few complaints of discrimination registered and the low level of public awareness on the legal remedies available in cases of discrimination;

(b) Discrimination in the context of education continues to be prevalent, including with regard to the continued "two-schools-under-one-roof" and mono-ethnic schools policy in the State party, where classes are separated on the basis of ethnicity, resulting in children attending only schools for their ethnic group;

(c) The State party's Action Plan on the Educational Needs of Roma and Members of Other National Minorities was not effectively implemented as a consequence of budget allocation limitations and inadequate clarity regarding the division of responsibilities among stakeholders; and that Roma children continue to be frequently subjected to widespread and grave discrimination resulting in, inter alia, serious violations of their rights to education and health care;

(d) The State party has failed to respond to the previous recommendations (CRC/C/15/Add.260, paras. 26 and 27) of the Committee on introducing a code of conduct regarding discrimination to prohibit stereotyped and stigmatizing portrayals of minority and/or ethnic groups in the media and to take measures to follow up on the Declaration and Program of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

30. In accordance with article 2 of the Convention, the Committee urges the State party:

(a) To take further legislative measures to systematically harmonize its legislation with the requirements of its 2009 anti-discrimination law, and raise public awareness on the legal remedies available in cases of discrimination, including by making available

information on how to make complaints to the State party's Institution of the Human Rights Ombudsman in Bosnia and Herzegovina, especially in education and health - care institutions, where children frequently encounter discrimination;

(b) To immediately end the segregation of children in schools on the basis of ethnicity by discontinuing the policy of "two schools under one roof" and mono-ethnic schools, and in doing so ensure adequate support measures and properly trained education personnel to facilitate ethnic diversity and integration in schools;

(c) To take active measures to ensure the implementation of its Revised Action Plan on the Educational Needs of Roma, including by allocating adequate human, technical and financial resources and establishing clear responsibility among relevant State entities and/or stakeholders;

(d) To, in line with the Committee's previous recommendation (CRC/C/15/Add.260, para. 26), develop, in consultation with the media, a code of conduct with a view to eliminating the stereotyping and stigmatization of minority and/or ethnic groups in the media;

(e) To provide specific information in its next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child implemented by the State party to follow up on the Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account general comment No. 1 (CRC/GC/2001/1, 2001).

E. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Family environment

46. While welcoming the 2008 programme Strengthening the Social Protection and Inclusion of Children in Bosnia and Herzegovina, the Committee regrets that limited financial and human resources have been made available to these centres. This has resulted in the centres being unable to prevent the dissolution of families in cases where an alternative situation could have been adopted, and address the needs of children deprived of parental care. Furthermore, the Committee is concerned that these centres lack clear terms of reference focused on the provision of social support, and therefore frequently focus mostly on administrative work relating to the registration of beneficiaries and the evaluation of formal legal criteria for the realization of the right to social assistance rather than on the provision of support to families.

47. The Committee reiterates its recommendation that the State party provide the social work centres with adequate human, technical and financial resources, ensure systematic training of its staff and take all other necessary measures to guarantee the quality, efficiency and transparency of all activities of these institutions (CRC/C/15/Add.260, para. 37). It further recommends that training and capacity - building on the prevention of family dissolution be prioritized and that a clearer mandate, focused on the provision of support services, be provided to the social work centres. In this context, the Committee also recommends that the State party consider establishing a separate mechanism for managing the administrative work relating to the registration of beneficiaries and the evaluation of formal legal criteria for the realization of the right to social assistance.

Children deprived of a family environment

48. The Committee welcomes the adoption of the Policy for the Protection of Children without Parental Care and Families at Risk of Separation in the Federation of Bosnia and Herzegovina (2006-2016). While noting that the State party reports that it has a policy of seeking family-type care for children without parental care where possible, the Committee is however concerned about:

- (a) Children being placed in institutions on the sole basis of family economic hardship;
- (b) The inadequacy of alternative family- and community-based options for children deprived of a family environment or children with special protection needs, with the majority of children being placed in institutions; and insufficient efforts being made to reunite such children with their biological families, resulting in many of those children remaining in institutions until the age of 18;
- (c) Children placed in institutions located outside of the territory of their registered residence and therefore unable to access health care due to administrative obstacles relating to their relocation;
- (d) Understaffing in centres for social work, resulting in children in institutions having insufficient attention paid to their development;
- (e) The absence of a comprehensive system of foster care, and the low and irregular funds for covering the costs of children's placement in foster families, frequently resulting in low standards of care in such situations;
- (f) Inadequate preparation and support for children and youth leaving the public care system;
- (g) The current system of alternative care discouraging the reunification of children with their biological families even where this may be a viable option.

49. The Committee urges the State party:

- (a) To facilitate and support family-based care for children wherever possible, and in doing so ensure that children are not placed in out-of-family care on the sole basis of socioeconomic hardship;**
- (b) To thoroughly and periodically review placements of children in institutions and, in doing so, pay particular attention to signs of maltreatment of children; and, where in the best interests of the child, facilitate contact between the child and her/his biological family to encourage and support reunification wherever possible;**
- (c) To ensure equal access to health care and education for children in care;**
- (d) To increase the number of social workers to ensure that the individual needs of each child can be effectively addressed, and develop criteria for the selection, training, support and evaluation of childcare workers;**
- (e) To establish a comprehensive and coherent national system of foster care and ensure the provision of adequate and timely funds and support for foster families to complement other forms of alternative care;**
- (f) To adequately prepare and support young people prior to their leaving care by providing for their early involvement in the planning of transition as well as by making assistance available to them following their departure;**
- (g) To facilitate the reunification of children with their biological families whenever viable;**
- (h) To provide all the human, technical and financial resources required for improving the situation of children in alternative care placements.**

F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

Children with disabilities

52. The Committee welcomes the State party's ratification of the Convention on the Rights of Persons with Disabilities in 2010. However, the Committee is concerned that no concrete steps have been taken to establish a clear legislative definition of disability and ensure the alignment of national, entity and cantonal legislation with the provisions of that Convention. In particular, the Committee is concerned about:

(a) Inclusive education remaining severely limited, with the majority of children with disabilities staying at home or being segregated in special institutions/schools, resulting in stigmatization and compromised access to employment opportunities and social services;

(b) Insufficient and inadequate care and support, with service providers, in particular centres for social work and health-care centres, not being adequately equipped and prepared to provide services and support necessary for addressing the needs of children with disabilities while allowing them to continue living with their families;

(c) The inadequate application of legal provisions on construction, resulting in the persistence of architectural and physical barriers in public areas, including schools;

(d) The disparity between the protection afforded to persons with war-related disabilities and persons with disabilities resulting from an accident, illness or existing since birth, in particular children, resulting in unequal and lesser protection being provided to the latter.

53. In the light of its general comment No. 9 (CRC/C/GC/9 and Corr.1 , 2006) , the Committee urges the State party to establish a clear legislative definition of disability and ensure conformity of the legislation, policies and practices in all its territories with, inter alia, articles 23 and 27 of the Convention, particularly for cognitive and mental disabilities, with the aim of effectively addressing the needs of children with disabilities in a non-discriminatory manner. Furthermore, the Committee recommends that the State party:

(a) Ensure that children with disabilities enjoy their right to education, and provide for their inclusion in the mainstream education system to the greatest extent possible, including by developing a disability education action plan to specifically identify current inadequacies in resources, and to establish clear objectives with concrete timelines for the implementation of measures to address the educational needs of children with disabilities;

(b) Strengthen support measures for parents to care for their children with disabilities, and, where placement in care is necessary, ensure that it is done with full regard for the principle of the best interests of the child and in care centres that are provided with adequate human, technical and financial resources to provide the services and support necessary for children with disabilities and their families;

(c) Ensure that legal provisions on construction and their implementation address environmental barriers that hinder the full and effective participation of children with disabilities in society on an equal basis;

(d) Address the disparity between the protection afforded to persons with war - related disabilities and children with disabilities resulting from an accident, illness or existing since birth in order to ensure that equal protection and support is provided to the latter.

Health and health services

54. The Committee reiterates its previous concern that the State party's complex political structure and lack of unified laws and policies make equal access to health care for all children difficult (CRC/C/15/Add.260, para. 47). In particular, the Committee is concerned that:

(a) Despite the 2010 Law on Health Care of the Federation of Bosnia and Herzegovina, which is aimed at regulating the health protection of national minorities, a large proportion of the Roma population remains deprived of health insurance;

(b) Immunization rates in the period 2005–2011 declined and coverage is significantly lower for vulnerable groups, with only 40 per cent of Roma children being fully immunized;

(c) The rates of iron-deficiency anaemia remain high among children and pregnant and lactating women;

(d) Baby-friendly practices in hospitals are inadequate, with low rates of early initiation of breastfeeding, and less than 20 per cent of all children under the age of 6 months being exclusively breastfed;

(e) The International Code of Marketing of Breast-milk Substitutes is not enforced at the State level and there is no systematic monitoring mechanism in place, which results in widespread violation of the Code.

55. The Committee reiterates its previous recommendation that the State party take all necessary measures to ensure that all children enjoy access to quality health services, with special attention paid to children in vulnerable situations, especially Roma children (CRC/C/15/Add.260, para. 49) . Furthermore, the Committee recommends that the State party:

(a) Take urgent and specific measures to ensure that the 2010 Law on Health Care of the Federation of Bosnia and Herzegovina is implemented in a manner that ensures the health insurance coverage of all Roma persons;

(b) Allocate adequate human, technical and financial resources for strengthening its vaccination programmes with clear timelines and targets, and with special attention paid to children in vulnerable situations;

(c) Consider establishing a national iron supplements programme using iron supplements to treat iron deficiency anaemia, and in doing so, consider seeking technical assistance from the World Health Organization;

(d) Consider reinstating its breastfeeding promotion programme, funding for its baby-friendly hospital initiative and enforcing the International Code of Marketing of Breast - milk Substitutes at the national level , with effective monitoring mechanisms and commensurate sanctions for violations of the Code.

56. The Committee, while noting that the State party is closely monitoring the situation as indicated during the dialogue, nevertheless expresses concern about the detrimental health effects of the 15 sites contaminated with depleted uranium, which have led to substantial increases in the occurrence of cancer, particularly among children who continue to live at these sites.

57. The Committee urges the State party to promptly assess the condition of the uranium - contaminated sites, to evacuate persons living in these sites with due regard to their human rights and relocation needs, and undertake a concrete programme for the decontamination of the sites. The Committee further urges the State party to expeditiously assess the possible impact of this uranium contamination and identify possible victims thereof, especially pregnant women and children, with a view to ensuring the prompt provision of necessary health services for them.

Adolescent health

58. The Committee is concerned that alcohol, tobacco and illegal drug consumption remains widespread among adolescents in the State party. In that light, the Committee is also concerned

that “indirect” advertising of alcohol and tobacco in the State party is widespread and unregulated.

59. With reference to the Committee’s general comment No. 4 (CRC/GC/2003/4, 2003), the Committee recommends that the State party systematically collect information on the consumption of alcohol, tobacco and illegal drugs among adolescents, and take measures necessary for the effective enforcement of the prohibition of the sale of such products to children. The Committee also recommends that the State party consider prohibiting all forms of advertisements promoting alcohol and tobacco products on television, radio and the Internet and in publications and other media commonly accessed by children.

Standard of living

60. The Committee notes as positive that children have a direct right to benefit from social security, including social insurance. Nevertheless, the Committee remains concerned that this right appears to be limited to children only up to the age of 15. The Committee also remains deeply concerned that a large proportion of children in the State party live below the poverty line, resulting in housing, amenities, health and education deprivations that seriously limit the fulfilment of their rights. Furthermore, while noting that the State party spends three times more than the regional average on health and social welfare, the Committee is nevertheless concerned that the current social welfare system does not adequately address the needs of persons in situations that are most financially disadvantaged.

61. The Committee recommends that the State party ensure that all children benefit from a direct right to social security, including social insurance, and take the necessary measures to achieve the full realization of this right. The Committee also reiterates its previous recommendation that the State party take all necessary measures to provide support and material assistance to economically disadvantaged families, including targeted programmes with regard to the neediest families, in order to guarantee the right of all children to an adequate standard of living (CRC/C/15/Add.260, para. 55) . The Committee recommends that, in doing so, the State party:

- (a) Establish poverty reduction strategies and programmes at the local and community levels, ensuring equitable access to basic services, such as adequate nutrition, housing, water and sanitation, as well as to social and health services and education;**
- (b) Adopt temporary special measures and affirmative action and take measures to improve the availability of employment for youth and children to raise the standard of living among its most needy children and families disproportionately affected by poverty;**
- (c) Consider introducing a universal child allowance scheme to redress disparities and guarantee an adequate standard of living for all children in its territory.**

H. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)

Migrant, asylum-seeking and refugee children

66. The Committee notes as positive the adoption of the 2010 Revised Strategy for the Implementation of Annex VII of the Dayton Peace Agreement, which sets out measures for strengthening access to rights for internally displaced persons (IDPs) and returnee children. However, the Committee remains concerned that:

(a) Inadequacies in living conditions persist for Roma and minority returnee children, and that there are internally displaced children living in collective centres that continue to exist even though the conflict ended 16 years ago;

(b) Asylum-seeking, internally displaced and returnee children are not guaranteed access to adequate healthcare, with entitlements only to “basic” health care, which is not defined by law and frequently insufficient; and that many rural health-care facilities have been destroyed or are unequipped, resulting in rural returnees having no access to health care locally;

(c) Minority returnees, including those of Roma ethnicity, and IDPs frequently experience difficulties in covering the costs relating to education, such as school supplies and travel costs;

(d) The State party does not provide legal aid for IDPs, minority returnees, refugees, asylum seekers and people at risk of statelessness.

67. The Committee recommends that the State party:

(a) Fully implement the measures set out in the Revised Strategy for the Implementation of Annex VII of the Dayton Peace Agreement and the Action Plan on Roma Housing so that internally displaced, returnee and Roma children can enjoy an adequate standard of living;

(b) Develop and implement a coordinated plan of action, drawing upon all available resources, both national and international, to fully implement the health - care measures set out in the Revised Strategy for the Implementation of Annex VII of the Dayton Peace Agreement, to ensure that internally displaced and returnee children can enjoy the highest attainable standard of health care;

(c) Provide financial support to facilitate access to education for minority returnee, internally displaced and Roma children, including taking measures to ensure that all children have unimpeded access to education without fear of discrimination;

(d) Consider the expeditious adoption of its pending law on the right to legal aid free of charge , aimed at providing free legal aid for those unable to afford it, including persons in need of international protection, stateless persons, victims of trafficking and unaccompanied minors.

J. Cooperation with regional and international bodies

79. The Committee recommends that the State party cooperate with the Council of Europe towards the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

Convention on the Elimination of All Forms of Discrimination against Women – Concluding observations 2013

[*UN OHCHR website link, Treaty bodies database*](#)

Employment

33. The Committee notes that the State party has taken various measures to support the participation of women in the labour market, as part of the Bosnia and Herzegovina strategy for employment (2010-2014) and the entities' employment strategies; that the gender action plan of Bosnia and Herzegovina for the period 2013-2017 gives priority to women's economic participation by developing measures aimed at facilitating the reconciliation of private and professional life; and that a framework law was enacted in order to unify and harmonize the social sector in the State party, including through maternity protection. However, the Committee remains concerned about:

- (a) The markedly low participation rate of women in the labour force, in spite of their high level of education, as reflected by the disproportionately high unemployment rate among women;
- (b) The concentration of women in such sectors as health care, education and agriculture, in the informal sector and in the "grey economy", and the large number of women employed with temporary contracts; and the exclusion from the formal labour market of disadvantaged groups of women, such as internally displaced women, rural women and Roma women;
- (c) The lack of an institutional framework to enforce the prohibition of gender-based discrimination and sexual harassment at work and the lack of measures to facilitate the reporting of such acts and to inform women of their rights;
- (d) The lack of childcare facilities, which constitutes an obstacle to the full exercise of women's right to work;
- (e) The 12 different existing regimes with different regulations on maternity protection depending on women's place of residence, which have a negative impact on their ability to participate in the labour force and reinforce the unequal division of family responsibilities between women and men.

34. The Committee urges the State party to:

- (a) Adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and with the Committee's general recommendation No. 25, aimed at achieving de facto equal opportunities for women and men in the labour market, including disadvantaged groups of women; and establish special training programmes and counselling for different groups of unemployed women, including by promoting women's entrepreneurship;**
- (b) Take effective measures to integrate disadvantaged groups of women and women working in the "grey economy" in to the formal labour market;**
- (c) Closely monitor the working conditions of women in the informal sector and those employed with temporary contracts, by strengthening labour inspections; ensure their access to social services and social security; and consider ratifying International Labour Organization Convention No. 189 (2011), concerning decent work for domestic workers;**
- (d) Adopt effective measures, including temporary special measures, to eliminate horizontal and vertical occupational segregation based on stereotypes related to gender;**
- (e) Develop a confidential and safe system for filing complaints related to gender-based discrimination and sexual harassment in the workplace, and ensure that victims have effective access to such means of redress;**
- (f) Enhance the availability and affordability of childcare facilities to help women exercise their right to work, in order to increase women's access to the labour market;**

(g) Ensure that the implementation of the framework law regulating the social sector results in the harmonization of pregnancy and maternity protection in the State party, in order to guarantee paid maternity leave for all women;

(h) Carry out awareness-raising and education initiatives for both women and men on the sharing of domestic and family responsibilities between women and men and provide incentives for active participation by men in such responsibilities, e.g., by introducing special non-transferable paternity leave.

Health

35. The Committee is concerned at the absence of unified laws and policies in the area of health, resulting in unequal access to health-care services and health insurance coverage, depending on the place of residence of women and the financial capacities of the district and/or canton concerned, which disproportionately affects Roma women and rural women. The Committee is also concerned about the low rate of modern contraceptive use in the State party, resulting in high numbers of teenage pregnancies. While noting the implementation of the young people's health policy (2008-2012) in Republika Srpska and the 2010 strategy to improve sexual and reproductive health and rights in the Federation, the Committee is concerned about the absence of information on the measures taken and the results achieved.

36. The Committee recommends that the State party:

(a) Intensify its efforts to harmonize its health - care system and to integrate a gender perspective into all health sector programmes and reforms, in order to ensure that women, including disadvantaged groups of women, have equal access to health - care services and adequate health insurance coverage throughout the State party;

(b) Raise awareness of and enhance effective access to affordable modern contraceptive methods, including in rural areas, so that women and men can make informed choices about the number and spacing of their children;

(c) Introduce age-appropriate education on sexual and reproductive health and rights in school curricula, including issues relating to gender relations and responsible sexual behaviour, with the aim of preventing early pregnancies and the transmission of sexually transmitted diseases, including HIV;

(d) Undertake systematic gender impact assessments of current strategies and policies, and include such information in its next periodic report.

Data collection and analysis

41. The Committee notes that the law on the census of the population, households and dwellings in Bosnia and Herzegovina was adopted 3 February 2012 and that, accordingly, a new census will be undertaken in 2013. However, as acknowledged by the delegation, the Committee regrets that insufficient statistical data disaggregated by sex, age, race, ethnicity, geographical location and socioeconomic background were provided in many areas covered by the Convention, which has created gaps and inconsistencies in the legislative reforms undertaken, as well as in policies and programmes developed, and has misdirected available funding. It notes that such data are necessary for an accurate assessment of the situation of women and for informed and targeted policymaking with regard to all areas covered by the Convention.

42. The Committee urges the State party to improve the collection and analysis of statistical data, disaggregated by sex, age, race, ethnicity, geographical location and socioeconomic background, in all areas covered by the Convention, as required under article 22 of the law on gender equality, including with respect to disadvantaged groups of women, in order to assess the progress made towards de facto equality, the impact of

measures taken and the results achieved. The Committee also calls up on the State party to ensure that all relevant bodies comply strictly with article 22 and requests that such data be included in its next periodic report.

Convention on the Right of Persons with Disabilities

Initial State party report was submitted on 27 Jan 2015. No concluding observation yet. List of issues published on 05 Oct 2016.

List of issues in relation to the initial report of Bosnia and Herzegovina

A. Purpose and general obligations (arts. 1-4)

1. Please provide information on the involvement of and consultations with organizations representing persons with disabilities, including those not affiliated with the Council of Persons with Disabilities of Bosnia and Herzegovina, and on their input into the initial report and in implementing related national policies.

2. Please provide an overview of social and financial assistance in terms of the availability of resources to improve the realization of the rights of persons with disabilities and support for organizations of persons with disabilities to advocate for those rights.

3. Please describe the measures taken to ensure a single definition of persons with disabilities, based on the human rights approach to disability, that is applied in all sectors, beyond employment, and to all groups of persons with disabilities, including persons with autism.

4. Please describe the measures taken to conduct a review of all existing and draft legislation and policies and to ensure their compliance with the Convention.

B. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

5. Please inform the Committee as to how persons with disabilities are protected against discrimination in all areas of life, including against the denial of reasonable accommodation, and how they can seek redress and the imposition of sanctions.

Women with disabilities (art. 6)

6. Please describe the implementation of the Non-discriminatory Law in the field of education and with regard to the common traditionally held opinions (CRPD/C/BIH/1, para. 232). Please provide information on temporary specific measures taken to address gender inequality and on activities focused on special needs of women and girls with disabilities, as well as on the measures taken to combat multiple and intersectional discrimination.

7. Please explain the measures taken to ensure that the rights of women and girls with disabilities are included in the State's gender equality policies and action plans, and how women and girls with disabilities and their representative organizations are consulted in the preparation of such policies and plans.

Children with disabilities (art. 7)

8. Please explain whether corporal punishment of children, including children with disabilities, is explicitly prohibited in the family home and in alternative care and day-care settings throughout the State party.

Awareness-raising (art. 8)

9. Please provide concrete information on campaigns, awareness-raising programmes and training targeting personnel in the public and private media, and whether the text of the Convention has been made available in sign language(s).

Accessibility (art. 9)

10. Please inform the Committee about the concrete obligations relevant to disabilities other than the physical disabilities referred to in the decree on the prevention of architectural-urban barriers for persons with physical disabilities, the law on spatial planning and construction in the Republika Srpska and the rulebook on conditions for the planning and design of structures for the free movement of persons with reduced physical abilities (CRPD/C/BIH/1, para. 24), as well as steps taken to monitor and improve the implementation of related legal provisions. Please provide information on any plan, road map or suitable indicators and sanctions that are to be applied in creating a barrier-free environment and barrier-free services.

Situations of risk and humanitarian emergencies (art. 11)

11. Please inform the Committee about the accessibility of information related to situations of risk, humanitarian emergencies, natural disasters and evacuation plans, especially in terms of evacuation procedures, as well as about the involvement of persons with disabilities and their representative organizations in formulating such procedures.

Equal recognition before the law (art. 12)

12. Please provide the Committee with information on the number of persons upon whom the designation of “full limitation of legal incapacitation” is imposed each year, on measures to repeal the legal provisions permitting such designations, on the decrease in the number of persons subjected to total deprivation of legal capacities and on measures to move to a supported decision-making system. Please explain whether only one medical expert is indeed sufficient to provide a medical opinion regarding legal capacity.

Access to justice (art. 13)

13. Please provide information about the scope of reasonable and procedural accommodations during civil judicial procedures, including notary-assisted services. Please specify the safeguards and accessibility measures in place to ensure access to justice, especially for persons who are deaf or hard of hearing, and provide additional information on the draft law on free legal assistance (CRPD/C/BIH/1, para. 83) and the outcomes of the project aimed at providing legal assistance to persons with disabilities (ibid., para. 84).

Liberty and security of the person (art. 14)

14. Please inform the Committee about the definitions and protocols relevant to detention measures for persons with disabilities, in particular for those with intellectual and psychosocial disabilities. Please also inform the Committee about measures taken to prohibit disability-based detention and forced treatment of persons with disabilities.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

15. What measures and safeguards are available for persons living in residential institutions and for minor or legally incapacitated patients regarding consent to medical or scientific research or the provision of medical treatment?

Freedom from exploitation, violence and abuse (art. 16)

16. Please describe the effective legal measures in place to prevent and eliminate violence, exploitation and abuse against persons with disabilities, in particular women, girls and boys, particularly those placed in institutions. Please also provide information on the accessibility of helplines, shelters and services and on measures to train police and professionals.

Protecting the integrity of the person (art. 17)

17. Please provide information on conditions under which guardians may authorize medical intervention, in particular with respect to reproductive rights and the practice of forced sterilization, without the consent of the person concerned.

Liberty of movement and nationality (art. 18)

18. Please provide information on how persons with disabilities are provided with access to public services on an equal basis with others.

Living independently and being included in the community (art. 19)

19. Please inform the Committee about the role of day centres for elderly persons in the deinstitutionalization process, with reference to relevant figures. Please indicate whether the State party is considering adopting comprehensive national deinstitutionalization strategies.

Personal mobility (art. 20)

20. Please inform the Committee about the conditions that persons with disabilities must meet to obtain assistive devices for mobility and communication, and about the scope of the funds of the lottery to cover all persons with disabilities eligible for aid and rehabilitation regardless of the entity of residence.

Freedom of expression and opinion, and access to information (art. 21)

21. Please inform the Committee about the accessibility of information provided by public broadcasters and private media, and about the incentives and sanctions available with regard to improving accessibility in accordance with the Law on free access to information.

Respect for home and the family (art. 23)

22. Please describe the measures being taken to prevent children with disabilities from being separated from their families and placed in institutions and to provide the necessary support for families with members with disabilities.

Education (art. 24)

23. Please provide information on budgetary and other measures introduced to ensure inclusive education at all levels throughout the State party. What are the outcomes of the 2008-2014 initiative on strategic directions in the development of education?

Health (art. 25)

24. Please inform the Committee as to the measures being taken to ensure the accessibility of health services, including through staff training, for all persons with disabilities, including with regard to access by women with disabilities to reproductive health services.

Habilitation and rehabilitation (art. 26)

25. What steps have been taken to increase the availability and accessibility of habilitation and rehabilitation services, including assistive technologies, relevant to independent living?

Work and employment (art. 27)

26. Please indicate the effectiveness of the affirmative action measures implemented to promote the employment of persons with disabilities in the open labour market and the public sector. Please provide relevant figures for persons with disabilities in terms of employment, unemployment, inactive status and access to support and provision of reasonable accommodation.

Adequate standard of living and social protection (art. 28)

27. Please inform the Committee about the implementation of the Law on social protection, particularly regarding the deinstitutionalization process. Please explain how entitlements and services are ensured for all persons with disabilities and describe measures taken to eliminate the differences in treatment that exist across different groups of persons with disabilities.

Participation in political and public life (art. 29)

28. Please inform the Committee about the legislation on and the relevant practice in place for providing alternative voting material, in particular in Braille and easy-to-read formats. Please explain further how the right to vote for persons with disabilities still under guardianship is ensured.

C. Specific obligations (arts. 31-33)

Statistics and data collection (art. 31)

29. Please explain how the State party intends to improve systematic collection of data in the field of disability, in particular with regard to the outcome of the 2013 census.

National implementation and monitoring (art. 33)

30. Please inform the Committee about the designation of the focal point referred to in article 33 (1) of the Convention, and about any independent monitoring mechanism in the State party, in particular regarding the mandate, independence and transparency of the latter. Please provide information on budgetary support for the independent involvement of organizations of persons with disabilities in monitoring activities.

2. Council of Europe

European Social Charter

[*Official website of the European Social Charter, link to conclusions*](#)

Article 1 – Right to work – Conclusions 2012

Paragraph 1 - Policy of full employment

Employment situation

The Committee notes from the report that the GDP growth rate in Bosnia and Herzegovina fell from 10.9 % in 2007 to 0.5 % in 2010. Following several years of relatively stable growth of GDP, the rate fell very sharply in 2010.

The Committee notes from Eurostat that the country is characterised by a very low employment rate, which stood at 39.3 % in 2010.

The report indicates that the registered unemployment rate increased from 40.6 % in 2008 to 43.1 % in 2010. However, this figure seems to overestimate real unemployment. According to the Labour Force Survey (LFS) conducted in 2010, unemployment was estimated at 27.2 %. In any event, whether using the registered unemployment rate or the one provided by the LFS, the unemployment rate is very high.

Youth unemployment, standing at 57.5 %, or the long-term unemployment rate, 85.9 % in 2010, are also very high.

The Committee notes that for the period under evaluation the country has experienced a sharp decline in GDP of more than 10 % reflecting the effects of the global economic crisis. Moreover, the labour market exhibits negative features, characterised by low participation rates and extremely high unemployment.

Employment policy

According to another source a more integrated approach to employment, encompassing all relevant sectoral policies, would be needed to address the country's considerable labour market challenges. Entity governments continue to lack the capacity to implement appropriate active labour market measures. Employment services are focusing on activities related to unemployment benefits rather than on mediation and services for job-seekers.

The Committee recalls that in assessing national situations under Article 1§1 it primarily looks at active labour market policies adopted by States, rather than at schemes consisting of unemployment benefits.

It also notes from another source that funds in Bosnia and Herzegovina are distributed first to cover staff expenditure and other expenses for running the Employment Services, and second, to cover for law-bound expenditure for benefits and costs related to people who are insured and entitled to benefits. All other activities, including active labor market measures, are funded out of what is left. The financing system makes planning of revenue, expenditure, and implementation of labor market measures uncertain and difficult.

Finally, the Committee recalls that labour market measures should be targeted, effective and regularly monitored. It asks in this respect whether the employment policies in place are monitored and how their effectiveness is evaluated.

Conclusion

The Committee concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 1§1 of the Charter on the ground that it has not been established that employment policy efforts have been adequate in combatting unemployment and promoting job creation.

Paragraph 3 - Free placement services

The Committee notes from another source¹ that concern has been raised at the lack of coordination among the large number of employment institutions at state, entity and canton levels. The Committee asks if any steps are envisaged to improve coordination among the different employment services.

It recalls that under Article 1§3, States undertake to maintain employment services free of charge for unemployed persons as well as workers looking for another job. Basic placement services such as registration of job-seekers and notification of vacancies must be provided free of charge for both employees and employers. The Committee asks for confirmation that employment services are free of charge.

It also asks whether trade union and employers' organisations participate in organising and the running of public employment services. The Committee further recalls that in order to assess the effectiveness of employment services it looks at a number of performance indicators, such as the number of vacancies notified to employment services, the number of placements made by these services and the average length of time in filling vacancies. As the report contains no information on these matters it asks the next report to include such information. Finally, it asks whether there exist private employment agencies, and in the affirmative, how they are licensed, operate and co-ordinate their work with the public employment service.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion. The Committee considers that the absence of the information required amounts to a breach of the reporting obligation entered into by Bosnia and Herzegovina under the Charter. The Government consequently has an obligation to provide the requested information in the next report on this provision.

Article 8 - Right of employed women to protection of maternity – Conclusions 2015

Paragraph 1 - Maternity leave

The right to maternity benefits

As regards public sector employees of State institutions, the report refers to a Decision issued in November 2010 by the Council of Ministers (Decision on the Manner and Procedure of Exercising the Right to Maternity Benefits in the Institutions of Bosnia and Herzegovina, Official Gazette 95/10) as a follow-up to a Constitutional Court's judgment of 28 September 2010, which abrogated a provision allowing for different conditions and amount of maternity benefits to be paid to state employees depending on their place of residence. In accordance with the Council of Minister's decision, as of 29 September 2010 all employees of the Bosnia and Herzegovina State Institutions, regardless of their place of residence, are entitled to maternity benefits in the amount of the average net salary earned in the last three months before the maternity leave. The Committee refers to its Statement of Interpretation on Article 8§1 in the General Introduction and asks what are the conditions for entitlement to maternity benefits and to what extent interruptions in the employment record are taken into account in this respect. It furthermore asks whether the minimum rate of compensation corresponds at least to the poverty threshold, defined as 50% of the median equivalised income, calculated on the basis of

the Eurostat at-risk-of-poverty threshold value. It reserves in the meantime its position on this issue.

In the Federation of Bosnia and Herzegovina, the same rules on maternity benefits apply to employees in the private as in the public sector but the conditions for entitlement and the level of the benefits are regulated at canton level. In this connection, the Committee had previously found that, contrary to the Charter's requirement, some of the cantons did not provide for maternity benefits or the benefits' level was inadequate. The report acknowledges that, while new legislation is being prepared to bring the situation in conformity with the Charter, no change has occurred yet. As a result, two cantons do not provide yet for maternity benefits while in some others the level of benefits is below 70% of the employee's salary or is based on the average salary in the canton rather than the employee's salary. Accordingly, the Committee reiterates its finding of non-conformity with Article 8§1 of the Charter. It asks the next report to provide updated information on this point and to specify what are the conditions for entitlement to benefits in the different cantons, on what basis they are calculated and what is their level, with regard to the employee's previous salary and with regard to the poverty threshold (see above).

In the Republika Srpska, the same rules on maternity benefits apply to employees in the private as in the public sector. In particular, pursuant to Section 84 of the Labour Act the employee is entitled to compensation amounting to her average salary over the last three months preceding the maternity leave. If the employee has not received a salary over each of the last six months, the compensation shall be paid in accordance with the collective agreement for the months preceding the month preceding the maternity leave. Section 94§2 of the Labour Act provides that the salary compensation shall not be lower than 50% of the employee's average salary in the reference period or the average salary which she would have earned if she had been working. The Republika Srpska laws provide that salary compensation paid during maternity leave amounts to 100% of the determined base. The Committee asks the next report to clarify what are the criteria for entitlement to maternity benefits and under what circumstances, if any, salary compensation corresponding to 50% of the employee's average salary can be paid in respect of maternity benefits. It furthermore asks whether the minimum rate of compensation corresponds at least to the poverty threshold, defined as 50% of the median equivalised income, calculated on the basis of the Eurostat at-risk-of-poverty threshold value. It reserves in the meantime its position on this point.

As regards the Brčko District, the Committee notes from the information provided by the representative of Bosnia and Herzegovina to the Governmental Committee (Report concerning Conclusions 2011, §281) that Section 45§1 of the Labour Act of Brčko District provides for a compensation of salary during maternity leave, provided that contributions were paid in pension and health care schemes. The compensation of salary shall amount to 100% of the base salary, calculated over a period of 12 months. According to Article 2, 3, 4 and 5 of the Decision on Conditions and Manner of Payment of Compensation to Employees During Maternity Leave, issued on the basis of Section 45 of the Brčko District Labour Act and Brčko District Child Care Act (consolidated text), an employee is entitled to compensation during maternity leave, for the period determined in the Labour Act. In the determination of the entitlement, the employer shall issue a decision establishing the right to maternity leave, the duration and amount of compensation for salary to be paid to the employee. During maternity leave an employee is entitled to a compensation for salary equal to the average net salary which was earned during the last three months prior to the maternity leave. The calculation of wages, payment of contributions and payment of compensation are done by the employer. The Committee notes from the report that Section 45 of the Brčko District Labour Act was amended on 23 August 2014 and a new Decision on the Conditions and Manners of Payment of Compensation of Salary

during Maternity Leave (No. 34-000890/13 of 15 January 2014) entered into force on 22 January 2014, out of the reference period. The Committee recalls that under Article 8§1 of the Charter, the right to benefit may be subject to conditions such as a minimum period of contribution and/or employment as long as these conditions are reasonable; in particular, if qualifying periods are required, they should allow for some interruptions in the employment record (Statement of Interpretation, Conclusions 2015). It accordingly asks the next report to clarify what are the conditions for entitlement to salary compensation during maternity leave, in particular what is the length of the contributory period required, whether interruptions in the employment record are taken into account and whether the salary compensation is calculated on the basis of the average salary of the employee during her last three or twelve months before the leave. It furthermore asks whether the minimum rate of compensation corresponds at least to the poverty threshold, defined as 50% of the median equivalised income, calculated on the basis of the Eurostat at-risk-of-poverty threshold value. It reserves in the meantime its position on this point.

Conclusion

The Committee concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 8§1 of the Charter on the ground that maternity benefits are not adequate or not provided for in certain parts of the country.

Article 11 Right to protection of health – Conclusions 2013

[Paragraph 1 - Removal of the causes of ill-health](#)

Right of access to health care

The Committee asks the next report if the high degree of decentralisation has created problems from a health system point of view, and namely to clarify if and how the entities and cantons collaborate with each other in health matters. It also asks if the geographical distribution of health facilities in the entities and cantons ensures an equitable access to health services throughout the country. And also wishes to receive specific information on the average waiting time for care in hospitals, as well as for a first consultation in primary care, with a view to showing that access to health care is provided without undue delays.

In its last examination of this provision, the Committee adopted a general question addressed to all States on the availability of rehabilitation facilities for drug addicts, and the range of facilities and treatments. The Committee requests that information be included on this issue in the next report.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

[Paragraph 2 - Advisory and educational facilities](#)

Education and awareness raising

The Committee asks the next report to include updated information on the whole range of activities undertaken by public health services, or other bodies, to promote health and prevent diseases.

Counselling and screening

The Committee recalls that pursuant to this provision there should be screening, preferably systematic, for diseases such as cancer, cardiovascular diseases or other major causes or mortality. Preventive screening must play an effective role in improving the population's state

of health. The Committee notes from the report that several screening examinations are available in the RS: mammography for early detection of breast cancer, cervical cancer screening, screening for colorectal cancer, and several tests for pregnant women and the foetus. It asks the next report to specify the conditions of accessibility to such screening, and the frequency of such examinations. It also wishes to know if similar screening programmes are available in the other Entities and cantons.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 3 - Prevention of diseases and accidents

Healthy environment

The Committee takes note of the different pieces of legislation and regulations adopted at State level, as well as in the different entities and cantons, for the reduction of environmental risks, in particular in the field of air quality, water safety and waste management. It notes also that in FBiH there are regulations on the protection of the population against the risks from ionising radiation and asbestos, and measures in the area of food safety. The Committee asks if there are plans to pass similar legislation in RS and DB.

The Committee asks the next report to provide information on the institutional structures for the proper implementation of the above-mentioned legislation. It also wishes to receive updated information on the levels of air pollution, contamination of drinking water and food intoxication during the reference period, namely whether trends in such levels increased or decreased.

Tobacco, alcohol and drugs

The Committee asks what legislation and policies are in force concerning alcohol consumption and, in particular, what the minimum legal age for the purchase of alcoholic drinks is and whether there are legally binding rules on alcohol advertising. It likewise asks for information on consumption trends.

Immunisation and epidemiological monitoring

The Committee takes note of the immunisation coverage rate of children in FBiH, which for all of the vaccines except one is low, i.e., below 90%. The Committee asks if any steps are being taken to increase the coverage rates. It also wishes to receive information on the immunisation programmes in the other Entities and cantons.

As regards protection of the population from infectious diseases, the Committee notes that there is specific legislation on protection against communicable diseases in both the FBiH and in RS. Mention is also made to a national pandemic influenza plan and a strategy to respond to HIV and AIDS for the period 2011-2016. The Committee asks to be kept informed of the results of the latter programmes.

Accidents

The Committee asks for examples of specific measures to prevent accidents which are in place. It notes that there was a decrease in the number of deaths caused by injuries between 2009 and 2010, from 648 deaths to 583. The most common cause of such deaths were traffic accidents, although a downward trend in the latter was also recorded. A law on traffic safety was passed in RS in 2011. The Committee asks the next report to provide updated information for the whole country on measures to reduce accidents (road accidents, domestic accidents, accidents at school, and accidents during leisure time).

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 12 Right to social security – Conclusions 2013

Paragraph 1 - Existence of a social security system

Adequacy of the benefits

The Committee recalls that Article 12§1 of the Charter requires that social security benefits be adequate, which means that, when they are income-replacement benefits, their level should be fixed such as to stand in reasonable proportion to the previous income and it should never fall below the poverty threshold defined as 50% of median equivalised income and as calculated on the basis of the Eurostat at-risk-of-poverty threshold value (Conclusions 2006, Bulgaria). It is therefore essential that information on all the minimum levels of all social security benefits be systematically provided in future reports so that their adequacy may be assessed. Such information should include in particular the minimum level of benefits and the duration of their payment.

Old-age benefit

The Committee notes from the report that according to the Federation Institute of Pension and Disability Insurance in 2012 the average old-age pension stood at BAM 350 (€179) whereas the minimum pension was BAM 310 (€158) and the guaranteed pension amounted to BAM 414 (€212). The Committee asks what is the difference between the minimum and the guaranteed pensions.

The amount of old age pension depends also on the length of the pension insurance record. For 20 years of the pension service period, it is equal to 45% of the pension base. It is then increased by 1.50% for each additional year of insurance up to a maximum of 75% of the pension base (applicable since 2005).

According to the report in 2011 for all types of pensions the number of beneficiaries in RS amounted to 298 850 persons and the average pension stood at 36.99% of the average salary. 160 000 persons received the lowest pension which stood at 19.80% of the average salary. According to the report, the average salary in 2011 amounted to BAM 808 (€414) and therefore, the minimum pension stood at BAM 153 (€78).

The Committee reiterates that to assess the adequacy of old-age benefit, it needs the information on the lowest

Sickness benefit

As regards the level of sickness benefit, the Committee notes from the report that pursuant to Article 47 of the Law on Health Insurance of FBiH, salary compensation is calculated in the amount of at least 80% of the base for compensation but cannot be lower than the minimum salary. The salary compensation will be 100% of the base during temporary inability to work due to occupational injuries.

In RS the amount of compensation is between 70% and 90% of the last month's net salary and 100% if incapacity is due to a work related injury. The maximum benefits applies only for work related injuries and occupational diseases. Similar rules apply for self-employed persons.

The Committee understands that the minimum level of sickness benefit can never fall below the minimum wage. It asks whether this understanding is correct for all three entities. It also asks the next report to provide information regarding the minimum wage.

Unemployment benefit

As regards the duration of unemployment benefit, according to the report it is paid for 3 months if the person concerned has been employed from 8 months to 5 years. Its duration is 6 months in case of employment from 5 to 10 years. In RS 3 months of benefit is paid for employment record from 2 to 5 years. The Committee recalls that in the meaning of Article 12 the duration of unemployment benefit should not be too short. The Committee considers that the duration of unemployment benefit of 3 months is short and therefore the situation is not in conformity with Article 12§1 of the Charter.

Conclusion

The Committee concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 12§1 of the Charter on the ground that the duration of unemployment benefit is too short.

Paragraph 2 - Maintenance of a social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security

The Committee recalls that in order to assess whether the social security system stands at a level at least equal to that necessary for the ratification of the Code, it has to be provided with a thorough information regarding the branches covered, the personal scope and the level of benefits offered. The Committee refers to its conclusion under Article 12§1 where it noted that the social security of Bosnia and Herzegovina covers all branches. However, the Committee reserved its position as regards the personal coverage of certain branches as well as information regarding the level of benefits.

Therefore, the Committee asks the next report to provide this information and in the meantime it reserves its position as to whether Bosnia and Herzegovina maintains a social security system at a level at least equal to that necessary for the ratification of the European Code of Social Security.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 13 - Right to social and medical assistance – Conclusions 2013

Paragraph 1 - Adequate assistance for every person in need

Level of benefits

To assess the level of social assistance during the reference period, the Committee takes note of the following information:

- **Basic benefit:** in FBiH, the amounts of financial assistance and the forms of non-financial assistance are determined at cantonal level. According to the report, this implies that the level of protection is different from one canton to another or even, within the same canton, from a municipality to another, both as regards the amounts involved and the eligibility criteria applied. For example, in 2009 the value of permanent allowance in the UNA-Sana canton ranged from BAM 34 (€17) to BAM 90 (€46), but could reach BAM 170 (€87) in Sarajevo. The report does not provide any information on the standard amounts of basic benefits in RS or BD.
- **Additional benefits:** according to the report, beneficiaries of social assistance are also entitled to housing benefits and benefits to meet other needs. In BD, specific additional benefits cover in particular meals (soup kitchen – 169 beneficiaries in 2011) and electricity subsidies (9 692 beneficiaries in 2011).

- Medical assistance: according to the report, beneficiaries of social assistance are also entitled to certain forms of health care. The Committee asks the next report to provide detailed information on medical care rights for the beneficiaries of social assistance (in FBiH, RS and BD).
- Poverty threshold: according to a World Bank report of 2009 (Protecting the poor during the global crisis: 2009 Bosnia and Herzegovina poverty update), the poverty line (set as 60% of median consumption per adult equivalent) stood at BAM 386 per month in 2007 (€197).

The Committee considers that assistance is appropriate where the monthly amount of assistance benefits – basic and/or additional – paid to a person living alone is not manifestly below the poverty threshold (set at 50% of the median equivalised income – in the absence of this indicator, the Committee takes the national poverty threshold into account). In conducting this assessment, the Committee also takes the level of medical assistance into account. Insofar as the report does not provide information on the standard levels of basic and additional benefits throughout the country, nor on the poverty threshold during the reference period, the Committee is unable to assess whether the level of benefits is adequate. It asks the next report to provide accurate, comprehensive and updated information in this respect.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Paragraph 2 - Non-discrimination in the exercise of social and political rights

The Committee recalls that under Article 13§2 persons receiving assistance must not suffer as a result of any diminution of their political and social rights. For example, confining eligibility for social services in general and assistance in particular to holders of identity documents or certificates of residence in a particular territorial area could be incompatible with Article 13§2 as persons without the resources to establish a fixed place of residence might be deprived of assistance.

The Committee asks the next report to confirm that no restriction apply in practice to beneficiaries of social assistance in their exercise of social and political rights, throughout the country (FBiH, RS, BD). It asks in particular next report to clarify whether people without resources that have moved from one Entity to another have access, in law and in practice, to social and political rights on equal footing with other residents of the same Entity.

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in Bosnia and Herzegovina is in conformity with Article 13§2 of the Charter.

Paragraph 3 - Prevention, abolition or alleviation of need

The Committee recalls that Article 13§3 concerns specifically free of charge services offering advice and personal assistance to persons without adequate resources or at risk of becoming so. Such services must play a preventive, supporting and treatment role; this means offering advice and assistance to make those concerned fully aware of their entitlement to social and medical assistance and how they can exercise those rights. The Committee asks the next report to indicate whether help and personal advice services are provided throughout the territory (FBiH, RS and BD) free of charge to persons without adequate resources, whether they are adequately distributed on the territory to ensure effective equal access and whether they are provided with sufficient means to satisfy the demands. It also asks whether any person without resources is entitled to advice and personal assistance services relevant to Article 13§3 or

whether any citizenship, residency or other condition apply. In the meantime, it reserves its position on these issues.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 14 - Right to benefit from social services – Conclusions 2013

[Paragraph 1 - Promotion or provision of social services](#)

Quality of services

The Committee recalls that social services must have resources matching their responsibilities and changing needs of users. This implies that:

- staff shall be qualified and in sufficient numbers;
- decision-making shall be as close to users as possible;
- there must be mechanisms for supervising the adequacy of services, public as well as private.

The Committee asks the next report to provide information on the qualification of the staff. According to the report, in 2011, there were 1 265 employees in Social Welfare Services. In this respect, the Committee wishes the next report to indicate the ratio of staff to users.

Moreover the report is silent on the mechanisms for supervising the adequacy of services, public as well as private. Therefore, the Committee wishes the next report to provide information on this issue.

The Committee asks also whether there is any legislation on personal data protection.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Bosnia and Herzegovina is in conformity with Article 14§1 of the Charter.

[Paragraph 2 - Public participation in the establishment and maintenance of social services](#)

The Committee points out that a supervisory machinery must be put in place to monitor the quality of services provided by individuals and voluntary or other organizations, while safeguarding users' rights and ensuring respect for human dignity and fundamental freedoms. In this regard, the Committee asks the next report to provide information on the supervisory machinery in charge of monitoring the quality of services.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Bosnia and Herzegovina is in conformity with Article 14§2 of the Charter.

Article 16 - Right of the family to social, legal and economic protection – Conclusions 2015

Family benefits

In its previous conclusion the Committee asked the next report to contain sufficient information regarding the amounts of child allowances in the entities as well as the amount of the median equivalised income.

The Committee notes from the report that the family benefit in the Federation of Bosnia and Herzegovina is income-tested and provided to families whose total income is below the subsistence level. The amount ranges between BAM 10.85 to 50 per month (€5.5 – €25). As regards the coverage of the child benefit, the Committee notes that in the Federation of Bosnia

and Herzegovina benefit is only granted to families whose total income is below the subsistence level. The Committee finds that the situation is not in conformity with the Charter as child benefit is not granted to a significant number of families and therefore, its coverage is not sufficient.

In the the Republika Srpska the Child Protection Public Fund provides child allowance for the second, third and fourth child on the basis of a means test. The Committee notes that the amount of allowance has gone down from BAM 45 (€ 23) for the second child and BAM 100 (€51) for the third child in 2010 to BAM 35 (€17) for the second child and BAM 70 (€35) for the third child in 2013. The Committee notes that there is no entitlement to benefit for the first child. It asks whether, like in the case of the Federation of Bosnia and Herzegovina, child benefit is also paid to families whose total income is below the subsistence level. As regards the Republika Srpska, the Committee reserves its position as to the adequacy of coverage.

In the Brčko District the universal system is financed by the Budget of the Brčko District providing a flat rate benefit to all residents whose children reside in the Brcko District and whose total monthly income per family member is no higher than 15% of average earnings in the the Brčko District. As regards the amount of child benefit, it corresponds to 10% of the average earnings. According to MISSCEO, the average earnings were equal to BAM 683,33 (€350) per month in 2012, so the amount of benefit was fixed at BAM 68,33 (€34) per month. The Committee asks what is the percentage of families that receive benefits.

The Committee recalls that under Article 16 the States of required to ensure the economic protection of the family by appropriate means. The primary means should be family or child benefits provided as part of social security, available either universally or subject to a means-test. Child benefit must constitute an adequate income supplement, which is the case when it represents an adequate percentage of median equivalised income, for a significant number of families (Conclusions 2006, Statement of Interpretation on Article 16).

As regards the amount of child benefit, the Committee notes that it represents 10% of the average earnings in the Brčko District which it considers to be adequate. However, as regards the Federation of Bosnia and Herzegovina and the Republika Srpska, in the absence of information on the median equivalised income, the Committee finds that it has not been established that child benefit constitutes an adequate income supplement and therefore, the situation is not in conformity with the Charter. The Committee asks the next report to provide information on the amounts of benefit as well as on the median income in all entities.

Equal treatment of foreign nationals and stateless persons with regard to family benefits

In its previous conclusion the Committee noted that in the three entities a permanent residence requirement applied for the granting of family benefits. The Committee wished to know the conditions for awarding permanent residence. It notes that the report does not provide this information.

The Committee notes that Section 51, paragraph 5 of the Law on Movement and Stay of Aliens and Asylum provides that permanent residence is the right of stay of aliens in Bosnia and Herzegovina for an indefinite period of time. Article 59, paragraph 1 of the Law provides that a permanent residence permit shall be issued to an alien who has resided in the territory on the basis of a temporary residence permit for at least five years uninterruptedly.

The Committee recalls that the proportionality of length of residence requirement is examined on case-by-case basis. The Committee has held that the period of one year is acceptable but that 3-5 years is manifestly excessive and therefore, in violation of Article 16 (Conclusions XVIII-1 (2006), Denmark). Therefore, the Committee considers that the situation is not in conformity with the Charter on this ground.

The Committee asks the next report to indicate whether stateless persons are treated equally with regard to family benefits.

Conclusion

The Committee concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 16 of the Charter on the grounds that:

- family benefits do not cover a significant number of families in the Federation of Bosnia and Herzegovina;
- it has not been established that the child benefit in the Federation of Bosnia and Herzegovina and the Republika Srpska constitutes an adequate income supplement;
- equal treatment of foreign nationals of other States Parties who are lawfully resident or regularly working with respect to family benefits is not ensured.

Article 23 - Right of the elderly to social protection – Conclusions 2013

Legislative framework

The Committee asks for information on the legal framework related to assisted decision making for the elderly, and, in particular, whether there are safeguards to prevent the arbitrary deprivation of autonomous decision making by elderly persons. In this respect, the Committee refers to its statement of interpretation in the General Introduction.

Adequate resources

Pursuant to the General Framework Peace Agreement (the Constitution of Bosnia and Herzegovina), pension and disability insurance is the responsibility of the Entities (organization, implementation and exercise of rights etc.) and covers the risk of old age, disability and death of the insured. At the state level, there is no single policy or organization of pension and disability insurance.

According to the report in the Republic Srpska, the Entity has jurisdiction over social security, which ensures quite uniform set of rights afforded and their implementation. In the Federation of Bosnia and Herzegovina (FBiH) the situation is quite complicated due to the division of responsibilities between the entity and cantons. A significant difference in the implementation of the aforementioned entity laws on social protection comes from a very different economic situation of the entities. As a result of this situation, the levels of social security entitlements exercised by older people in the Federation are very unequal.

The Committee notes from the report and (from the Conclusion under Article 12§1) that pension and disability insurance in FBiH is governed by the Law on Pensions and Disability Insurance. Pursuant to Article 30 the insured is eligible for an old-age pension upon having reached the age of 65 and having accrued at least 20 years of pensionable service. According to the report the average old age pension was BAM 350 (€179) whereas the minimum pension was BAM 310 (€158) and the guaranteed pension amounted to BAM 414 (€212). The Committee asks what is the difference between the minimum and the guaranteed pensions.

In order to assess the adequacy of the minimum old age pension in FBiH the Committee needs further information on the level of minimum pensions including information on any other benefits which persons in receipt of this may be entitled to. It also requests information on benefits/ assistance person not entitled to any pension are entitled to. In addition it needs information on the median equivalised income.

The Committee does however note that according to the report most pensions are below or at the poverty level.

No information is provided on the level of pensions or minimum guaranteed resources for elderly persons in RS or BD.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

3. ILO Conventions

Social Security (Minimum Standards) Convention, 1952 (No. 102) - Bosnia and Herzegovina (Ratification: 1993) – due in 2017

Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

Part IV. Unemployment benefit.

Article 21, in conjunction with Article 76 of the Convention. Persons protected. Federation of Bosnia and Herzegovina (FBiH). The report states that, in 2012, a total of 373,372 persons were registered in the register of unemployed persons and that the right to unemployment benefit was realized by 9,696 persons. ***The Government is requested to provide in its next report all the information required by the report form under Article 76 of the Convention in respect of insurance coverage against unemployment.***

Article 21, in conjunction with Article 6. Protection against unemployment by means of voluntary insurance. Republika Srpska and Brcko District. The Government states in its report that insurance against unemployment is voluntary in the Republika Srpska and the Brcko District, but is not used in practice. The Committee wishes to draw the Government's attention to the fact that, whenever this Part of the Convention is given effect to by means of voluntary insurance, the Members are required to demonstrate that the conditions established by Article 6 of the Convention are fulfilled. ***The Committee therefore asks the Government to supply the information requested by the report form in respect of the two above entities of the State.***

Article 24(3). Waiting period. FBiH. ***The Government is requested to indicate the waiting period before the payment of benefits and indicate the relevant legal provisions.***

Part V. Old-age benefit.

Article 29(2)(a). Reduced benefit after 15 years of contribution or employment. Section 30 of the Law on Pension and Disability Insurance provides that insured persons are entitled to receive an old-age pension upon turning 65 years of age and if they have at least 20 years of pension service. The Government's report indicates however that no deduction in pension rights is made for the beneficiaries having up to 15 years of insurance period. ***Please indicate the legal provision guaranteeing payment of a reduced old-age pension after 15 years of contributions and provide calculations as to the level of such pension.***

Part XI. Standards to be complied with by periodical payments. Article 65 or 66. In its previous comments, the Committee had pointed out that, in order to demonstrate compliance with the rates of benefits fixed by the Convention, the Government needs to indicate whether it makes recourse to Article 65 or 66, and then follow the methodology indicated by the report form under the selected Article.

The Committee once again hopes that the Government's next report will contain the information required by the report form under Article 65 or 66 with respect to the rates of periodical payments in the case of sickness, old age, and death of the breadwinner. (With respect to employment injury and maternity benefits, reference is made to the Committee's comments made in respect of Conventions Nos 121 and 183.)

Articles 65(10) and 66(8). Review of the rate of periodical payments. *The Committee also hopes that the Government's next report will contain the information required by the report form with respect to the manner in which the benefits were reviewed during the reporting period.*

Article 72. Participation of representatives of the persons protected in the management of social security institutions. *Please indicate whether the representatives of the persons protected participate in any form in the management of social security bodies in the different entities of the State.*

Article 71. Financing of social security benefits. *The Committee asks the Government to provide the information requested by the report form under Article 71 of the Convention establishing the share of insurance contributions borne by the employees protected in the total of the financial resources allocated to the protection of employees and their wives and children.*

Application of the Convention in the Republika Srpska. *The Committee notes that the Government's report does not supply information on how the Convention is applied in the Republika Srpska and the Brcko District and hopes the next report will contain such information.*

Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121) - Bosnia and Herzegovina (Ratification: 1993) – due in 2017

Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

Article 8 of the Convention. List of occupational diseases. *The Committee notes that the list of occupational diseases mentioned in the Government's report has not been received and requests the Government to supply, with its next report, the lists applicable in the Federation of Bosnia and Herzegovina (FBiH) and the Republika Srpska. Please indicate to what extent these lists give effect to the list contained in Schedule I to the Convention (as amended in 1980).*

Article 9(2). Eligibility for benefits. *Please indicate whether eligibility for benefits could be affected by the non-payment of contributions by the employer and, if so, the existing remedies.*

Article 10(1)(b). Dental care. *Please indicate the manner in which the provision of dental care in case of employment injury is ensured.*

Partial loss of faculty. *Please specify the minimum level of partial loss of faculty above which a disability pension is paid and indicate the rate of such pension as compared to the pension paid in case of total loss of faculty.*

Article 16. Constant help or attendance of another person. *Please explain and provide a copy of the corresponding sections of the law on social protection, protection of civilian war victims and families with children, mentioned in the report as giving effect to this provision of the Convention in the FBiH.*

Article 19 or 20. Standards to be complied with by periodical payments. *In its previous comments, the Committee had pointed out that, in order to demonstrate compliance with the rates of benefits fixed by the Convention, the Government needs to indicate whether it makes recourse to Article 19 or 20, and then follow the methodology indicated by the report form under the selected Article. **The Committee once again hopes that the Government's next report will contain the information required by the report form under the above provisions with respect to the rates of periodical payments paid in the contingencies listed in Article 6(b), (c) and (d), of the Convention, i.e. temporary incapacity for work, total and partial loss of faculty and loss of support due to the death of the breadwinner.***

Article 21. Review of the rate of cash benefits. *The Committee also hopes that the Government's next report will contain the information required by the report form with respect to the manner in which the benefits were reviewed during the reporting period.*

Article 24. Participation or association of representatives of the persons protected in the management of social security institutions. *Please indicate whether the representatives of the persons protected participate in any form in the management of social security bodies in the different entities of the State.*

Application of the Convention in the Republika Srpska. *The Committee notes that the Government's report does not supply information on how the Convention is applied in the Republika Srpska and hopes that the next report will contain such information.*

Maternity Protection Convention, 2000 (No. 183) - Bosnia and Herzegovina (Ratification: 2010) – due in 2018

Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014)

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

Article 8(1) and (2) of the Convention. **Employment protection.** *The Committee requests the Government to provide information concerning: (a) the protection of employment during the breastfeeding period, in particular if the employee returns to work before the expiry of her maternity leave; (b) the burden of proof in case of dismissal during the protected period in the Republika Srpska and the Brcko District; (c) the obligation to provide to the employee equivalent employment and pay upon her return from the maternity leave in the Federation of Bosnia and Herzegovina and the Brcko District; and (d) the possibility to reinstate the employee in case of dismissal during the protected period.*