

I N F O R M A T I O N
from the Bosnia and Herzegovina's authorities on the implementation of the ratified articles
of Revised European Social Charter, group IV „Children, families and migrants“
(Articles 7, 8, 16 and 17)
Reference period: January 2018-December 2021

Article 7 - The right of children and young people to protection

Article 7, paragraph 1 - Prohibition of employment of persons under the age of 15

1. The Committee requests detailed information on measures taken by the state in terms of detecting cases of employment of children under the age of 15, or cases in which they work "off the books" without an employment contract;
2. The Committee requests information on the method of monitoring/auditing the work of the above-mentioned persons, on the number and nature of violations and sanctions when it comes to the employment of children under the age of 15 in any branch of the economy;
3. The Committee asks which bodies within their competence have the authority to audit and supervise the work of the above-mentioned persons;

In earlier reports, we informed the Committee for Social Rights of the Council of Europe that the legal regulations in BiH prohibit the employment of persons under the age of 18.¹ Specifically, the labor laws of the Federation of BiH², the Republic of Srpska and the Brčko District of BiH stipulate that an employment contract cannot be concluded with a person younger than 15 years of age, nor can they be employed in any type of work, and that a person between 15 and 18 years of age (hereinafter: minor) can conclude an employment contract, i.e. be employed with the consent of a legal representative and under the condition that they obtain a medical certificate from an authorized doctor or a competent health institution proving that they have the general health capacity to work.

Administrative and inspection supervision (at the state level) is carried out by the Ministry of Justice of BiH over the application of the aforementioned provisions, as well as by entity and cantonal labor inspectors, and by labor inspectors in the Brčko District of BiH. Therefore, labor inspectorates have been established at all levels of government in Bosnia and Herzegovina.

Labor inspectors are obliged to: a) give instructions to employers and workers on the most efficient way of applying legal regulations; b) inform the competent administrative authorities about deficiencies that are not specifically defined by the existing legal regulations; c) cooperate with other administrative bodies, employers and associations of employers and workers.

Current laws in this area prescribe fines for employers' violations if, among other things, they order overtime work to a minor, to a minor worker, without their written consent orders work in a redistribution of working hours, orders a minor worker to work at night, assigns a minor to work in jobs contrary to the Law etc.³

We do not have data on the exact number and nature of violations and sanctions when it comes to the employment of children under the age of 15, given that the competent labor inspectorates did not record such cases in the reference period.

¹ Law on Labor in BiH Institutions ("Official Gazette of BiH" numbers 26/2004, 7/2005, 48/2005, 50/2008, 60/2010, 32/2013 and 93/2017;

² „Official Newspaper of FBiH" numbers 26/16 and 89/18;

³ Source: Federal Ministry of Labor and Social Policy;

Article 7, paragraph 2 – Prohibition of employment for persons under 18 years of age in dangerous or unhealthy occupations

4. The committee asks if there is a list of unhealthy and dangerous occupations prohibited for young workers under the age of 18 in the current legislation (laws or by-laws) (question for both entities and BD BiH);
5. The Committee asks which bodies are responsible for monitoring the work of persons under the age of 18, especially in dangerous and unhealthy occupations;
6. The Committee requests information on the number of violations and the implemented sanctions regarding the above;

The labor laws of both entities (Federation of BiH and the Republic of Srpska), as well as the Labor Law of the Brčko District of BiH, stipulate that a worker under the age of 18 cannot be assigned to work in workplaces that have been determined to be workplaces with increased risk or on particularly difficult physical jobs, on works performed underground or under water, as well as on other jobs that could represent an increased risk to their life, health and psychophysical development.

The list of jobs that are potentially risky for younger workers must be specifically indicated in the Act on risk assessment.

Inspectorates at all levels of government are responsible for the implementation of regulations prohibiting the employment of persons younger than 18 years of age in dangerous or unhealthy jobs, as stated in the answers to the questions from the previous article of the Charter. In the reference period, the competent labor inspectorates did not record any violations of the aforementioned regulations.

Article 7, paragraph 3 – Prohibition of employment of children who are subject to compulsory education

7. The Committee requests information on whether the regulations have changed according to which the age of completion of compulsory education coincides with the minimum age for employment;

According to the valid labor laws of both entities and the Brčko District of Bosnia and Herzegovina, it is expressly stipulated that an employment contract cannot be concluded with a person younger than 15 years of age, nor can they be employed in any type of job.

A person between 15 and 18 years of age (minor) can conclude an employment contract, i.e. be employed, but with the consent of the legal representative and on the condition that they obtain a medical certificate from a licensed physician or a competent health institution proving that they have the general health capacity to work. This includes only jobs in associations and foundations, and those that do not threaten their safety, health, morale or development.

It is true that the current legislation on the entire territory of Bosnia and Herzegovina stipulates that primary education lasts nine years, it is compulsory and free for all children between the ages of six and 15. However, the competent labor inspectorates strictly monitor the implementation of legal regulations and prohibit the work of persons under the age of 15. In earlier reports, we informed the Committee about the penal provisions of the labor laws of both entities and the Brčko District, which provide for fines for employers who conclude an employment contract contrary to the above-mentioned legal provisions.

8. The committee requests data from the labor inspectorate on the number of children who are subject to compulsory education and work at the same time, and what sanctions or measures are taken in this regard;

In the previous reference period, the competent labor inspectorates did not record any cases of violation of the aforementioned provisions on the prohibition of the work of persons younger than 15 years of age. Therefore, there is no data on the number of children who go to school and work at the same time. Regarding sanctions, i.e. penal provisions through valid labor laws on fines for employers who act contrary to legal provisions, it was answered in the previous question.

Article 7, paragraph 4 – Working hours for persons under 18 years of age

9. The Committee asks whether the regulations in the Brčko District have changed in terms of working hours for young workers of 40 hours a week;
10. The Committee asks who monitors the work of young workers under the age of 18, especially in terms of regulations on the length of their working hours, the number and nature of violations, and what sanctions are imposed on employers in cases of violations;

Progress has been made by amending the labor laws of both entities and the Brčko District of Bosnia and Herzegovina, in the sense that it is prescribed that the full-time working hours of a worker under the age of 18 cannot be determined for a duration longer than 35 hours a week, nor longer than eight hours a day. Therefore, following the example of the Labor Law of the Federation of BiH and the Labor Law of the Republic of Srpska, the Labor Law of the Brčko District of BiH was also amended in the reference period, so that it provides that full-time working hours for minor workers (persons aged 15 to 18) are 35 hours per week. The same law prohibits overtime and night work for minors. Minor employees may be temporarily exempted from the ban on night work in the event of an accident, force majeure or other extraordinary circumstances, but only with the written consent of the labor inspector.

Employers are obliged to refer workers under the age of 18 at least once during the calendar year, at their own expense, to the competent medical institution for an evaluation of work capacity.

As with the previous provisions, the supervision of compliance with these provisions of the valid labor laws is carried out by competent inspection bodies at the entity level, as well as in local self-government units. More precisely, inspection supervision over compliance with the Labor Law and the regulations adopted for its implementation is carried out by the labor inspectorate, and in the part that concerns the rights, obligations and responsibilities of employees in administrative bodies and local self-government units, it is carried out by the administrative inspectorate.

In the reference period, there were no cases of violation of the aforementioned legal provisions. Otherwise, the labor laws prescribe fines for employers if it is determined that a person under the age of 18 is working overtime and if they do not refer the worker under the age of 18 to an assessment of work ability, i.e. to a prescribed medical examination, which we reported on in previous reports.

Article 7, paragraph 5 – Fair salary

11. The Committee asks whether young workers are paid in the same way as adult employees, and what regulations regulate this;
12. The Committee requests information on the lowest net salary and the average net salary, i.e. what is the minimum monthly salary as a percentage of the average monthly salary (for all levels of government);

The average monthly net salary in BiH in 2020 was 956.00 BAM. The average monthly paid net salary for December 2021 in Bosnia and Herzegovina was 1,041.78 BAM, in the Federation of BiH 1,045.89 BAM and in the Republic of Srpska 1,037.66 BAM.

The lowest salary in FBiH for 2021 was 406.00 BAM and is defined by the General Collective Agreement on the territory of the Federation, at the level of the lowest net hourly wage, which is 2.31 BAM including income tax. The amount of the minimum monthly salary as a percentage compared to the average monthly salary is 38.8%.

By the decision to amend the Decision on the lowest salary number 04/1-012-2-1495/21 dated May 20, 2021, the lowest salary in the Republic of Srpska was set at 540.00 BAM. This decision was published in the Official Gazette of the Republic of Srpska number 47/21 and entered into force on June 1, 2021. The amount of the minimum monthly salary as a percentage compared to the average monthly salary is 52%.⁴

⁴ Source: Agency for Statistics of BiH;

Answers of the Federation of BiH to questions number 11-15: The Labor Law stipulates that the wage of a worker is determined by the collective agreement, the labor rulebook and the labor contract. Salary for work performed and time spent at work consists of: a) basic salary; b) part of the salary for work performance if it has been achieved and c) increase of salary prescribed by law.

The elements for determining the basic salary and the part of the salary based on work performance are determined by the collective agreement and the labor rulebook. Work performance is defined by the employer in accordance with general regulations, collective agreement or labor rulebook.

The Labor Law regulates the issue of the minimum wage, in such a way that it is prescribed that the Government of the Federation determines the minimum wage after consultation with the Economic and Social Council. The lowest salary is determined on the basis of the lowest labor price determined by the collective agreement and the labor rulebook. The Government of the Federation, on the proposal of the Federal Ministry of Finance, in cooperation with the Federal Institute for Development Programming, and with prior consultation with the Economic and Social Council, will pass a regulation that will prescribe the methodology for calculating and harmonizing the minimum wage. The employer cannot calculate and pay the employee a salary lower than the salary determined by the collective agreement and the labor rulebook.

The Labor Law stipulates that for the purpose of professional training for independent work, the employer can conclude an employment contract with the intern. An intern is a person who has completed secondary school or two-year post secondary school education or college, who is starting employment in that occupation for the first time, and who, according to the law, is required to pass a professional exam, or who needs previous work experience to work in the occupation. The employment contract with the intern is concluded for a limited period of time, and the maximum is one year, unless otherwise specified by law. During the internship, the intern is entitled to 70% of the salary determined for the jobs for which they are being trained. The employer and the intern can also agree on a higher salary amount.⁵

In the Republic of Srpska, the Government of the Republic of Srpska determines the minimum salary on the proposal of the Economic and Social Council in the last quarter of the current year for the following year. If the Economic and Social Council does not approve the proposal, the Government of the Republic of Srpska makes the decision on the minimum salary, taking into account the trend of salaries, the growth of production and the standard of living in the Republic. For 2018 and 2019 - it was 440 BAM, for 2020 - it was 520 BAM, and for 2021 it was 540 BAM^{6 7}.

13. The committee asks what the intern's salary is, i.e. what is its percentage in relation to the salary established for the jobs for which the intern is being trained;

The Law on Salaries and Remuneration in the Institutions of Bosnia and Herzegovina⁸ regulates, among other things, the salaries of interns and the remuneration of volunteers in the institutions of Bosnia and Herzegovina. The intern has the right to a salary of at least 80% of the gross salary for the jobs for which they have concluded an employment contract, as well as to reimbursement of expenses and other income in accordance with this Law, the collective agreement, the general act and the employment contract. If it is assumed that the starting position of a civil servant is an "expert associate" (coefficient 2.10), and the basis for salary calculation is 475.69 BAM, the basic salary is 799.16 BAM.⁹

Otherwise, data on salaries is collected and published by the Agency for Statistics of BiH according to activities.

⁵ Source: Federal Ministry of Labor and Social Policy;

⁶ "Official Gazette of the Republic of Srpska" number 47/21;

⁷ Source: Government of the Republic of Srpska;

⁸ "Official Gazette of BiH" numbers 50/08, 35/09, 75/09, 32/12, 42/12, 50/12, 32/13, 87/13, 75/15, 88/15, 16/16, 94/16, 72/17, 25/18 and 32/20

⁹ Source: Ministry of Civil Affairs of BiH;

14. The committee asks if the volunteers are paid for their work in any case/branch, and what is the amount of their salary;

The Law on Salaries and Remuneration in the Institutions of Bosnia and Herzegovina establishes the remuneration for volunteers (and cadets), so that volunteers in the institutions of Bosnia and Herzegovina and cadets for the time spent on training in police agencies, as well as cadets in the Armed Forces of BiH, have the right to remuneration in the amount of 25% of the basic salary of the initial position of professional qualification held by the volunteer, i.e. cadet. If it is assumed that the starting position of a civil servant is an expert associate (coefficient: 2,10), and the basis for salary calculation is 475.69 BAM, the basic salary is 249.74 BAM.¹⁰

The employer can conclude a contract on professional training with a person for the purpose of performing an internship when it is provided by law or another regulation as a special condition for independent work in the profession. Work according to this contract counts as work experience as a condition for working in certain jobs. The employer can provide these persons with financial compensation and other rights, in accordance with the law, the general act or contract on professional training and development. Monetary compensation is not considered a salary within the meaning of this law.

We do not have data on whether persons undergoing professional training are paid for their work, because these persons do not receive a salary during the time that they are hired, but possibly a monetary compensation that is not considered a salary.

In the Brčko District of BiH, the Law on Volunteering of the Brčko District of BiH defines that the costs of volunteering that are not considered compensation or property benefits for the volunteer, unless the law or contract stipulates otherwise, are: a) monetary expenses confirmed by the invoice (1. for the purchase of work clothes, equipment and protective items necessary for volunteering; 2. paid for the purpose of travel, accommodation and food expenses incurred during volunteering activities; 3. paid for the purpose of food, care and training of an animal owned by a volunteer participating in volunteering activities; 4. paid for the purpose of receiving medical services and vaccines; 5. paid for training costs necessary for volunteering; 6. paid for volunteer insurance premiums in case of death, physical injury or occupational disease during volunteering, i.e. monetary expenses for the purpose of insuring liability for damage caused at volunteering organizers or third parties, 7. paid for obtaining documents or payment of stamp duty necessary for volunteering, monthly costs of food and transportation of volunteers in the total amount of up to 30% of the average monthly net salary of employees in the Brčko District of BiH according to the latest official data of the body responsible for statistics) and b) sums of money paid to the winners of the Brčko District of BiH award for volunteering.¹¹

15. The committee requests information from the labor inspectorate in terms of monitoring salaries for interns;

We do not have information on whether persons undergoing professional training are paid for their work, because these persons do not receive a salary during the time that they are hired, but possibly a monetary compensation that is not considered a salary, and which is regulated by the employer's internal acts.

Article 7, paragraph 6 – Inclusion of time spent on professional training in regular working hours

16. The Committee requests information in relation to the Brčko District of Bosnia and Herzegovina - to clarify from the legal framework whether the employer's consent to employee training is included in regular working hours and paid as such;

¹⁰ Source: Ministry of Civil Affairs of BiH;

¹¹ Source: Government of Brčko District of BiH;

In the Brčko District of BiH, the Labor Law of the Brčko District of BiH stipulates that the worker has the right to full salary for the duration of training and professional development.¹²

Article 7, paragraph 7 – Paid annual leave

17. The committee requests information on the monitoring activities and findings of the labor inspectorate regarding the paid annual leave of young workers under the age of 18, including the nature and number of detected violations and imposed sanctions in practice;

Regarding monitoring activities and the findings of the labor inspectorate in connection with the paid annual leave of young workers under the age of 18, including the nature and number of detected violations and imposed sanctions in practice, labor inspectors are competent, who in the reference period did not encounter any irregularities in this area in any of the entities nor in the Brčko District.¹³

Article 7, paragraph 8 – Prohibition of night work

18. The committee requests data from the labor inspectorate on the number and nature of detected violations and on the measures taken and penalties imposed on employers when it comes to the prohibition of night work for underage workers. The committee notes that for the application of Article 7 of the Charter in all its opinions, in addition to the regulations adopted in the member state, it is crucial that the competent authorities carry out detailed and regular monitoring. Therefore, the Committee insists on information on the activities and findings of the labor inspectorate and requests detailed information in this regard;

The labor inspectorates in both entities and the Brčko District are responsible for the number and nature of detected violations and for the measures taken and penalties imposed on employers when it comes to the prohibition of night work for underage workers. In the reference period, they did not record violations in their regular controls, that is, they did not come across cases of employment of children under the age of 18.

Article 7, paragraph 9 – Regular medical examinations

19. The committee asks what are the time intervals between medical examinations (assessment of working ability) of workers under 18 years of age from the moment of employment and beyond;
20. The Committee asks whether the situation has changed in the Brčko District in relation to the fact that in the previous reference period, mandatory medical examinations for young workers under the age of 18 were not prescribed;

In the Federation of BiH, the Labor Law stipulates that a minor worker, in order to protect their health and psychophysical development, has the right to a medical examination at least once every two years, and that the costs of the medical examination are borne by the employer.¹⁴

In the Republic of Srpska, the employer is obliged to refer workers under the age of 18 at least once during the calendar year, at the expense of the employer, to the competent medical institution for an assessment of work ability.¹⁵

¹² Source: Government of the Brčko District of BiH;

¹³ Source: Federal Ministry of Labor and Social Policy;

¹⁴ Source: Federal Ministry of Labor and Social Policy;

¹⁵ Source: Government of the Republic of Srpska;

In this regard, there were no changes in the reference period in the Brčko District of BiH.

Article 7, paragraph 10 – Special protection against physical and moral dangers

21. The Committee asks whether there have been changes in legal regulations in the sense that all acts of sexual exploitation of children are legally defined;

In the Federation of BiH, the House of Representatives of the Parliament of FBiH has at its 33rd regular session held on April 27, 2022, adopted the Draft on Amendments to the Criminal Code in FBiH, which makes targeted amendments in terms of the implementation of the Council of Europe Convention on the Prevention of Violence against Women and Domestic Violence and the Council of Europe Conventions on the Protection of Children from Sexual Exploitation and Sexual Abuse. The continuation of the legislative procedure in terms of the adoption of the Draft of this Law in the House of Nations of the Parliament of the Federation of BiH is expected.¹⁶

In the Republic of Srpska, the Criminal Code of the Republic of Srpska¹⁷ in chapter XV entitled "Criminal acts of sexual abuse and exploitation of a child" prescribes the following criminal acts to the detriment of children, namely: Sexual intercourse with a child under the age of 15; Sexual abuse of a child over the age of 15; Inducing a child to participate in sexual activities; Exploitation of children for pornography; Exploitation of children for pornographic performances; Introducing children to pornography; Using a computer network or communication by other technical means to commit criminal acts of sexual abuse or exploitation of a child; Satisfying sexual passions in front of a child and Inducing a child to prostitution.¹⁸

22. The Committee asks what specific measures are taken by the competent authorities to protect children from the abuse of information technologies, who monitors it, in what way and how many such abuses were recorded in the reference period;
23. The Committee requests information on the implementation and results of the Action Plan for Children of Bosnia and Herzegovina 2015-2018 and about the new action plans adopted in the reference period in terms of sexual exploitation of children and protection of children from abuse of information technologies;
24. The Committee asks whether there were changes in the criminal codes in the reference period in the sense that all cases of sexual exploitation of minors (persons under 18 years of age), including possession of child pornography (for all levels of government) were processed and listed;

In the Federation of BiH, at the proposal of the Federal Ministry of the Interior, the Government of the Federation of BiH at the 284th session held on October 7, 2021, adopted the Strategic Program for the Safety of Children in the Digital Environment and the Action Plan for Combating Violence Against Children in the Digital Environment in the Federation of BiH for the period 2021-2024.¹⁹

When it comes to the implementation of the Action Plan for the Children of Bosnia and Herzegovina 2015-2018, we inform you of the following: As part of the implementation of the measures of the Action Plan, the Guidelines for the assessment and determination of the best interests of a child were adopted, with which Bosnia and Herzegovina, the first in the region, received a guide that will serve professionals who work with children to ensure that the principle of the best interest of a child is incorporated and consistently applied in practice in every area. The Action Plan contains all the recommendations of the United Nations Committee for the Rights of a Child, which are always submitted to the state in parts

¹⁶ Source: Federal Ministry of Justice;

¹⁷ „Official Gazette of the Republic of Srpska" number 64/17;

¹⁸ Source: Government of the Republic of Srpska;

¹⁹ Source: Federal Ministry of Labor and Social Policy;

where it is considered that certain activities have not been carried out sufficiently. The measures of all previous action plans are continuously being implemented and are transferred to the action plans that are drawn up for the following periods. In particular, the next Action Plan that was created covers the reference period from 2019-2022. The largest number of measures that have not been fulfilled relate to child poverty in Bosnia and Herzegovina, and their implementation in practice is slow. It is important to emphasize that the Guidelines include a list of elements that should be taken into account when determining the best interests of a child and a list of activities that competent authorities should undertake in order to determine and achieve the best interests of a child.

When it comes to question number 24, we will inform the Committee about all the changes to the Criminal Code of the Federation of BiH when it enters into force. For the Republic of Srpska, this question was answered under number 21.

25. The Committee asks whether a sustainable system of collecting data on the state of children's rights has been established in Bosnia and Herzegovina;

The field of health, social, family and child protection in Bosnia and Herzegovina is under the exclusive jurisdiction of the entities, the entity of the Republic of Srpska and the Federation of Bosnia and Herzegovina and the Brčko District of Bosnia and Herzegovina. All relevant ministries collect data from their competences.

In particular, the Ministry for Human Rights and Refugees of Bosnia and Herzegovina is in the phase of developing indicators for collecting data on children's rights in accordance with the provisions of the Convention on the Rights of a Child, on the basis of which a database will be created. This Ministry is also working on creating a database for monitoring all human rights in accordance with ratified international documents.

In the Republic of Srpska, the Public Institution Public Fund for Child Protection, in accordance with the Law on Child Protection, keeps a unique record of realized rights, beneficiaries of rights and provided services in child protection. It is managed through the electronic database of the child protection information system for keeping records and payment of entitlements - Program JFDZ-IS.

In this regard, the Republic of Srpska adopted legal regulations that regulated the field of health, social, family and child protection, and in accordance with the aforementioned, all institutions and state bodies perform their duties and obligations in accordance with the valid regulations.²⁰

26. The Committee requests information on the detection and assistance provided to children who are victims of human trafficking, on the number of children identified as living on the street and measures taken to combat this occurrence;

Data from the Ministry of Security of Bosnia and Herzegovina show that in the five-year period from 2016 to 2020, the total number of potential victims of human trafficking, adults and children, in Bosnia and Herzegovina was 298, mostly women and girls. More than half of the identified victims (152 or 51%) were children. However, the disparity between reported and unreported cases of child trafficking, as well as human trafficking in general, calls into question official statistics and calls for additional victim research that could provide insight into the number of reported crimes in this area. Although competent law enforcement agencies conduct investigations into every reported case of suspected child trafficking, in the last three years police agencies in Bosnia and Herzegovina have recorded only a few cases in which elements of child trafficking or related crimes have been established. These cases were forwarded to the competent police agencies. Some cases were never further prosecuted due to lack of evidence that a crime had been committed.

²⁰ Source: Government of the Republic of Srpska;

27. The Committee requests information on measures taken to improve the protection and assistance of children in vulnerable situations, with special reference to street children who are exposed to the risk of child labor, including in rural areas;

For questions no. 26-27: At the level of Bosnia and Herzegovina, according to the data collected from the prosecutor's offices, law enforcement services, the center for social work and non-governmental organizations, for the period January-December 2018, a total of 24 minor victims of human trafficking were identified. For the period January-December 2019, 36 minor victims were identified, 28 of them female and 8 male. For the period January-December 2020, 35 minor victims were identified, 24 female, 7 male and 4 of unknown sex. For the period January-December 2021, 49 minor victims were identified, of which 27 were female and 22 were male.

Most of the identified minor victims were exploited for the purpose of begging, and they were provided with adequate help and protection in safe houses with which the Ministry of Security of BiH and the Ministry for Human Rights and Refugees of BiH had signed cooperation agreements. Minors were also provided with help within the day centers for children working on the street.

The Ministry of Security of BiH in the Strategy for Combating Human Trafficking 2020-2023, and in the Action Plan accompanying the implementation of the Strategy, provided for measures related to preventive activities, such as the implementation of campaigns to raise citizens' awareness of human trafficking, its forms, causes, risks and the way to react in cases of recognition of risky situations and endangerment of individuals and groups, including among other things: implementation of comprehensive general public awareness campaigns on human trafficking and specific campaigns aimed at the most vulnerable groups, based on research on the state and trends of human trafficking and evaluation of the results of conducted preventive activities; conducting an awareness raising campaign on forced begging as a form of human trafficking; implementing measures to prevent human trafficking by disseminating information and raising awareness, with special attention to the risks of online recruitment and human trafficking for the purpose of labor exploitation; and raising awareness about human trafficking and the safety of children on the Internet through the general education system.²¹

Article 8 - The right of working women to maternity protection

Article 8, paragraph 1 – Maternity leave

28. The Committee requests updated information in terms of harmonization of maternity allowances throughout the country;

In the Federation of BiH, the primary legal basis for acquiring the right to maternity leave and maternity allowance is the Labor Law of the Federation of BiH²² and the Law on the Basics of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children²³. The Federal Ministry of Labor and Social Policy, which is the proposer of the aforementioned laws, supervises the implementation of these laws and regulations adopted on the basis of the aforementioned laws.

The Law on Health Insurance of the Federation of BiH²⁴ prescribes that the allowance for the duration of the maternity leave will be regulated by regulations in the field of child protection. It is also prescribed that the funds for allowance on the basis of maternity leave are provided in the budgets of the cantons and are paid in the amount and in the manner determined by the legislative body of the canton.²⁵

²¹ Source: Ministry of Security of BiH;

²² „Official Newspaper of FBiH" number 26/2016;

²³ „Official Newspaper of FBiH" numbers 36/99, 54/04, 39/06, 14/09, 45/16 and 40/18;

²⁴ „Official Newspaper of FBiH" numbers 30/97, 7/02, 70/08, 48/11 and 36/18;

²⁵ Source: Federal Ministry of Health;

In the majority of cantons, the cantonal regulations are not harmonized with the federal ones in matters of ensuring the prescribed minimum basic rights in the field of protection of families with children. For the stated reason, the Federal Ministry of Labor and Social Policy, in cooperation with relevant cantonal ministries, as well as foreign and domestic non-governmental organizations, prepared the Public Policy on the Protection of Families with Children in the Federation of BiH, as well as the Law on Material Support for Families with Children in the Federation of BiH, which was submitted to the Parliament of the Federation of Bosnia and Herzegovina for adoption. The Law in question is currently in the process of being adopted by the House of Nations of the Parliament of the Federation of Bosnia and Herzegovina. This law regulates the basics of material support for families with children, establishes the basic material rights for support for families with children, the procedure, conditions and method of exercising rights, financing of material support for families with children, supervision and other issues of importance for the realization of material support for families with children in the Federation of Bosnia and Herzegovina (child allowance and monetary assistance to a woman giving birth who is not employed).

Considering that the current system of protection of families with children in the Federation of Bosnia and Herzegovina is socially unjust, fiscally unsustainable and economically ineffective, efforts were made to achieve several basic goals through the proposed legal solutions, of which it is particularly important to emphasize the establishment of a more socially fair and fiscally sustainable functioning of the system of protection of families with children, the abolition of discrimination based on the place of residence, and the equalization of children's rights and equal legal status for all unemployed mothers regardless of their economic status, which represents a certain type of pro-natal policy in the Federation of Bosnia and Herzegovina.²⁶

In the Republic of Srpska, maternity compensation in the sense of salary compensation during the use of maternity leave of an employed mother/woman who gave birth and the right to maternity allowance of an unemployed mother/woman who gave birth are harmonized, i.e. in accordance with the Labor Law and the Child Protection Law, all women who gave birth, depending on the category to which they belong, exercise the right to the same compensation.²⁷

In the Brčko District of BiH, during the use of maternity leave, a woman has the right to salary compensation at the expense of the District's budget in the amount of the average salary she earned during the last 12 months before the maternity leave. If a woman has not earned a salary for all of the last 12 months, the salary compensation is equal to the average salary she would have earned if she had been working in the same workplace with the same employer, which is paid to the employer.²⁸

29. The Committee requests an explanation of the conditions for acquiring the right to maternity allowance in relation to different cantons, the basis on which the amounts of allowances are calculated, as well as the ratio of allowances to the employee's salary as a percentage for all cantons, that is, information on the amount of maternity allowances in relation to 50% of the average median income;

In the Federation of Bosnia and Herzegovina, in accordance with the Law on Basics of Social Protection, Protection of Civil War Victims and Protection of Families with Children, the allowance in question is determined as a percentage of the earned salary in the period of six months before childbirth. Valued on the basis of the six-month salary increase in the canton, this percentage is determined by cantonal regulation. It is necessary to emphasize that the method and determination of the allowance amount are different in the cantons, which again leads to inconsistencies between the cantons, and we cannot speak of an equal position of women who gave birth, that is, mothers that are employed in the Federation of Bosnia and Herzegovina. Legal solutions also affect the large disparity between the cantons regarding the

²⁶ Source: Federal Ministry of Labor and Social Policy;

²⁷ Source: Government of the Republic of Srpska;

²⁸ Source: Government of Brčko District of BiH;

amounts of these allowances. According to some research conducted on this topic, as many as 47% of women who gave birth in the Federation do not receive any allowance, and in addition to territorial discrimination, there is also a form of discrimination based on the employment sector (public and private sector), which is reflected in the fact that in the public sector the employer accepts the possibility of paying the difference up to the full salary, while in the private sector this is not the case. Finally, numerous institutions and non-governmental organizations have been pointing out for many years that the right of employees to maternity or parental leave is not a right from the social protection system, but from social security (insurance), which at its 89th session dated February 3, 2017, was also confirmed by the Government of FBiH in its Conclusion V No. 170/2017, in which it acknowledged the position of the Federal Ministry of Labor and Social Policy that the option that foresees the possibility of maintaining the existing situation, i.e. financing this right through the system of non-contributory social benefits is not acceptable, and that it is a right which stems from employment, not from the state of social need and that its financing, based on the principle of reciprocity, should be linked to those sources to which women who gave birth regularly pay taxes and contributions. The problem is further complicated by the different bases for calculating maternity allowances. Namely, the bases for calculating the amounts of allowances are determined differently in all systems. In their regulations, the cantons determine the basis for each of the rights that are financed from the cantonal budgets, namely the rights from social protection and the protection of families with children. In this regard, the cantons determine the basis for the calculation of allowance amounts as follows: on the basis of the average salary in the canton; on the basis the average salary in the Federation of Bosnia and Herzegovina; and on the basis of the average salary of the beneficiary of the right, which is the case with the right to an allowance for a working mother. In the previous report of Bosnia and Herzegovina on the implementation of this group of rights, we submitted an overview of benefits for a working women-mother for the time they are absent from work due to pregnancy, childbirth and child care.²⁹

30. In relation to the Republic of Srpska, the Committee requested information on the conditions for acquiring the right to maternity allowance, and under what conditions, if any, an allowance in the amount of 50% of an employee's average salary can be paid, and whether the minimum amount of maternity allowance corresponds to the amount of at least 50% of the average net income;

In the Republic of Srpska, the Labor Law stipulates that during pregnancy, childbirth and child care, a woman has the right to maternity leave for a continuous period of one year, and for twins and every third and subsequent child for a continuous period of 18 months. While using maternity leave, a woman has the right to an allowance in the amount of the average salary she earned in the last 12 months before the start of maternity leave.³⁰

In the Brčko District of Bosnia and Herzegovina, the calculation of salary, payment of contributions and payment of allowance to the employee is made by the employer. After fulfilling the obligations from this paragraph, the employer submits a request for a refund of paid allowance to the competent Department - Department of Health and Other Services - Sub-Department for Social Welfare of the Government of the Brčko District of BiH.

The request and documentation related to the refund of allowance paid in the current year must be submitted no later than by December 31 of the same year, and the request for the refund of allowance for the month of December of the current year can be submitted by the employer no later than January 15 of the following year in accordance with the Mayor's Decision on conditions and method of payment of allowances to employees during maternity leave, Decision on amendments to the Decision on conditions

²⁹ The Ninth Report of Bosnia and Herzegovina on the implementation of ESC-R, group IV of rights 2018., tabular presentation starting on page 32;

³⁰ Source: The Government of the Republic of Srpska;

and method of payment of allowances to employees during maternity leave and Decision dated December 11, 2014.^{31 32}

31. In relation to the Brčko District, the Committee requested information on the conditions for acquiring the right to maternity allowance, and in particular on the length of the period of use of the contributions; whether interruptions in the records of employment are taken into account and whether allowance is calculated based on the average salary of the employee in the last three months, or at least in the last 12 months before the maternity leave; whether the minimum maternity allowance rate is at least 50% of the average net income; and whether interruptions in employment records are taken into account when determining the right to maternity allowance;

In the Brčko District of BiH, the request for a refund of allowance to employees during maternity leave is submitted by business entities through the Department of Health and Other Services - Sub-Department for Social Welfare.

According to the Labor Law of the District, during pregnancy, childbirth and child care, a woman has the right to maternity leave for a period of one year continuously, and for twins, the third and each subsequent child, for a period of 18 months continuously.

While using maternity leave, a woman has the right to an allowance at the expense of the District's budget in the amount of the average salary she earned during the last 12 months before the maternity leave. If the woman has not earned a salary for the entire last 12 months, the allowance amounts to the average salary she would have earned if she had been working in the same workplace with the same employer, which is paid to the employer.³³

32. The Committee requests information regarding the right to any allowances/benefits for employed mothers who do not achieve the right to an allowance during maternity leave;

In the Federation of Bosnia and Herzegovina, basic rights for the protection of families with children are regulated by the Law on Basics of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children³⁴, including: a) allowance for children; b) allowance instead of salary to a woman - mother, or another person who is employed during the time they are absent from work due to pregnancy, childbirth and child care; c) monetary assistance during pregnancy and childbirth to a woman - mother, or another person who is not employed; d) one-time assistance for the equipment of a newborn child; e) assistance in feeding a child up to 6 months of age and additional nutrition for breastfeeding mothers; f) special psychosocial treatment of spouses who want children and pregnant women; g) accommodation of children with provided food in preschool education institutions; h) provision of one meal during classes in primary education schools; and i) tuition fees and scholarships for pupils and students.

Other rights of families with children can be determined by cantonal regulation, and the conditions, method, procedure, bodies and financing of rights are also more closely regulated. The realization of rights and payments in the area of protection of families with children are realized exclusively at the cantonal level.

An allowance instead of salary to an employed woman-mother for the time she is absent from work due to pregnancy, childbirth and child care is determined as a percentage of the earned salary in the period of six months before childbirth, valued on the basis of salary growth in the canton during that period. The percentage is determined by cantonal regulation.³⁵

³¹ „Official Gazette of BD of BiH" numbers 19/05, 3/14 and 49/14;

³² Source: Government of Brčko District of BiH;

³³ Source: Government of Brčko District of BiH;

³⁴ „Official Newspaper of FBiH" numbers 36/99, 54/04, 39/06, 14/09, 45/16 and 40/18);

³⁵ Source: Federal Ministry of Labor and Social Policy;

In the Republic of Srpska, employed women who gave birth, in accordance with the provisions of the Labor Law of the Republic of Srpska, exercise the right to an allowance for the period of use of maternity leave. The above is the obligation of the employer to provide this to the woman who gave birth.³⁶

The Law on Child Protection³⁷ stipulates the following rights: assistance for the equipment of a newborn; maternity allowance; allowance for children; refund of allowance during maternity leave; refund of allowance for part-time work due to increased care of a child up to three years of age; refund of allowance for part-time work for increased care and for taking care of a child with developmental disabilities; meeting the developmental needs of children; pro-natalist allowance for the third and fourth child; allowance to the parent-caregiver or caregiver.

Of exceptional importance is the right to maternity allowance, which is realized by an unemployed mother, or another person in accordance with the Law, for a period of 12 months, and for twins and every third and subsequent child for a period of 18 months. The right to maternity allowance, as stipulated in the Law on Child Protection, can be exercised by the mother on the condition that: she resides in the Republic at least one year before the birth of the child and that she is unemployed on the day of the child's birth and until the expiration of the period of 90 days from the child's birth. Exceptionally, the right to maternity allowance can be exercised by a mother residing in the Republic if the father of the child resides in the Republic at least one year before the birth of the child. The right to maternity allowance can also be exercised by a mother who is a foreign citizen, provided that: she has a permanent or temporary residence in the Republic at least one year before the birth of the child; that she is unemployed on the day of the child's birth and until the expiration of the period of 90 days from the day of the child's birth; that in the country of which she is a citizen, she is not a beneficiary of rights on the same basis.

The maternity allowance is realized in the monetary amount of 405.00 BAM. If the beneficiary of the right to maternity allowance abandons the child or dies during the exercise of the right, further payment of the allowance will be made to the other parent who lives in the same household with the child. If both parents abandon the child, die or if they are prevented from exercising parental rights during the exercise of the rights, further payment of the allowance is suspended until the decision of the competent authority on the family status of the child is made, and the payment of the allowance continues from the first day of the following month from the day of suspension of the payment. If the child dies during the payment of the right to maternity allowance, which is paid in monthly amounts, the remaining amount of the allowance is paid for the period for which the right was recognized. If a live-born child dies before submitting a request to exercise the right within the period referred to in Article 15, paragraph 1 of this law, or if the request is submitted by a mother who gave birth to a stillborn child, the mother is granted the right to maternity allowance for a period of at least 60 days from the day of the child's birth. As an exception to paragraph 4 of this article, the mother is granted the right to maternity allowance for as long as, according to the opinion of an authorized medical doctor, it is necessary for her to recover from giving birth and the psychological state caused by the loss of a child, but not longer than 12 months from the day of the child's birth.

Employers, entrepreneurs and persons who perform independent professional activities as their primary occupation have the right to a refund of allowance during maternity leave from the Child Protection Fund of the Republic of Srpska, in the amount of 100% of the gross salary, after payment of allowance to the worker.

When determining the amount of allowance for women who gave birth, it must be borne in mind that when you take into account the fact that the lowest salary in the Republic of Srpska established in 2022 is 590.00 BAM in net amount, it follows that the amount of allowance for women who gave birth is above the amount of 58.76 % of the average net salary in the Republic of Srpska for the previous year.

Also, the Law on Contributions stipulates that the contribution base for persons who are liable for contributions cannot be lower than the lowest gross salary in the Republic, established in accordance with

³⁶ Source: Government of the Republic of Srpska;

³⁷ „Official Gazette of the Republic of Srpska”, numbers 114/17, 122/18, 107/19 and 119/21;

the regulations regulating work, and which is valid in the month for which the contributions are calculated. In the event that a person is employed part-time by several legal entities or natural persons, and the sum of personal income does not exceed the lowest gross salary, the calculation and payment of contributions is made by the payers in proportion to the calculated personal income up to the amount of the lowest salary in the Republic, determined in accordance with the regulations that regulate work, and which is valid in the month for which the contributions are calculated.³⁸

In the Brčko District of BiH, in accordance with the Law on Child Protection of the Brčko District of BiH³⁹, the right to assistance for a newborn child equipment is realized without exception for every newborn child in the family, if the parent or guardian of the newborn child submits an application for exercising the right to newborn child equipment within 180 days (6 months) from the day of the child's birth. Along with the application, the applicant is required to submit proof of residence in the Brčko District of BiH for at least two continuous years up to the date of submission of the application and the birth certificate of the newborn child. One-time assistance for the equipment of a newborn child is realized in the amount of 25% of the average monthly salary in the Brčko District of BiH.⁴⁰

33. Given that the previous report did not answer the question about the level of allowance for women who gave birth compared to 50% of the average net income, the Committee repeats its question;

The right to an allowance for maternity leave in the institutions of Bosnia and Herzegovina is prescribed by the Law on Labor in the Institutions of Bosnia and Herzegovina. The law stipulates that, in the event that the laws and other regulations of the entities and the Brčko District of Bosnia and Herzegovina regulate the issue of rights based on maternity and parental leave in a different way, the Council of Ministers of Bosnia and Herzegovina will regulate this issue in a unique way by its own decision, by applying the decisions of this level of government in Bosnia and Herzegovina that are the most favorable for the beneficiaries of this right. The funds needed for this will be provided in the budget of the institutions of Bosnia and Herzegovina. On the basis of the aforementioned provision, the Council of Ministers of Bosnia and Herzegovina adopted a Decision on the method and procedure for exercising the right to an allowance for maternity leave in the institutions of Bosnia and Herzegovina.⁴¹ The decision stipulates that employees in the institutions of Bosnia and Herzegovina have the right to an allowance in the amount of the average net salary earned during the last 12 months before the start of maternity leave, but so that an employee who has exercised the right to an allowance in accordance with this Decision does not have a right to a refund of an allowance from the competent entity social welfare funds.⁴²

When it comes to the Federation of Bosnia and Herzegovina, the following is a tabular representation of the lowest monthly maternity allowances for an employed woman/mother in relation to 50% of the average salary in a canton in 2020:⁴³

Canton	Average net salary in the canton	50% of the average net salary in the canton	The lowest monthly amount of maternity allowance for working women/mothers	% of maternity allowances in relation to 50% of the average net salary in the canton
Una – Sana	905,00	452,50	420,00	92,92
Posavina	845,00	422,50	562,43	133,11
Tuzla	869,00	434,50	438,00	100,80

³⁸ Source: Government of the Republic of Srpska;

³⁹ "Official Gazette of BD of BiH" numbers 18/20, 29/20, 41/20 and 13/21;

⁴⁰ Source: Government of the Brčko District of BiH;

⁴¹ "Official Gazette of BiH" numbers 95/10, 10/13, 44/15 and 61/18;

⁴² Source: Ministry of Civil Affairs of BiH;

⁴³ Source: Federal Ministry of Labor and Social Policy;

Zenica – Doboј	824,00	412,00	822,78	199,70
Bosnian – Podrinje	873,00	436,50	359,00	82,24
Central Bosnia	782,00	391,00	160,00	40,92
Herzegovina – Neretva	1,029,00	514,50	344,00	66,86
West – Herzegovina	867,00	433,50	196,14	45,24
Sarajevo Canton	1.186,00	593,00	425,04	71,67
Canton 10	940,00	470,00	434,70	92,48

In the Republic of Srpska, during maternity leave, a woman has the right to an allowance in the amount of the average salary she earned during the last 12 months before the start of maternity leave. The allowance is adjusted monthly with the growth of average salaries in the Republic. If the woman has not earned a salary for all of the last 12 months, the allowance is equal to the salary she would have earned if she had been at work. The provisions are accordingly applied to other persons who, in accordance with this law, have the right to an allowance for the time of absence from work due to child care. An allowance is realized at the expense of the Public Fund for Child Protection of the Republic of Srpska.

Article 8, paragraph 2 – Illegality of dismissal during maternity leave

34. In relation to the Federation of Bosnia and Herzegovina, the Committee requests information under which conditions a pregnant woman or an employee on maternity leave can be fired and whether the same rules apply to employees in the private and public sectors;

The labor law stipulates, among other things, that an employer cannot refuse to hire a woman because of her pregnancy, nor can the employer cancel the employment contract of a woman or a worker who is using any of the mentioned rights during pregnancy or during maternity leave. Cessation of a fixed-term employment contract is not considered a termination of the employment contract. The employer may not ask for any information about the pregnancy, unless the worker requests a certain right provided for by law or another regulation for the protection of pregnant women. These rights are regulated in the same way in both the private and public sectors in accordance with the aforementioned provisions of the Labor Law.⁴⁴

35. In relation to the Brčko District, the Committee asks whether there are specific provisions that regulate illegal dismissal during pregnancy or maternity leave, and under what circumstances it is possible to dismiss an employee during pregnancy or maternity leave in relation to the current legislation;
36. The Committee asks whether the situation has changed in the Brčko District in relation to the adequacy of compensation awarded in cases of illegal dismissal during pregnancy or maternity leave;

In the Brčko District of BiH, the Labor Law of the Brčko District of BiH stipulates that the employer cannot cancel the employment contract during pregnancy, maternity sick leave or maternity leave. The same regulation is provided for in the Law on Civil Service in Public Administration Bodies of the Brčko District of BiH.⁴⁵

Article 8, paragraph 3 – Free time for nursing mothers

In the reference period, there were no changes at the level of Bosnia and Herzegovina in relation to this article.⁴⁶

⁴⁴ Source: Federal Ministry of Labor and Social Policy;

⁴⁵ Source: Government of the Brčko District of BiH;

⁴⁶ Source: Agency for Gender Equality of BiH;

37. The Committee asks whether the legislation prescribes paid breastfeeding breaks for women employed in the public sector (for both entities and BD of BiH);

The answer of the Federation of BiH to questions 37-39: The Labor Law stipulates that the employer is obliged to assign a woman to other jobs during pregnancy, i.e. breastfeeding, if this is in the interest of her health condition, as determined by an authorized doctor. If the employer is not able to ensure the assigning of the woman, the woman has the right to leave from work with salary compensation, in accordance with the collective agreement and the labor rulebook. The temporary assigning cannot result in a woman's salary being reduced. The employer can transfer a woman, who uses the said right, to another workplace, only with her written consent.

The Labor Law also regulates the issue of part-time work after the expiration of maternity leave in such a way that it stipulates that after the expiration of maternity leave, a woman with a child of at least one year of age has the right to work part-time, and for twins, the third and each subsequent child, has the right to work part-time until the child reaches two years of age, if the cantonal regulation does not provide for a longer duration of this right. The mentioned right can also be used by the worker - the father of the child, if the woman works full-time during that time.

It is also stipulated that after the end of one year of the child's life, one of the parents has the right to work part-time until the child is three years old, if, according to the findings of the competent health institution, the child needs increased care.

The issue of a woman's right to leave for breastfeeding has also been regulated, in such a way that it is prescribed that a woman who is breastfeeding a child, and who works full-time after taking maternity leave, has the right to be absent from work twice a day for an hour each to breastfeed, until the child is one year old. The time of absence is counted as full-time work.⁴⁷

In the Brčko District of BiH, this provision is prescribed by the Labor Law of the Brčko District of BiH.

38. The Committee asks whether the same regulations apply to women employed in the public sector at the level of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republic of Srpska;

39. The committee asks what regulations apply to female employees who work part-time (for all levels of government);

In accordance with the regulations of the Law on Labor in the Institutions of Bosnia and Herzegovina, a woman who works full-time after taking maternity leave has the right to be absent from work once a day for one hour in order to breastfeed her child, based on the findings of an authorized doctor. A woman can use this right until the child reaches one year of age. The time of absence referred to in this article is counted as full-time work. In general, the Law on Labor in the Institutions of BiH applies to female employees who work part-time. The same regulations apply to all sectors in both entities and in the District.

In the Republic of Srpska, if a woman starts working before the end of her maternity leave, she has the right to use 60 minutes of leave from work during the working day, in addition to the daily rest, in order to breastfeed her child. The specified rest during the day is included in the worker's working hours. The aforementioned right is applied in the public and private sector. The aforementioned provision of the law also applies to female workers who work part-time.⁴⁸

In the Brčko District, the same regulations apply to all female employees, according to the Labor Law of the Brčko District of BiH and the Law on Civil Service in Public Administration Bodies of BD of BiH.

⁴⁷ Source: Federal Ministry of Labor and Social Policy;

⁴⁸ Source: The Government of the Republic of Srpska;

Article 8, paragraph 4 – Regulation of night work

In the reference period, there were no changes at the level of Bosnia and Herzegovina in relation to this article.⁴⁹

40. The Committee asks whether new regulations were adopted in the reference period that regulate the above-mentioned issues in the Brčko District (night work for pregnant women, women who have recently given birth and women who breastfeed);

In the Brčko District of Bosnia and Herzegovina, the Labor Law prohibits night work for pregnant women starting from the sixth month of pregnancy and for mothers with children up to three years of age. In 2019, a new Labor Law of the Brčko District of BiH was adopted, and two amendments were made in 2021, as well as five amendments to the Law on Civil Service in Public Administration Bodies of BD of BiH.⁵⁰

41. The Committee requests information regarding changes to the Law on Labor in the Institutions of Bosnia and Herzegovina, according to which night work is prohibited for pregnant women from the sixth month of pregnancy and for mothers up to two years after giving birth;
42. The Committee requests detailed information regarding the redistribution of night work to work with day shifts, i.e. whether such redistribution is possible for the above-mentioned categories of women/employees (for all levels of government);

Answers of the Federation of Bosnia and Herzegovina to questions 41-43: The Labor Law stipulates that if the nature of the work requires it, full-time and part-time working hours can be redistributed so that during one period it lasts longer and during another period it is shorter than full-time working hours, but so that the average working hours during the redistribution period cannot be longer than 52 hours per week, and for seasonal jobs a maximum of 60 hours per week. The employer is obliged to make a written decision about the introduction of redistribution, which the employer delivers to the employee. If the redistribution of working hours has been introduced, the average working hours during the calendar year or other period determined by the collective agreement cannot be longer than full-time or part-time working hours. Redistributed working hours are not considered overtime work. Underage workers, pregnant women, mothers, or adoptive parents of children up to three years of age, as well as single parents, single adoptive parents and persons entrusted with the care and upbringing of a child on the basis of a decision of the competent authority, up to six years of age of the child, may work in a redistribution of working hours only if they agree to such work in a written statement.

It is also stipulated that an employer cannot refuse to hire a woman because of her pregnancy, nor can they cancel the employment contract of a woman or a worker who uses any of the mentioned rights during pregnancy, maternity leave, or during the exercise of the rights of this law. Cessation of a fixed-term employment contract is not considered a termination of the employment contract. The employer may not ask for any information about pregnancy, unless the worker requests a certain right provided for by law or other regulation for the protection of pregnant women.

It is prescribed that the employer is obliged to assign a woman to other jobs during pregnancy, i.e. breastfeeding, if this is in the interest of her state of health, as determined by an authorized doctor. If the employer is not able to ensure the assigning of the woman, the woman has the right to leave from work with salary compensation, in accordance with the collective agreement and the labor regulations. A

⁴⁹ Source: Agency for Gender Equality of BiH;

⁵⁰ Source: The Government of the Brčko District of BiH;

temporary assignment cannot result in a reduction in the woman's salary. The employer can transfer a woman, who uses the aforementioned right, to another place of work, only with her written consent.⁵¹

In the Brčko District of BiH, according to the Law on Civil Service in the Public Administration Bodies of the Brčko District of BiH, it is stipulated that one of the parents of a child with severe developmental disabilities has the right to work part-time when it is a single parent or when both parents are employed. A parent using this right cannot be ordered to work at night, overtime, nor can their place of work be changed if they have not given their consent. Night work is prohibited for underage workers, for pregnant women starting from the sixth month of pregnancy and for mothers with children up to three years of age.⁵²

43. The Committee requests information on changes in working conditions or transfer to another workplace in cases of exemption from work related to pregnancy and motherhood, on possible paid leave and the possibility of returning to the previous workplace after the cessation of specific conditions, and on confirmation that the above-mentioned cases do not lead to a loss of salary;

For questions 41-43: In the reference period, no changes were made to the Law on Labor in BiH institutions, which refer to the prohibition of night work for pregnant women from the sixth month of pregnancy and mothers up to two years after giving birth. According to this Law, a woman can be assigned to other jobs during pregnancy, i.e. breast-feeding, if this is in the interest of her state of health, as determined by an authorized doctor. If the employer is not able to ensure the assigning of the woman, the woman has the right to leave from work with salary compensation. The temporary assignment cannot result in a reduction in the woman's salary. The employer can transfer the woman to another workplace only with her written consent.⁵³

In the Republic of Srpska, it is the employer's obligation to determine workplaces with increased risk through the Risk Assessment Act and to ensure that an employed woman during pregnancy, in addition to training for safe and healthy work, is informed in writing of the results of the risk assessment at the workplace and of the measures taken to eliminate the risks in order to increase protection and health at work.

When it comes to the exposure of workers to carcinogens or mutagens, noise, vibrations, or other dangers and harmful things, the work process must be adapted to the physical and psychological capabilities of the worker and organized in such a way that a woman during pregnancy and while breastfeeding a child, a mother with a child up to the age of one year old, is not assigned to work at these workplaces.

Factors of pregnancy and motherhood must be taken into account when assessing workplace risks and organizing work tasks. Also, when it comes to manually transferring loads, the work process must be organized in such a way that pregnant women do not perform these tasks.

During pregnancy, a woman cannot be assigned to work at a workplace with increased risk, i.e. at a workplace that could have a harmful effect on the pregnancy or could endanger the life and health of the woman or her child.

Based on the findings and recommendations of the competent doctor of medicine, a woman during pregnancy or while breastfeeding a child may be temporarily assigned to other jobs if this is in the interest of preserving her health or the health of the child. If the employer is not able to assign the woman to another job, the woman has the right to leave from work with salary compensation in accordance with the general act. This compensation cannot be less than the compensation that the woman would have received if she had stayed to work at her workplace.

⁵¹ Source: Federal Ministry of Labor and Social Policy;

⁵² Source: The Government of the Brčko District of BiH;

⁵³ Source: Ministry of Justice of BiH;

Night work is prohibited for pregnant women, starting from the sixth month of pregnancy and for mothers with a child up to two years of age.

After the cessation of these circumstances, the woman has the right to return to her previous or other suitable job (equally paid job at the same level).⁵⁴

In the Brčko District of BiH, this area is prescribed by the Law on Civil Service in Public Administration Bodies of the Brčko District of BiH and the Labor Law of the BD of BiH.

Article 8, paragraph 5 – Prohibition of dangerous, unhealthy or strenuous work

In the reference period, there were no changes at the level of Bosnia and Herzegovina in relation to this article.⁵⁵

44. The Committee asks whether, in case of temporary transfer, the employee retains the right to return to their previous workplace at the end of the protection period (during pregnancy or breastfeeding);

The employee reserves the right to return to their previous workplace at the end of the protection period during pregnancy or breastfeeding, which applies to female employees in both public and private sector. We informed the Committee in detail about these issues in the previous – The Ninth Report of Bosnia and Herzegovina in 2018, on the implementation of this group of rights.

45. The Committee asks what regulations apply in Bosnia and Herzegovina regarding the ban on working in mines for pregnant women, women who have recently given birth and nursing mothers;

46. The Committee asks in what way the regulations prohibit dangerous, unhealthy or strenuous work for pregnant women, women who have recently given birth and nursing mothers in the Federation of Bosnia and Herzegovina, especially when it comes to the risks of exposure to ionizing radiation, high temperatures, viral agents, etc.;

In earlier reports, we informed the Committee about the cancellation of International Labor Organization conventions related to this topic by the authorities of Bosnia and Herzegovina.

In general, in both entities and the Brčko District of BiH, workplaces with increased risk are determined through the Risk Assessment Act to ensure that the work process is adapted to the physical and psychological capabilities of the worker and organized in such a way that a woman during pregnancy and while breastfeeding a child, a mother with a child up to the age of one year, is not assigned to work at these workplaces. Factors of pregnancy and motherhood must be taken into account when assessing workplace risks and organizing work tasks.

During pregnancy, a woman cannot be assigned to work at a workplace with increased risk, i.e. at a workplace that could have a harmful effect on the pregnancy or could endanger the life and health of the woman or her child.

Article 16 - The right of the family to social, legal and economic protection

47. The Committee requests updated information regarding the resolution of disputes between spouses, the limitation of parental rights and the placement of children in such cases;

In the Federation of Bosnia and Herzegovina, the resolution of disputes between parents regarding the exercise of parental care is, in accordance with the Family Law of the Federation of Bosnia and Herzegovina,⁵⁶ under the jurisdiction of the court that renders a decision in a non-litigation procedure.

⁵⁴ Source: The Government of the Republic of Srpska;

⁵⁵ Source: Agency for Gender Equality of BiH;

The court also decides in a non-litigation procedure on the deprivation of parental care and the deprivation of the parent's right to live with the child, and entrusts the care and education of the child to another person or institution.⁵⁷

48. The Committee requests detailed and updated information on the implementation of the current Gender Action Plan of BiH;

The BiH Gender Action Plan is a program document for the promotion of gender equality that is jointly prepared and developed by the Agency for Gender Equality of the Ministry of Human Rights of BiH (hereinafter referred to as ARS BiH), the Gender Center of the Republic of Srpska (hereinafter referred to as GCRS) and the Gender Center of the Federation of Bosnia and Herzegovina. (hereinafter GCFBiH), on the basis of the Law on Gender Equality in Bosnia and Herzegovina⁵⁸, who coordinate and supervise its implementation, each in their own area of activity and jurisdiction. Support was provided in the process of forming cantonal coordination committees, and six cantonal gender action plans and over 30% of plans for local self-government units were adopted in cooperation with them. These plans contain an analysis of the state of gender equality in each canton in terms of priority areas from the BiH Gender Action Plan, activities adapted for cantonal levels and coordination mechanisms.

Cooperation with international organizations is carried out through five joint projects: FIGAP II; EU support for gender equality - GEF; Improving access to multisectoral services for victims of gender-based violence at the cantonal and municipal level with UN WOMEN; Strengthening of institutional mechanisms for prevention, handling and protection in cases of domestic violence with USAID and Women in elections in BiH with UNDP. Donor funds through the mentioned projects provided support for over 150 civil society organizations in the amount of more than 500,000 BAM, which strengthened cooperation with these organizations and achieved numerous results determined in the Gender Action Plan of BiH.

Support was provided for the establishment and strengthening of cantonal coordination bodies and municipal multi-sectoral teams for the prevention and fight against domestic violence, and there is continuity in the adoption of two-year programs of measures for the prevention and fight against domestic violence at the cantonal level.

Research was conducted on the contents of curricula on the topic of gender-based violence and domestic violence at the social and humanistic organizational units of the University of Sarajevo. The research determined the attitudes and awareness of teaching staff and students about gender-based violence and domestic violence, as well as the representation of topics and the scope of educational content about gender-based violence and domestic violence in curricula, on the basis of which it will be possible to monitor progress in this area.

Projects, campaigns, creation of promotional material that is available in adapted formats to the general public and vulnerable groups, cooperation with the media and education are carried out continuously with the aim of informing, educating and raising awareness among the public about gender equality, gender-based violence and domestic violence, respecting diversity and inclusion of vulnerable groups.

For the purpose of reporting on the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence, the Convention on the Elimination of All Forms of Discrimination against Women and the FBiH Strategy for Preventing and Combating Domestic

⁵⁶ „Official Newspaper of FBiH" numbers 35/05, 41/05 and 31/14;

⁵⁷ Source: Federal Ministry of Labor and Social Policy;

⁵⁸ Law on Gender Equality in Bosnia and Herzegovina - consolidated text ("Official Gazette of Bosnia and Herzegovina", number 32/10);

Violence, the mechanism for collecting statistical data on gender-based violence and domestic violence is improved, in such a way that the data is collected directly from the High Judicial and Prosecutorial Council of BiH. These statistical data include the number and gender of perpetrators and victims, the number and types of sanctions imposed for criminal acts of gender-based violence and domestic violence, and the number and type of protective measures imposed under the FBiH Law on Protection from Domestic Violence.

The Federal Bureau of Statistics regularly improves and expands the number of statistical data that are classified by sex. These data form part of the statistical publications, and are published together in the publication *Women and Men in FBiH*.

According to the established methodology and given format, data and information from institutions, non-governmental organizations and other partners at the FBiH level are regularly collected and analyzed with the aim of annual reporting on the implementation of activities from GAP BiH.

The main achieved results contributed to: systemic institutional solutions with the aim of strengthening the capacity for harmonizing laws, regulations and acts with the principles of gender equality; greater readiness of institutions and legislative bodies at all levels of government in BiH to plan, implement and monitor measures to improve the position of women and/or gender equality in their scope of work; further strengthening of systems, instruments and mechanisms for more efficient introduction and application of gender-responsible budgeting standards, a transparent mechanism for awarding grant funds and a system of media visibility and information for the professional and general public; strengthening the material, technical and human resources of gender institutional mechanisms, establishing and using a base of external experts for gender equality, continuously strengthening the capacities of civil servants through regular training of civil service agencies, and strengthening professional capacities through cooperation with the academic community in BiH.

Continuous cooperation with non-governmental organizations was achieved in the realization of joint projects and activities in the following areas: support for marginalized groups of women, economic empowerment of women victims of violence, initiative to involve men and young men in the fight against violence, improvement of the position of human rights defenders, strengthening of the capacity of female politicians, training local commissions for gender equality, etc. About 25 selected projects of non-governmental organizations in BiH were supported.

In the reporting period, the creation of a dictionary and lexicon of terms in the field of gender equality was realized.⁵⁹

The Agency for Statistics of BiH contributed to the creation of the Operational Plan for the implementation of the Gender Action Plan for BiH for the period 2018-2022. An additional set of gender data was collected. In February 2022, the regular publication "*Women and Men in Bosnia and Herzegovina*" was published with a large number of new gender data. The publication includes data from various statistical and other fields classified by gender. The data provide a brief overview of the position of women and men in Bosnian society. Through this publication, the Agency for Statistics of Bosnia and Herzegovina strives to make a unique contribution to the achievement of equality between the sexes.

The BiH Agency for Statistics has, for the first time, produced a partial Gender Equality Index for BiH, according to the methodology of the European Institute for Gender Equality (EIGE). Due to the lack of conducting certain research that is the source of data for a large number of indicators that are taken into account when calculating the Index, BiH was not able to calculate the complete Index (out of 31 indicators). The Partial Index, which was calculated with available data sources, consists of two full domains (Knowledge and Power), and one sub-domain from the Work domain and two sub-domains from the Health domain. The Index is planned to be published at the end of 2022.⁶⁰

⁵⁹ Source: Agency for Gender Equality of BiH;

⁶⁰ Source: Agency for Statistics of BiH;

49. The Committee requests detailed information on the current regulations that ensure adequate protection of women against domestic violence;

The Presidency of Bosnia and Herzegovina passed the Decision on the ratification of the Council of Europe Convention on the prevention and fight against violence against women and domestic violence (Istanbul Convention)⁶¹. With this, BiH has committed itself to take legislative and other measures in order to ensure a legal, institutional and organizational framework for the prevention of violence against women, the protection of victims of violence, and the punishment of perpetrators of violence.

In accordance with the obligations from the Istanbul Convention, in August 2019, the BiH Council of Ministers passed a Decision on the establishment of the Committee for monitoring the implementation and reporting on the Istanbul Convention and femicide in BiH⁶². The committee, among other things, analyzes the implementation of policies and measures to prevent and combat violence against women and domestic violence, assesses the state of implementation of the Istanbul Convention and makes recommendations for more efficient implementation of the same, analyzes data on cases of murder of women from a gender perspective (femicide) and gives recommendations for further action in order to prevent femicide.

At the level of the Federation of Bosnia and Herzegovina and cantons, the protection of women against domestic violence is ensured in the following regulations:

- Council of Europe Convention on preventing and combating violence against women and domestic violence - Istanbul Convention⁶³;
- Law on Gender Equality in Bosnia and Herzegovina⁶⁴;
- Criminal Code of the Federation of Bosnia and Herzegovina⁶⁵;
- Law on Criminal Procedure of the Federation of Bosnia and Herzegovina⁶⁶;
- Law on the Protection of Threatened Witnesses and endangered Witnesses⁶⁷;
- Law on the basics of social protection, protection of civilian victims of war and protection of families with children⁶⁸ ("Official Newspaper of the Federation of BiH" numbers 36/99, 54/04, 39/06, 14/09, 7/14 - decision of the USBiH, 45/16, 19/17 - second law and 40/18). According to the current cantonal regulations, the victim of domestic violence as a category of beneficiary of social welfare is recognized only in four cantonal laws on social welfare, namely for Sarajevo Canton, Tuzla Canton, Zenica-Doboj Canton and West Herzegovina Canton;
- Family Law of the Federation of Bosnia and Herzegovina⁶⁹;
- Law on protection against domestic violence⁷⁰;
- Rulebook on the manner and place of implementation of the protective measure of mandatory psychosocial treatment of perpetrators of domestic violence⁷¹;

⁶¹ „Official Gazette of Bosnia and Herzegovina - International Agreements" number 19/13;

⁶² „Official Gazette of BiH" number 60/19;

⁶³ „Official Gazette of BiH" number 19/13;

⁶⁴ „Official Gazette of BiH" number 32/10-consolidated text;

⁶⁵ „Official Newspaper of Federation of Bosnia and Herzegovina, numbers 36/03, 37/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14, 76/14, 46/16 and 75/17;

⁶⁶ „Official Newspaper of Federation of Bosnia and Herzegovina" numbers 35/03, 37/03, 56/03, 78/04, 28/05, 55/06, 27/07, 53/07, 9/09, 12/10, 8/13 and 59/14;

⁶⁷ „Official Newspaper of Federation of BiH" number 36/03;

⁶⁸ „Official Newspaper of Federation of BiH" numbers 36/99, 54/04, 39/06, 14/09, 7/14 - decision of the USBiH, 45/16, 19/17 - other law and 40/18;

⁶⁹ „Official Newspaper of Federation of BiH" numbers 35/05, 41/05 and 3/14;

⁷⁰ „Official Newspaper of Federation of BiH" numbers 20/13 and 75/21;

⁷¹ „Official Newspaper of Federation of BiH" number 63/17;

- Rulebook on the manner and place of implementation of protective measures of compulsory treatment for alcohol addiction, addiction to narcotic drugs or to other psychotropic substances of perpetrators of domestic violence ⁷²;
- Rulebook on the implementation of protective measures under the jurisdiction of the police ⁷³;
- Rulebook on the content and method of keeping records on protective measures imposed on persons protected by a protective measure and on violent persons to whom protective measures have been imposed in the Federation of Bosnia and Herzegovina ⁷⁴;
- The state law on the provision of free legal aid was adopted⁷⁵, the adoption of federal regulations is not foreseen, but cantonal regulations that were adopted in all cantons except the Central Bosnia Canton.⁷⁶

The above-mentioned Law on Protection from Domestic Violence in the Federation of BiH, which came into force in 2013, and the amendments to the Law published in the Official Newspaper of FBiH No. 75/21 introduced a new institute of "a person of trust" as an additional instrument of protection.⁷⁷

As the federal regulation in the field of social welfare does not currently recognize victims of domestic violence as a category of beneficiaries of social welfare, the competent Ministry of Labor and Social Policy is working on drafting a new Law on Social Welfare, with the aim of providing unitary protection for victims of domestic violence (children and adults), and in it, it has defined victims of violence as a category of social welfare beneficiaries, and safe houses were defined as social welfare institutions, and their establishment is in accordance with the Law on Institutions that will be an integral part of the social welfare system.

However, the existing federal law gives the cantons the opportunity to expand the circle of social welfare beneficiaries in accordance with specific circumstances and needs. In this sense, in four cantonal laws on social welfare, victims of domestic violence are defined as a category of beneficiaries of social welfare (Sarajevo Canton, Tuzla, Zenica-Doboj and West-Herzegovina cantons).

In the field of social welfare, the Rulebook on standards for work and provision of services in social welfare institutions in the Federation was adopted⁷⁸, which prescribes minimum and special standards for the performance of social welfare activities in social welfare institutions, where, in addition to other institutions, defined are also institutions (safe houses) for taking care of victims of violence, victims of human trafficking, etc., and they are established in accordance with the Law on Institutions.

When it comes to the protection of victims of domestic violence in the Federation of BiH, it is defined through the Criminal Code of the FBiH ⁷⁹, the Family Law of the FBiH and the Law on Protection from Domestic Violence⁸⁰.

Jurisdiction or the legal basis for the actions of guardianship authorities in cases of violence is defined by the Law on Protection from Domestic Violence and the Family Law of the Federation. The actions of competent institutions in cases of domestic violence, in addition to the legal framework, are defined at the level of cantons and municipalities by protocols on actions in cases of domestic violence. These

⁷² „Official Newspaper of the Federation of BiH" number 99/15;

⁷³ „Official Newspaper of the Federation of BiH" numbers 19/14 and 95/18;

⁷⁴ „Official Newspaper of the Federation of BiH" number 95/13;

⁷⁵ „Official Gazette of BiH" number 83/16;

⁷⁶ Source: Gender Center of the Federation of BiH;

⁷⁷ Source: Federal Ministry of Justice;

⁷⁸ „Official Newspaper of the FBiH" number 18/13;

⁷⁹ „Official Newspaper of the FBiH" numbers 36/03, 37/03, 21/04, 69/04, 18/05, 41/10, 42/11, 59/14, 76/14, 46/16 and 75/17;

⁸⁰ „Official Gazette of the FBiH" number 20/13;

protocols decisively define the mutual rights and obligations of the competent institutions in the reporting process, i.e. in the protection of victims of domestic violence.

In the Republic of Srpska, victims of domestic violence are *de iure* (in legal and other acts), provided with adequate legal protection established by international legal standards, and especially by the Council of Europe Convention on the prevention and suppression of violence against women and domestic violence. Among the most important rights that provide protection, help and support to the victims of this violence, the right to free access to all help and support services should be highlighted. Also, victims of domestic violence have the right to be taken care of in safe houses, and to a free counseling service through the SOS telephone. The law provides them with the right to a confidential person who will provide them with help and support in the course of all (or certain) actions and procedures that are conducted or will be conducted in relation to a specific case. The protection of women from domestic violence is regulated by a special law, the Law on Protection from Domestic Violence, while certain sectoral laws and other regulations, which regulate the field of social and health care, internal affairs, free legal aid, etc., regulate the rights of this vulnerable category in more detail in these specific areas as well.

The Law on Social Protection of the Republic of Srpska recognizes victims of domestic violence as a category that in itself has the right to social protection, regardless of their income or employment status. As for the role and function of social work centers (CSR), the centers work together with law enforcement agencies as the first point of contact with cases of domestic violence. They cooperate closely with the police, providing information and documents necessary for a specific case of domestic violence.

With the aim of ensuring the coordinated, efficient and comprehensive work of protection entities, and with the aim of providing immediate help, support and protection to victims of domestic violence in the Republic of Srpska, the relevant ministries signed the General Protocol on handling cases of domestic violence, with the aim of mutual cooperation of all institutions, establishments and services that participate in the prevention and suppression of violence, and the creation of mechanisms for an integrated and coordinated response to domestic violence at the level of the Republic of Srpska.

In accordance with the provisions of the Rulebook on the content of records of reports on domestic violence, data is collected from all protection entities (police, courts, centers for social work, health and educational institutions), and refers to important facts that the protection entities came to know in the process of implementation of protection, assistance and support for victims of domestic violence.

In accordance with the provisions of the Law on Protection Against Domestic Violence in the Republic of Srpska, the Strategy for the fight against domestic violence was also adopted. Adoption of the Strategy for the period 2020-2024 represents the continuation of the strategic approach to solving the problem of domestic violence, which began with the implementation of the Strategy until 2013, and the 2014-2019 strategy. Five strategic goals: Prevention of domestic violence, Support and assistance to victims of domestic violence, Protection of victims from domestic violence, Monitoring of the implementation of laws, policies and measures against domestic violence and Protection from domestic violence in emergency/crisis situations show that the Republic of Srpska is determined to achieve zero tolerance for domestic violence.⁸¹

50. The Committee requests information on a complete and updated description of institutions for children in Bosnia and Herzegovina (preschool institutions), taking into account the total number of vacant places in relation to the number of children in preschool age, as well as their distribution throughout the country;
51. The Committee requests updated information on family allowances, and whether there has been a change in regulations in this regard;

⁸¹ Source: Government of the Republic of Srpska;

When it comes to the updated number of preschool institutions in the territory of the entire country, we were unable to collect information on this until the moment of sending this Report.

In the Federation of Bosnia and Herzegovina, the Law on Foster Care, the implementation of which began in March 2018⁸² systematically regulates the right to placement in another family, which until the adoption of the aforementioned law was regulated by the Law on Basics of Social Protection, Protection of Civilian War Victims, and Protection of Families with children. The main goal of the Law on foster care in the Federation of Bosnia and Herzegovina is to provide protection in a family environment to children who are temporarily or permanently without parental care, and to prevent the placement of children in institutions. By establishing a single minimum for budgetary funding of foster care in the territory of the Federation of Bosnia and Herzegovina, the fees for foster care were equalized. The law defines four forms of foster care (traditional, specialized, emergency and occasional), which provide prerequisites for the implementation of foster care according to the needs of the foster child.

The Law on Foster Care establishes two types of benefits:

- Foster care allowance per foster child in traditional foster care, which is calculated monthly in the amount of 15% of the average paid net salary in the Federation of Bosnia and Herzegovina for the previous year, with the fact that it is increased by 15% for each subsequent foster child. Foster care allowance for specialized foster care is calculated monthly in the amount of 30% of the average paid net salary in the Federation of Bosnia and Herzegovina for the previous year, but so that it is increased by 20% for each subsequent foster child;

- Allowance for the support of a foster child in traditional foster care, is calculated monthly in the amount of 30% of the average paid net salary in the Federation of Bosnia and Herzegovina for the previous year, i.e. allowance for support of foster children in specialized foster care, is calculated monthly in the amount of 50% of the average paid net salary in the Federation of Bosnia and Herzegovina for the previous year.

It should be emphasized that a single minimum amount is prescribed for both types of allowances in the entire Federation of Bosnia and Herzegovina. In this regard, the Law does not contain a provision that would prevent the cantons from determining foster care allowances and allowances for support of foster children in larger amounts in accordance with their own financial capabilities.

The law on parents who are caregivers in the Federation of Bosnia and Herzegovina was adopted in September 2021⁸³, and applies from December 30, 2021.

By adopting the Law in question, the intention of the legislator was to systematically resolve the issue of the status of parents who are caregivers to persons with disabilities, which according to the current situation, in a large number of cases, they themselves take on the care and work of caregivers, specialists and educators of their children, while their basic right to work is denied due to the need to provide 24-hour care to their children. Also, the Law was passed with the aim of preventing the institutionalization of persons with disabilities in cases where parents place a person with disabilities in an institution in order to achieve the existence of the family. The status of a parent who is a caregiver is defined by the Law for those parents who care for a person with a disability who is unable to independently fulfill the basic needs of life defined by the Law in question and who, according to the findings of the Institute for Medical Expertise, cannot be prepared to live independently.

A parent who is a caregiver which has a recognized status of a parent who is a caregiver has the right to a monthly allowance in the amount of the net lowest salary in the Federation of Bosnia and Herzegovina in accordance with the Labor Law⁸⁴, to which contributions are paid for pension and disability insurance, health insurance and unemployment insurance.

The contribution for pension and disability insurance, the contribution for health insurance and the contribution for insurance during unemployment are calculated and paid on the monthly allowance paid

⁸² „Official Newspaper of FBiH" number 19/17;

⁸³ „Official Newspaper of FBiH" number 75/21;

⁸⁴ „Official Newspaper of FBiH" numbers 26/16 and 89/18;

to the parent who is a caregiver at the same rates as for insured persons based on employment in accordance with the regulations on contributions.

The parent who is a caregiver has the status of an insured employee in the compulsory insurance in accordance with the regulations on compulsory insurance. In the event of a death of a disabled person, the parent who is a caregiver has the right to compensation for the costs of the deceased person's burial - funeral in the same way as it is regulated by other laws, for employees of federal authorities. Funds for financing compensation and contributions are provided in the budget of the Federation of Bosnia and Herzegovina.⁸⁵

The term "family allowances" is not recognized in the legal and by-laws in force in the Republic of Srpska, which concern the field of social protection.⁸⁶

52. The Committee requests information on the right and conditions for family allowances for foreigners residing in the territory of Bosnia and Herzegovina on the basis of a temporary residence permit of at least 5 years continuously;
53. The Committee requests statistical data on the number of families that received family allowance in the reference period;
54. The Committee requests updated information on the amount of child allowance and under what conditions it is paid (for all levels of government);

Through ESSPROS statistics (European System of integrated Social Protection Statistics)⁸⁷ total amounts paid for allowances paid to families and children in the form of child allowance are collected.

In the Federation of Bosnia and Herzegovina, an analysis of cantonal regulations revealed that some conditions for obtaining child allowance are the same: - families residing in the canton; - a child without both or one parent, a child with a disability or parents with a disability are entitled to child allowance regardless of property conditions; - children over the age of 15 are entitled to child allowance if they are in regular education, up to the age of 27 at the latest, and if they are incapable of living and working independently, and the incapacity occurred before the age of 15.

The difference is reflected in the fact that certain cantons, in addition to the above, establish the following conditions: - property census; - the percentages of the property census are of different levels in the cantons; - children of beneficiaries of permanent financial assistance are entitled to child allowance regardless of the property census; - families in which one of the members of the joint household is the owner of a company or an independent business or has a registered supplementary activity, is the owner of a motor vehicle (except if it is a person with disabilities who, according to tax and customs regulations, can import or buy a motor vehicle on the domestic market as an orthopedic or other aid) cannot exercise the right to child allowance.

Below is a tabular representation of the conditions for exercising the right to child allowance by canton in the Federation of Bosnia and Herzegovina:⁸⁸

Name of canton	Income census	rate	Age
		%	
		A child without both or one parent, families with a child with disabilities in physical or mental development, as well as families in which both or one parent is a person with a disability has	Until the age of 18. Children over the age of 18 in full-time education, up to the age of 27 at the latest, if they are incapable of living and working independently, and the incapacity

⁸⁵ Source: Federal Ministry of Labor and Social Policy;

⁸⁶ Source: The Government of the Republic of Srpska;

⁸⁷ European system of integrated social protection statistics;

⁸⁸ Source: Federal Ministry of Labor and Social Policy;

Una - Sana	3% of the canton's average salary earned in the previous year	the right to child allowance, regardless of property conditions. The amount of child allowance as well as other issues related to exercising the right to child allowance which are not regulated by cantonal law, upon the proposal of the competent cantonal ministry, is determined by the decision of the Cantonal Government in accordance with the planned provided funds.	occurred before the age of 18 or during full-time education, up to the age of 27 at the latest.
Posavina	The amount is determined by the cantonal government in a special decision on the proposal of the cantonal ministry	An increased amount by 30% belongs to the family for each subsequent child, and by 50% for children without parental care, children with special needs, a family in which both or one parent is a person with a disability of 60% disability, a child sick with diabetes, cancer , leukemia, TBC, celiac disease and epilepsy, as well as children of beneficiaries of support assistance.	Children up to 15 years of age, with the exception of children who are placed in child and social welfare institutions, the costs of which are borne by the cantonal ministry.
Tuzla	The monthly income per family member does not exceed 15% of the average monthly salary of the Canton (priority is given to children of families with a monthly income per family member of 7% of the average salary)	2.5-5% of the average monthly salary of the Canton in the previous year (the amount cannot be less than 5% for families with 3 or more children)	Until the age of 15. Children over the age of 15 in full-time education, and at the latest until the age of 27, if they are incapable to live and work independently, and the incapacity occurred before the age of 15 or during full-time education, and at the latest until the age of 27.
Zenica - Doboj	Monthly income per family member 15% of the average monthly salary of the Canton	The amount is determined in the monthly amount of 2% of the average monthly net salary of the Canton per child (3% in the case of a disabled parent of a child up to 60% disability, etc.)	Until the age of 15. Children over the age of 15 in full-time education, up to the age of 27 at the latest, if they are incapable to live and work independently, and the incapacity occurred before the age of 15 or during full-time schooling, and up to the age of 27 at the latest.
Bosnian - Podrinje	The monthly income per family member does not exceed 15% of the average salary of the Canton	5% of the average salary of the Canton	Until the age of 15. Children over the age of 15 in full-time schooling, up to the age of 27 at the latest, if they are incapable to live and work independently, and the incapacity occurred before the age of 15 or during full-time schooling, and up to the age of 27 at the latest.
Central Bosnia	Monthly income per family member 22% of the average monthly net salary of the Canton in the previous year	4.5% of the average monthly net salary of the Canton in the previous year	Until the age of 15. A child older than 15 years old, if they are in education, has the right to child allowance until they reach the age of 26 if they are in full-time education.
Herzegovina - Neretva	Monthly income per household member 15% of the average net salary earned in the previous year in	From 2017, the amount of the child allowance is determined by the Government of the Canton with a special decision on the proposal of the Cantonal Ministry	Until the age of 15. A child over the age of 15 is entitled to child allowance if: a) he/she is in full-time secondary school education, and at the latest until the age of 19; b) is in full-time education at a

	the Federation of BiH		higher education institution in the territory of Bosnia and Herzegovina, up to the age of 27 at the latest, and c) is unable to live and work independently, provided that the incapacity occurred before the age of 15 or is in the course of full-time education, and at the latest until the age of 27.
West - Herzegovina	Income per family member 20% of the average salary of the Canton in the first quarter of the current year.	It is determined by the Decision of the Government of the Canton and cannot be less than 15% of the lowest salary of the Canton.	Until the age of 15, and at the latest until the age of 19 if they are in full-time education, if they are incapable of living and working independently, and the incapacity occurred before the age of 15 or during full-time education for the entire duration of the incapacity.
Sarajevo Canton	Monthly income per family member 20% of the average monthly salary of the Canton.	5% of the average salary of the Canton.	Until the age of 15, and at the latest until the age of 19 if they are in full-time education, if they are incapable of living and working independently, and the incapacity occurred before the age of 15 or during full-time education for the entire duration of the incapacity.
Canton 10	The amount is determined by the Government of the Canton based on the Decision.	It is not prescribed by law, but by the decision of the cantonal government, the payment began from March of 2018	(includes all children up to 15 years of age).

O. No.	Canton	Child allowance in 2018			
		Number of families/users of c.a.	Number of children	Amount per child -BAM-	
1	2	3	4	5	6
1.	Una – Sana	0	0	0,00	0,00
2.	Posavina	1813*	2820	40,00	
3.	Tuzla	6876	11148	20,40	50,00
4.	Zenica – Doboј	9537	17811	14,60	21,90
5.	Bosnian – Podrinje	504	783	29,00	43,50
6.	Central Bosnia	-	1500	31,50	
7.	Herzegovina – Neretva	-	4108	25,00	35,00
8.	West Herzegovina	0	0	0,00	0,00
9.	Sarajevo Canton	7.648	14191	42,00	63,00
10.	Canton 10	1966	5900	30,00	-
TOTAL FBiH		28344	58261		

* Source: Federal Ministry of Labor and Social Policy

PC – The monthly amount for child allowance until June 2018 was 35.00 BAM, and from June the amount increased to 40.00 BAM

C10 - Child allowance is paid based on the Decision of the Government of Canton 10

USC and WHC do not pay child allowance

O. No.	Canton	Child allowance in 2019			
		Number of families/users of c.a.	Number of children	Amount per child -BAM-	
1	2	3	4	5	6
1.	Una – Sana	0	0	0,00	0,00
2.	Posavina	1703*	2629	35,00/45,50	67,50
3.	Tuzla	7301	9634	20,00/40,00	50,00
4.	Zenica – Doboј	8072	15235	14,74	22,89

5.	Bosnian – Podrinje	448	712	29,00	43,50
6.	Central Bosnia	715	1450	32,50	0,00
7.	Herzegovina – Neretva	0	4745	25,00	35,00
8.	West Herzegovina	0	0	0,00	0,00
9.	Sarajevo Canton	6818	11300	46,20	69,30
10.	Canton 10	3249	5722	0,00	30,00
TOTAL FBiH		28306	51427		

* Source: Federal Ministry of Labor and Social Policy

Note: USC and WHC do not pay child allowance

O. No.	Canton	Child allowance in 2020			
		Number of families/users of c.a.	Number of children	Amount per child -BAM-	
1	2	3	4	5	6
1.	Una – Sana	/	1088	26,16	/
2.	Posavina	1617*	2482*	50,00	75,00
3.	Tuzla	7846	9412	25,00-42,00	50,00
4.	Zenica – Dobo	7008	13329	15,86	23,79
5.	Bosnian – Podrinje	427	712	29,50	43,50
6.	Central Bosnia	699	1379	34,15	/
7.	Herzegovina – Neretva	/	4162	25,00	35,00
8.	West Herzegovina	0	0	0,00	0,00
9.	Sarajevo Canton	6303	6530	49,00	73,50
10.	Canton 10	3191	5677	30,00	/
TOTAL FBiH		25474	42289		

* Source: Federal Ministry of Labor and Social Policy

O. No.	Canton	Child allowance in 2021			
		Number of families/users of c.a.	Number of children	Amount per child -BAM-	
1	2	3	4	5	6
1.	Una – Sana	1466	2801	26,16	/
2.	Posavina	1542	2368	50,00	75,00
3.	Tuzla	7846	11464	30,00-48,00	50,00
4.	Zenica – Dobo	5954	11382	16,40	24,60
5.	Bosnian – Podrinje	328	597	29,00	43,50
6.	Central Bosnia	663	1118	35,00	/
7.	Herzegovina – Neretva	/	4610	25,00	35,00
8.	West Herzegovina	0	0	/	/
9.	Sarajevo Canton	/	6253	52,50	78,75
10.	Canton 10	3134	5519	30,00	/
TOTAL FBiH		20933	46112		

Note: (-) no information was provided

In the Republic of Srpska, the right to child allowance in the period until December 31, 2021, before the entry into force of the Law on Amendments to the Law on Child Protection, from January 1, 2022, was exercised by the second, third and fourth child in the family, depending on the financial situation of the family, the schedule of birth and the age of the children, in accordance with the Law on Child Protection. Depending on the family situation and in accordance with the request submitted to the center for social work, certain categories of children are entitled to child allowance regardless of the financial status of the family. This includes children of fallen soldiers, war disabled soldiers, children who are civilian victims of war and children of civilian victims of war.

The aforementioned article prescribes the criteria for exercising the aforementioned right: the right to child allowance is realized if: 1) the monthly income from Article 24 of this law, per family member,

does not exceed the amount of 20% for the second child, 21% for the third child and 23% for the fourth child 2) the catalogue value of the estimated movable property does not exceed the value of 13 bases from this law.

It is stipulated that for realizing of the right to a child allowance, taken into consideration is the income of the individual and all family members who are registered and live in the same household, as well as the total income of the family, namely: 1) salary after taxation, pension in the country and abroad and other personal income earned in the last six months preceding the month in which the application was submitted; 2) income from leasing immovable or movable property; 3) income from other property rights, if taxes are paid on these incomes; 4) income from support based on kinship and other legal grounds; 5) income of persons performing independent activity; 6) other income that is subject to taxation according to the law governing the area of income tax. In the same article, paragraph 5, it is prescribed that the decision on the rights from this law in the current year is affected by the income generated in the previous six months from the date of submission of the application.

The mentioned base from the Law is the lowest salary in the Republic in the previous year. The amount of the child allowance, in accordance with the Law, was 9% of the base for the second and fourth child, 18% for the third child and 23% for children from Article 18, paragraph 3 and Article 19 of this law, of the base from Article 21 of this law.

Children exercise their rights regardless of their material position and birth order. This includes: children under guardianship, without parental care; children who have been recognized by the competent authority as entitled to an allowance for the assistance and care of another person in the sense of the law that prescribes the field of social protection; children for whom an expert commission, in accordance with the law which governs the area of social protection, determined that the child is with an impairment or illness: sight, hearing, speech-voice communication, with a physical impairment or chronic illness, with an intellectual impairment, with a mental disorder or illness or with another impairment or illness; children up to three years of age if, according to the opinion of an authorized doctor of medicine, the child needs increased care and children whose parent or adoptive parent is the beneficiary of the right to financial assistance in the sense of the law prescribing the field of social protection.⁸⁹

In the Brčko District of BiH, the amount of the child allowance is 10% of the average monthly salary earned in the Brčko District of BiH, and for children without both or one parent, a child without parental care, a family with a child with mental or physical disabilities, a family in which both or one parent is disabled from I to IV category or at least 70% physically impaired and a single parent, they all have the right to an increased child allowance of up to 50%, regardless of property conditions.

The right to child allowance is exercised by persons who have at least two years of continuous residence in the territory of the Brčko District of BiH until the date of submission of the application.

A citizen of the District who has a registered private company, an independent shop or is engaged in another type of private activity subject to tax or lump sum payment and persons whose income exceeds the threshold of 15% of the average salary in the District per household member does not have the right to child allowance.

Regardless of the material conditions of the family and the order of birth, the child allowance belongs to a child for whom the competent authority issued an act on classification due to developmental disabilities until the age of 26.

Children older than 7 years of age are entitled to child allowance if they are in full-time education in primary schools, secondary schools, two year post secondary schools, academies or colleges, and at the latest until they reach the age of 26.⁹⁰

⁸⁹ Source: Government of the Republic of Srpska;

⁹⁰ Source: Government of the Brčko District of BiH;

55. The Committee requests information on compensation levels as well as average income in the entities and the Brčko District;

In the Republic of Srpska, the average monthly gross salary of employees paid in the period January-December 2021 is 1,546.00 BAM, and the net salary is 1,004.00 BAM. The average gross salaries and salaries after taxation-net salaries of employees paid in the Republic of Srpska in December 2021 were published in the Announcement of the Republic of Srpska Institute for Statistics ("Official Gazette of the Republic of Srpska", number 6/22).⁹¹

56. The Committee asks what measures were taken in the reference period to ensure economic protection for Roma families and other vulnerable categories of families, such as families with single parents;

In view of the joint competence of the federal and cantonal authorities in the field of social protection in the Federation of Bosnia and Herzegovina established by the Constitution, in addition to the above-mentioned law, there are cantonal regulations on social protection, adopted on the basis of the above-mentioned law, which more closely regulate the conditions, method, procedure and financing of rights from social protection.

Beneficiaries of social protection, in the sense of the Law on the Basics of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children, are persons who are in a state of social need, namely: children without parental care, educationally neglected children, children whose development is impeded by family circumstances, persons with disabilities and persons impaired in physical or mental development, materially unsecured persons and persons unable to work, elderly persons without family care, persons with socially negative behavior, persons and families in a state of social need, who due to special circumstances require an appropriate form of social protection.

The Law on the Basics of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children regulates that in the performance of activities, social protection institutions may not establish any restrictions regarding the territorial, national, religious, political or any other affiliation of the users of these institutions (race, skin color, sex, language, social origin and others).

According to the aforementioned Law, Roma and other vulnerable categories of families, as well as all other citizens of the Federation of Bosnia and Herzegovina, if they fall under the category of beneficiaries of social protection defined by the Law, can exercise the rights listed above if they meet the conditions for exercising them which are prescribed by the Law.⁹²

Rights from social protection, in the sense of the aforementioned Act, are: monetary and other material assistance, training for life and work; placement in another family; placement in a social protection institution; social and other professional work services; home care and help in the house.

In the Brčko District of BiH, the above-mentioned categories enjoy the same rights as all citizens of the District if they meet the prescribed conditions in accordance with the applicable laws of the District.

57. The committee asks what measures have been taken to promote the provision of adequate assistance to families, and requests detailed information on the legal protection of families threatened with eviction;

In the Brčko District, eviction of families who use alternative accommodation without grounds is carried out by issuing a decision ordering the release of persons and belongings from the apartment, all in accordance with the Law on Restitution of Abandoned Property and the Law on Administrative Procedure of the Brčko District of BiH. In the event that the person does not act according to the decision, a conclusion is made on the permission to execution in accordance with the aforementioned

⁹¹ Source: Government of the Republic of Srpska;

⁹² Source: Federal Ministry of Labor and Social Policy;

laws and the execution of the decision is started. If necessary during execution, the assistance of the District Police and the Subdivision for Social Protection is requested.

There are six alternative accommodations in the settlements of Brka, Ivici, Bukvik, Cerik, Grbavica and Prutače. The owner is the Brčko District of Bosnia and Herzegovina, and the management of the mentioned real estate is the responsibility of the Office for the Management of Public Property of the District. The decision on issuing official-purposeful apartments was published in the Official Gazette of the Brčko District of Bosnia and Herzegovina on December 16, 2004, No. 46/04, in which the apartments in question are handed over for management and use to the Department for Displaced Persons, Refugees and Housing Issues and to the Department of Health - Subdivision for Social Protection.⁹³

58. The Committee requests detailed information on housing policies or support for families, and how the adequacy of accommodation for families in areas with an increased risk of floods and landslides is monitored (for all levels of government);

In the Brčko District of BiH, during the placement of families from areas with an increased risk of floods and landslides, depending on the needs of several competent authorities, the Government of the Brčko District of BiH coordinates and executes these activities. In individual cases, for the accommodation needs of these families, residential units are used that serve as alternative accommodation, and in the case of the need to care for a larger number of the population, other types of available accommodation are also used, the decision on which is made by the Government of the Brčko District of BiH.⁹⁴

59. The Committee requests information on the obligation to consult with the parties regarding the threat of eviction, on the obligation to establish a reasonable notice period before eviction, access to legal remedies and legal aid and compensation in the event of illegal eviction;

In the Brčko District of BiH, depending on the category to which the parties belong (e.g. displaced persons and refugees, social cases), the competent authorities of the administration contact the parties and inform them of the evictions that will follow, all with the aim of voluntary eviction of the party from the housing unit they are using without a basis, and administrative acts ordering eviction leave a reasonable deadline for eviction.⁹⁵

60. The Committee requests updated information regarding housing provision for Roma, measures to improve the living conditions of Roma families and limit their forced emigration, and what is the amount of funds spent for this purpose;

In the previous report, we informed the Committee that the Ministry of Human Rights and Refugees of Bosnia and Herzegovina plans funds for solving the Roma problem in the annual budget. Funds are allocated by announcing a public call for the submission of projects for Roma housing, according to which priority locations are determined.

Bosnia and Herzegovina has undertaken the obligation to secure the funds necessary for the implementation of the Roma Action Plan in the field of employment, housing and health care. In accordance with the above, every year the Council of Ministers of BiH allocates annual budget funds within the budget of the Ministry of Human Rights and Refugees of BiH, which are intended for the implementation of the mentioned Roma Action Plan. In 2018, the budget secured and allocated 1,000,000 KM to local communities in Bosnia and Herzegovina where Roma live, while in 2020, 1,000,000 KM was secured but 983,351.56 KM was allocated due to the insufficient number of applications for the public call for grant funds.

⁹³ Source: Government of the Brčko District of BiH;

⁹⁴ Source: Government of the Brčko District of BiH;

⁹⁵ Source: Government of the Brčko District of BiH;

A total of 21 residential buildings were built from the funds from 2018 (13 in the FBiH and 7 in the RS), 20 buildings were reconstructed (12 in the FBiH and 8 in the RS).

From the funds in 2020, 24 residential buildings were renovated (all in FBiH), 2 residential units were built (in RS), while 555 residents are beneficiaries of infrastructure projects. The completion of the implementation of projects from 2020 is expected, which will build 20 residential buildings for Roma (13 in the FBiH and 7 in the RS).

In the Brčko District, during 2020 and 2021, seven housing units were built and four housing units were renovated. All in all, eleven housing units were built and renovated. The total amount for 2020 and 2021 is 545,415.49 BAM. These are the combined funds of the Ministry for Human Rights and Refugees of BiH and the Government of the Brčko District of BiH - Department for Displaced Persons, Refugees and Housing Issues related to the implementation of the project: "Improving housing conditions in housing units where Roma live in the territory of Brčko District of BiH", on the basis of the BiH Action Plan for solving Roma problems in the fields of employment, housing and health care 2017-2020.⁹⁶

61. The Committee requests information on the measures taken to ensure adequate accommodation for families of refugees and migrants, including asylum seekers;

In Bosnia and Herzegovina, asylum seekers, in accordance with the Law on Asylum,⁹⁷ have the right to be accommodated in a center for asylum seekers. The Center for Reception and Accommodation of Asylum Seekers, established within the Ministry, is a specialized institution intended for the reception and accommodation of asylum seekers in Bosnia and Herzegovina. The center is located in Delijaš, municipality of Trnovo.

The Ministry of Security of Bosnia and Herzegovina, the Service for Affairs with Foreigners, also has a specialized institution for the reception and accommodation of foreigners - the Immigration Center, within which a special department for families with children has been set up, an apartment pavilion where families with minor children can be accommodated or the child can stay with a guardian.⁹⁸

As of April 14, 2022, according to IOM data, 1,842 of the available 5,280 places were occupied in reception centers in BiH. From the above, it can be seen that the existing accommodation capacities are sufficient for the reception of illegal migrants, refugees and asylum seekers.⁹⁹

Article 17 - The rights of children and young people to social, legal and economic protection

Article 17, paragraph 1 – Assistance, education and training

62. The Committee asks whether there has been a change in the regulations prohibiting all forms of corporal punishment;

63. The Committee requests updated information on the regulations that regulate the express right of the child to know about his origin, and in which situations this right may be limited;

In the Federation of Bosnia and Herzegovina, as it has already been pointed out multiple times in the submitted reports of Bosnia and Herzegovina on the implementation of the European Social Charter /revised/ and the responses to the Conclusions of the European Committee for Social Issues to the aforementioned reports of Bosnia and Herzegovina, the Family Law stipulates that a child has the right to know that they have been adopted and that the adoptive parents are obliged to inform the child that they

⁹⁶ Source: Government of the Brčko District of BiH;

⁹⁷ „Official Gazette of BiH" numbers 11/16 and 16/16;

⁹⁸ Source: Ministry of Security of Bosnia and Herzegovina;

⁹⁹ Source: Government of the Republic of Srpska;

have been adopted by no later than by the child's seventh year of age, i.e. immediately after the adoption is established, if an older child is adopted. In addition, the Law stipulates that an adult adoptee will be allowed to inspect the files of the adoption case, and the guardianship authority will allow a minor adoptee to see the case files if it determines that it is in their interest.

The Family Law of the Federation of Bosnia and Herzegovina does not contain provisions restricting an adult adoptee's access to the files of the adoption case.¹⁰⁰

64. The Committee asks what measures the state is taking to reduce the number of persons without a citizenship (such as ensuring that every migrant-child is identified through a simplified procedure in order to ensure the acquisition of citizenship, and taking measures to identify children who are not registered at birth);

The Law on Citizenship of Bosnia and Herzegovina stipulates that BiH citizenship will be granted to a child who was born or found on the territory of BiH after the entry into force of the Constitution and whose both parents are unknown or of unknown citizenship or without a citizenship, or if the child is without a citizenship. The same is prescribed in the Law on Citizenship of the Federation of Bosnia and Herzegovina as well as in the Law on Citizenship of the Republic of Srpska. In this way, in accordance with the Convention on the Reduction of Persons Without a Citizenship from 1954 and 1961 and the Convention on the Rights of the Child, it was possible for these children to acquire the citizenship of Bosnia and Herzegovina. The procedure for registering children in birth registers and citizen registers, i.e. registration of children, in Bosnia and Herzegovina is regulated by the Law on Registers of FBiH, the Law on Registers of the Republic of Srpska and the Law on Registers of the Brčko District of Bosnia and Herzegovina, bearing in mind the best interest of the child, and in accordance with international conventions, so that every child has the right to be registered and to have documents. In accordance with the mentioned regulations, the method of registration in the registers of children born in health institutions, outside of institutions, as well as children born abroad, is foreseen. Also, in accordance with the current regulations, the provision of free legal aid is provided for, and for example, the Law on Registers in the Federation of BiH prescribes the establishment of special departments for the provision of free legal aid in cities and municipalities, and their regulations exempt national minorities and the Roma population from payment of fees. In the same way, good cooperation was achieved with UNHCR, non-governmental organizations and all levels of government, including cooperation with the Ministry of Foreign Affairs of Bosnia and Herzegovina, in order to obtain documents - birth certificates for children born abroad when the parents are unable to obtain them for registration in the registers in Bosnia and Herzegovina.¹⁰¹

In the Federation of Bosnia and Herzegovina, the Law on Amendments to the Law on Non-litigation Procedures published in the Official Newspaper of the Federation of Bosnia and Herzegovina No. 11/21 defines the procedure for determining the time and place of birth of persons who are not registered in the birth register and cannot prove the place and time of their birth in the manner prescribed by regulations. Given that the determination of the place and time of birth and the blood relationship with the parents are the basis for entering the child in the Birth Register, and if the aforementioned cannot be proven even with an extract from the register with foreign authorities, it is necessary to establish these facts in court proceedings.¹⁰²

In the Republic of Srpska, the number of asylum applications submitted in 2020 (1.61% of the total number of persons who expressed their intention to apply for asylum submitted an asylum application) clearly shows that illegal migrants have no desire or intention to stay in the territory of the Republic of

¹⁰⁰ Source: Federal Ministry of Labor and Social Policy;

¹⁰¹ Source: Ministry of Civil Affairs of BiH;

¹⁰² Source: Federal Ministry of Justice;

Srpska and Bosnia and Herzegovina in general, and their desired destinations are the countries of Western Europe, which mostly refers to the Federal Republic of Germany.¹⁰³

65. The Committee asks what measures are being taken to facilitate birth registration, especially for vulnerable groups such as Roma, asylum seekers and children in special situations;

In practice, no problems were observed with the birth registration of children of asylum seekers.¹⁰⁴ Due to the large influx of migrants in BiH, activities are being undertaken to facilitate the registration of children who were born in BiH and whose parents are without documents (asylum seekers and migrants). All competent bodies in Bosnia and Herzegovina are constantly working to improve the legislation that regulates the issue of registration in birth registers and registration of citizenship, especially when it comes to the registration of each child. Cases of registration of children from socially vulnerable categories are handled with special attention, and we emphasize the good cooperation of all authorities with the non-governmental sector and UNHCR in BiH and Bosnia and Herzegovina will continue to work continuously on improving legal solutions to enable every child to be registered.

Also, please note that in accordance with the Law on Ministries and Other Administrative Bodies of Bosnia and Herzegovina,¹⁰⁵ the Ministry of Civil Affairs of Bosnia and Herzegovina has a coordinating role in the fields of health, education, work, employment, social welfare and pensions, and competences in these areas are governed by regulations at the entity level, Brčko District, and also at the cantonal level in the Federation of Bosnia and Herzegovina.¹⁰⁶

66. With regard to corporal punishment of children, the Committee asks whether corporal punishment is prohibited in institutions for the care of children and which regulations regulate this issue;

The Convention on the Rights of the Child stipulates that the state parties shall take all necessary legislative, administrative, social and educational measures to protect the child from any form of physical or mental violence, injury or abuse, neglect or exploitation, including sexual abuse, while the child is cared for by a parent, legal guardian or other responsible person entrusted with the protection of the child. If necessary, protection measures must include effective procedures for the introduction of social programs to provide the necessary assistance to the child and those who care for the child and for other forms of prevention and determination, reporting, pointing out, investigating, dealing with and monitoring cases of child abuse.

In the Republic of Srpska, the internal acts of the Public Institution "Rada Vranješević" Home for Children and Youth without Parental Care, Banja Luka, such as the Rulebook on Disciplinary and Material Responsibility and the Code of Conduct for Employees, prohibit any form of physical punishment of children and youth. In addition to the above, the Home respects the Convention on the Rights of Children and Young People.¹⁰⁷

67. Regarding the rights of children in public institutions, the Committee asks whether children can be moved from their families on the basis of a poor financial situation in the family;

In the Federation of Bosnia and Herzegovina, placing a child and entrusting their care and upbringing to another person or institution, as well as guardianship, are forms of protection of minor children without

¹⁰³ Source: Government of the Republic of Srpska;

¹⁰⁴ Source: Ministry of Security of BiH;

¹⁰⁵ „Official Gazette of BiH” numbers 5/03, 42/03, 26/04, 42/04, 45/06, 88/07, 35/09, 59/09, 103/09, 87/12, 6/13, 19 /16 and 83/17;

¹⁰⁶ Source: Ministry of Civil Affairs of BiH;

¹⁰⁷ Source: Government of the Republic of Srpska;

parental care that are regulated by the provisions of the Family Law of the Federation of Bosnia and Herzegovina. They are aimed at protecting the best interests of a minor child, above all in situations where the child's parents are absent, prevented or unable to take care of the child, and have not entrusted the care and upbringing to a person who meets the requirements for a guardian, i.e. a child whose parents have died, disappeared, are unknown or are of unknown residence for more than three months, whose parents have been deprived of parental care and whose parents have not acquired business capacity or their capacity is limited.¹⁰⁸

In the Republic of Srpska, children can be relocated, the procedure is carried out by the center for social work, i.e. the guardianship body, in accordance with the assessment of the professional worker of the center for social work.¹⁰⁹

68. The Committee requests updated information on the maximum capacity of childcare institutions;

In the Federation of Bosnia and Herzegovina, the Rulebook on Standards for the Work and Provision of Services in Social Welfare Institutions in the Federation of Bosnia and Herzegovina¹¹⁰ establishes that no more than 100 beneficiaries can be accommodated in one building of a social welfare institution, which provides services to only one type of beneficiary.¹¹¹

In the territory of the Republic of Srpska, there are several institutions for the accommodation of users founded by the Government, of which, among others, is the Public Institution Home for Children and Youth without Parental Care "Rada Vranješević" Banja Luka, with a maximum capacity of 114 children.¹¹²

There are no registered child care institutions in the Brčko District of BiH.

69. The Committee requests updated information on the total number of children without parental care, data on the number of children placed in foster families and in institutions;

In the Federation of BiH, a child without parental care is considered a child without both parents, of unknown parents, abandoned by parents, parents deprived of parental rights and parents prevented from performing parental duties. The tables show the number of children without parental care by cantons in the Federation of BiH for 2018, 2019, 2020 and 2021.¹¹³

Review of children without parental care in FBiH for 2018							
	Canton	Children without both parents	Children of unknown parents	Children abandoned by parents	Children of parents deprived of parental rights	Children of parents prevented from performing their parental duties	Total
1.	Una – Sana	28	0	66	14	75	183
2.	Posavina	3	0	1	9	1	14
3.	Tuzla	32	21	109	11	45	218
4.	Zenica – Dobož	18	0	33	1	56	108

¹⁰⁸ Source: Federal Ministry of Labor and Social Policy;

¹⁰⁹ Source: Government of the Republic of Srpska;

¹¹⁰ „Official Newspaper of FBiH" numbers 15/13 and 44/16;

¹¹¹ Source: Federal Ministry of Labor and Social Policy;

¹¹² Source: Government of the Republic of Srpska;

¹¹³ Source: Federal Ministry of Labor and Social Policy;

5.	Bosnian – Podrinje	1	0	3	1	7	12
6.	Central Bosnia	18	3	16	11	17	65
7.	Herzegovina – Neretva	11	4	9	3	9	35
8.	West – Herzegovina	3	0	3	3	7	16
9.	Sarajevo Canton	61	0	58	11	140	270
10.	Canton 10	11	0	4	0	8	23
	Total	186	28	302	64	364	944

Review of children without parental care in FBiH for 2019							
	Canton	Children without both parents	Children of unknown parents	Children abandoned by parents	Children of parents deprived of parental rights	Children of parents prevented from performing their parental duties	Total
1.	Una – Sana	6	0	48	23	31	108
2.	Posavina	5	0	0	3	16	24
3.	Tuzla	45	4	119	6	56	230
4.	Zenica – Dobož	114	0	26	8	46	194
5.	Bosnian – Podrinje	0	0	0	0	0	0
6.	Central Bosnia	52	1	26	11	25	115
7.	Herzegovina – Neretva	3	0	2	8	5	18
8.	West – Herzegovina	1	3	1	0	1	6
9.	Sarajevo Canton	39	0	59	29	149	276
10.	Canton 10	0	0	0	0	0	0
	Total	265	8	281	83	329	971

Review of children without parental care in FBiH for 2020							
	Canton	Children without both parents	Children of unknown parents	Children abandoned by parents	Children of parents deprived of parental rights	Children of parents prevented from performing their parental duties	Total
1.	Una – Sana	25	0	53	29	59	166
2.	Posavina	0	0	0	0	0	0
3.	Tuzla	35	1	39	14	74	163
4.	Zenica – Dobož	20	2	14	3	50	89
5.	Bosnian – Podrinje	3	0	5	1	7	16
6.	Central Bosnia	46	3	40	19	62	170
7.	Herzegovina – Neretva	11	2	1	13	10	37
8.	West – Herzegovina	3	3	0	0	9	15
9.	Sarajevo Canton	29	0	68	15	174	286
10.	Canton 10	16	1	4	1	9	31
	Total	188	12	224	95	454	973

Review of children without parental care in FBiH for 2021							
	Canton	Children without both parents	Children of unknown parents	Children abandoned by parents	Children of parents deprived of parental rights	Children of parents prevented from performing their parental duties	Total
1.	Una – Sana	23	0	55	29	61	168
2.	Posavina	0	0	0	6	29	35
3.	Tuzla	28	8	44	8	138	226
4.	Zenica – Dobož	20	1	20	8	75	124
5.	Bosnian – Podrinje	3	0	6	0	8	17
6.	Central Bosnia	44	6	37	14	44	145
7.	Herzegovina – Neretva	5	0	0	0	5	10
8.	West – Herzegovina	3	3	0	0	8	14
9.	Sarajevo Canton	44	1	69	19	171	304
10.	Canton 10	14	0	3	3	8	28
	Total	184	19	234	87	547	1071

The right to placement in another family is regulated in the Federation of Bosnia and Herzegovina by the Law on Foster Care¹¹⁴. This law regulates the principles of foster care, the concept and types of foster care, the conditions for performing foster care, the types and number of foster children, eligibility for foster care, the foster care contract, foster care allowance and allowance for supporting the foster child, obligations, responsibilities and rights of foster parents and centers for social work, rights and obligations of foster children, training and education, register and data records, administrative supervision, and other issues in the field of foster care. Given that the implementation of the law is in progress and that the updated SOTAC database with data from the field of foster care has not yet become operational, the competent cantonal ministries have submitted data in accordance with the current data collection methodology. The conditions and amount for exercising the right to be placed in another family are regulated by cantonal regulations and are resolved differently from canton to canton in accordance with possibilities. Financing is provided from the funds of the beneficiary or a family member who has legal obligations of support, and if there are no conditions for this, the funds are provided from the cantonal or municipal budget.¹¹⁵

Placement of children in another family of children in FBiH		
Canton	Number of children	
	2018	2019
Una – Sana	*	9
Posavina	1	0
Tuzla	*	93
Zenica – Dobož	85	74
Bosnian – Podrinje	1	0
Central Bosnia	15	14
Herzegovina – Neretva	*	2
West – Herzegovina	10	7
Sarajevo Canton	61	41
Canton 10	1	0

¹¹⁴ „Official Newspaper of FBiH" number 19/17;

¹¹⁵ Source: Federal Ministry of Labor and Social Policy;

Total	174	240
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* Source: Federal Ministry of Labor and Social Policy

Note: *USC, TC and HNC do not have classified data separately for children and adults

In Canton 10, only CFSW Livno made the payment.

Placement of children in a foster family in FBiH in 2020		
Canton	Number of foster families	Number of children placed in a foster family
Una – Sana	7	7
Posavina	0	0
Tuzla	114	77
Zenica – Dobož	74	78
Bosnian –Podrinje	0	0
Central Bosnia	14	17
Herzegovina – Neretva	11	0
West – Herzegovina	12	14
Sarajevo Canton	67	65
Canton 10	0	0
Total	299	258

* Source: Federal Ministry of Labor and Social Policy

Placement of children in a foster family in FBiH in 2021		
Canton	Number of foster families	Number of children placed in a foster family
Una – Sana	7	0
Posavina	0	0
Tuzla	122	77
Zenica – Dobož	85	78
Bosnian –Podrinje	0	0
Central Bosnia	15	17
Herzegovina – Neretva	11	0
West – Herzegovina	8	4
Sarajevo Canton	-	-
Canton 10	0	0
Total	241	176

* Source: Federal Ministry of Labor and Social Policy

Placement in a social protection institution in the Federation of Bosnia and Herzegovina can be realized by children and adults who need constant care and assistance in meeting their life needs, and cannot realize them in their own or another family or in any other way. Social protection institutions in the Federation of Bosnia and Herzegovina provide services that fully or partially meet the social and other needs of social protection users. They are established to take care of certain categories of social protection users and to perform professional and other social protection tasks. Their work is public, but it can be excluded in certain cases, when it is determined by the regulations on family relations and criminal procedure. The procedure and conditions for exercising the right to be placed in a social protection institution are governed by cantonal regulations and are resolved differently from canton to canton in accordance with the possibilities. Financing is of a mixed type and is provided from the funds of the beneficiary, parent, guardian, adoptive parent or a family member who has a legal obligation to support, and if there are no conditions for this, the funds are provided from the cantonal or the municipal budget.¹¹⁶

¹¹⁶ Source: Federal Ministry of Labor and Social Policy;

Placement of children and adults in social protection institutions in FBiH				
Canton	Number of children			
	2018.	2019.	2020.	2021.
Una – Sana	*	68	73	83
Posavina	11	7	0	7
Tuzla	*	145	149	138
Zenica – Dobož	403	51	90	81
Bosnian –Podrinje	7	0	0	0
Central Bosnia	*	77	166	153
Herzegovina – Neretva	*	11	0	40
West – Herzegovina	17	7	18	9
Sarajevo Canton	264	269	0	0
Canton 10	13	0	8	9
Total	715	635	504	520

* Source: Federal Ministry of Labor and Social Policy

Note: In 2018, *Una-Sana, Tuzla, Central Bosnia and Herzegovina-Neretva cantons did not provide classified data for children and adults

In the Republic of Srpska, on December 31, 2021:

- total number of children placed under guardianship: male - 191, female - 174, total - 365;
- total number of children without parental care: male 149, female 136, total 285;
- number of children in foster families: male - 94, female - 89, total - 183,
- the total number of children in the Home for Children and Youth without Parental Care , as of December 2021, there were 111 children staying at the Home.¹¹⁷

In the Brčko District of BiH, in the mentioned reference period, the total number of children without parental care is 49; the total number of children placed in foster families is 16 and the total number of children placed in institutions is 19.¹¹⁸

70. The Committee requests that the next report provide information on the number of children under protection, in institutions and under foster care, and on figures in this sense. It also requests information on the monitoring of institutional and foster care, who performs it and what observations were made in the reference period in this regard;

Answer to questions 69 and 70: At the level of Bosnia and Herzegovina in 2020, 1,103 users of homes for children and youth without parental care were registered. When it comes to the number of children placed in foster families, that number was 459 in 2020, while the number of minors placed in institutions in 2020 was 1,170.¹¹⁹

The answer of the Federation of BiH was partially given under question number 69 - information on the number of children who are under protection, in institutions and under foster care, and on figures in this sense.

Strengthening of institutional mechanisms for the protection of users' rights in social protection institutions, whose establishment and operation are in accordance with the Law on the Basics of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children, is regulated by cantonal regulations, is carried out through expert and inspection supervision over the work of first instance bodies, public and private institutions of social protection by inspection institutions. At the same time, all social service providers have, according to contracts concluded with centers for social work, i.e. municipal social protection services, the obligation to regularly report on the individual status and

¹¹⁷ Source: Government of the Republic of Srpska;

¹¹⁸ Source: Government of the Brčko District of BiH;

¹¹⁹ Source: Agency for Statistics of BiH;

progress of the placed users, which may at any time be subject to verification by the aforementioned institutions with the aim of controlling compliance of contractual obligations regarding the conditions of residence as well as professional work with certain categories of users.

As for social protection institutions, the establishment and operation of which in accordance with the mentioned Law are regulated by federal regulation, the institutional mechanism of protection is carried out through the supervision of professional work and supervision of the legality of the work of these institutions by federal institutions.

In the reference period, more precisely in March 2018, the implementation of the Law on Foster Care in the Federation of Bosnia and Herzegovina began ¹²⁰. The goal of adopting the Law in question is the development of foster care, which provides, among other things, the opportunity to grow up in a family environment for children without parental care and children with disabilities, provides favorable and high-quality psychophysical development, and reduces the stigmatization of children who are placed in institutions. Monitoring of foster care is carried out by centers for social work, which went to where the foster children were placed through a series of activities covered by Article 43 of the Law in question. In accordance with the above, centers for social work monitor the fulfillment of the foster parents' obligations determined by the individual plan, they carry out regular visits to the foster family, and prepare reports on the established situation on the ground. The center is obliged to report all indications or evidence of abuse, violence, sexual harassment, discrimination and other violations of the rights of foster children to the competent authorities. The inspection supervision over the implementation of this law and by-laws is carried out by the cantonal inspector for the field of social protection within the framework of their local jurisdiction established by the law and by-laws.¹²¹

In the Republic of Srpska, the total number of persons placed in a social protection institution or another institution: male 83, female 76, a total of 159 (In the Republic of Srpska - male 64, female 59, a total of 123; in the Federation of BiH - male 16, female 13, a total of 29 ; in the Republic of Serbia: male 3, female 4, total 7).

Total number of children in foster families: male - 94, female - 89, total - 183.

Guardianship authorities provide continuous support to foster families and monitor and supervise the way each child is cared for through regular contacts with children and foster parents, visits to the family, discussions with teaching staff, foster parents' reports, etc. Monitoring of institutional and foster care is carried out by the expert teams of the Center for Social Work, that is, the guardianship authority.

On the basis of the Law on Social Protection, the Minister of Health and Social Protection issued the Rulebook on Professional Supervision ¹²². Professional supervision can be regular or extraordinary. Regular professional supervision is carried out on the basis of the annual work plan of the Ministry of Health and Social Protection, while extraordinary professional supervision can be carried out at the suggestion of users, institutions, interested bodies or citizens.

When carrying out professional supervision, the commission gains insight into the conditions in terms of space and equipment prescribed by the Rulebook that regulates the conditions for the establishment of social protection institutions, the number and structure of employed professionals and other workers in accordance with norms, keeping prescribed records in social protection, direct professional work with users, the immediate work of the institution's expert bodies and administrative and other files.

The Rulebook stipulates the obligation of the commission for professional supervision to draw up a report upon completion of the supervision, which it submits to the minister, institutions and entities that have submitted a proposal for professional supervision.

¹²⁰ "Official Newspaper of FBiH" number 19/17;

¹²¹ Source: Federal Ministry of Labor and Social Policy;

¹²² "Official Gazette of the Republic of Srpska", No. 15/15;

During the professional supervision of the Ministry of Health and Social Protection at the Public Institution Rada Vranješević Home for Children and Youth without Parental Care, Banja Luka, the commission gave an observation of the commission on work and an overview of the situation determined by the professional supervision, and that in order to eliminate the identified deficiencies, improve the quality and the efficiency of the institution's work, the institution shall eliminate the observed deficiencies within the stipulated deadlines. In the reference period, the Ministry of Health and Social Protection carried out two expert inspections at the Public Institution Rada Vranješević Home for Children and Youth without Parental Care, Banja Luka.¹²³

71. The Committee asks whether neglected children can be placed in institutions for young offenders and under what conditions;

In the Federation of Bosnia and Herzegovina, the field of social protection is regulated by the Law on Basics of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children. Pursuant to the aforementioned Law, social protection institutions provide services that fully or partially meet the social and other needs of social protection beneficiaries. Institutions are established to take care of certain categories of social protection beneficiaries and to perform professional and other social protection tasks.

Institutions are established if the cantonal regulation does not stipulate otherwise, such as: 1. center for social work; 2. institutions for children, namely: a) for children without parental care, b) for educationally neglected children and c) for children with physical and psychophysical disabilities; 3. institution for adults and the elderly; 4. institution for social and health care of disabled and other persons; and 5. institution for day care of social protection beneficiaries.

Beneficiaries of social protection are determined by the Law in question, and among other things, educationally neglected children. An educationally neglected child, in the sense of the aforementioned law, is a child who, due to insufficient parental supervision and care, as well as due to the negative influence of the environment, violates generally accepted norms of behavior.

It is also regulated that the establishment and the operation of institutions is governed by cantonal regulations. The establishment and operation of institutions of importance to the Federation are regulated by federal regulations.

In carrying out their activities, social protection institutions in the Federation of Bosnia and Herzegovina may not establish any restrictions regarding the territorial, national, religious, political or any other affiliation of the users of these institutions (race, skin color, gender, language, social origin, etc.).

Placement in a social protection institution can be realized by children and adults who need constant care and assistance in meeting their life needs, which they cannot realize in their own family or in another family or in any other way.

Placement in institutions is decided by the center for social work in whose territory the person resides, based on the opinion of the center's expert team, the executive decision of the court, the guardianship body, or based on the findings and opinion of the expert commission on incapacity for work, or the findings and opinion of the corresponding health institution. The Center for Social Work, which placed a person in an institution, is obliged, for the purpose of care, protection, treatment of the physical or mental health of that person, to monitor their treatment in the institution. The above obligation applies especially to a case in which the child is placed in an institution.

The institution is obliged to accommodate a person referred by the center for social work. Exceptionally, the institution may deny admission to the referred person in case of full capacity, as well as in the case that, given its activity, it is unable to provide appropriate services to the user.

¹²³ Source: Government of the Republic of Srpska;

If the continued stay of a person placed in an institution has become impossible due to changes in their psychophysical characteristics or due to the lack of conditions for appropriate treatment, the institution is obliged, no later than two months before the release of that person, to inform the center for social work that made the decision on their placement, for the purpose of placement in another institution or for the purpose of the application of another form of social protection.

In the Federation of Bosnia and Herzegovina, there is one public institution of social protection, the Sarajevo Institute for the Education of Male Children and Youth, which provides accommodation for neglected children. The activity of this institution is social and health care, education and training of educationally neglected male children and youth referred based on the decision of the court or guardianship body. Namely, the competent guardianship body refers educationally neglected children prone to vagrancy and delinquent behavior between the ages of 10 and 14 (for whom no criminal sanctions can be imposed) to the Institute on the basis of the Law on Social Protection, and children between the ages of 14 and 18 and younger minors are referred by the competent court on the basis of the decision that issued the institutional measure "Referral to an institution" in accordance with the Law on Protection and Treatment of Children and Minors in Criminal Procedure of the Federation of Bosnia and Herzegovina. Depending on the maker of the decision/measure (court or center for social work), children are placed in special, physically separated rooms.¹²⁴

72. The Committee requests information on all new regulations regulating the protection of children;

In the Federation of BiH, the Federal Ministry of Labor and Social Policy, in the part of planning related to the abolition of discrimination against children in realizing of their rights, undertakes activities to equalize the scope and level of rights by cantons in the Federation of BiH and plans to develop a network of social protection services and the development of family and other alternative forms of care.

In this sense, the Law on Foster Care in the Federation of Bosnia and Herzegovina was adopted with the aim of providing protection in a family environment for children who are temporarily or permanently without parental care and to prevent the placement of children in institutions.

The Law on Parents who are caregivers in the Federation of Bosnia and Herzegovina was adopted in September 2021¹²⁵, and is applied from December 30, 2021.

By adopting the Law in question, the intention of the legislator was to systematically solve the issue of the status of parents who are caregivers to persons with disabilities who, according to the current situation, in a large number of cases, take care and work as caregivers, experts and educators of their children themselves, while their basic right to work is denied due to the need to provide 24-hour care and nursing for their children. Also, the Law was adopted with the aim of preventing the institutionalization of persons with disabilities in cases where parents place a person with disabilities in an institution in order to achieve the existence of the family. The status of a parent who is a caregiver is defined by the Law for those parents who care for a disabled person who is unable to independently perform basic life needs defined in Article 2, paragraph (1) of the Law in question and who, according to the findings of the Institute of Medical Expertise, cannot be trained for independent living.

The Law on Parents who are caregivers in the Federation of Bosnia and Herzegovina stipulates that a parent who is a caregiver is the parent of a person with 100% disability caused by a disease or developmental disorder, as well as the parent a blind person whose residual vision in both eyes is below 0.05 with correction, i.e. the parent of a person who, according to the findings of the Institute for Medical Examination of Health Condition, cannot be trained for independent living nor can they independently meet at least one of the following basic life needs: movement in and out of the apartment, eating,

¹²⁴ Source: Federal Ministry of Labor and Social Policy;

¹²⁵ "Official Newspaper of FBiH" number 75/21;

dressing and undressing, maintaining personal hygiene or maintaining other physiological needs. The status of a parent who is a caregiver can also be achieved by a person who is a relative, who, in accordance with the provisions of the Family Law of the Federation of Bosnia and Herzegovina, has been appointed as a guardian by the competent authority.

A parent who is a caregiver who is recognized the status of a parent who is a caregiver has the right to a monthly allowance in the amount of the lowest net salary in the Federation of Bosnia and Herzegovina in accordance with the Labor Law, to which contributions are paid for pension and disability insurance, health insurance and unemployment insurance.

Furthermore, the Government of the Federation of Bosnia and Herzegovina established the Draft Law on Support for Families with Children in the Federation of Bosnia and Herzegovina, which was submitted to the Parliament of the Federation of Bosnia and Herzegovina for adoption. After the end of the public debate, and based on the consultative process, the Proposal for the Law on Financial Support for Families with Children in the Federation of Bosnia and Herzegovina was drawn up. The Law in question is in the process of being adopted in the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina.

This Law regulates for the first time in a special and systematic way the conditions, method, procedure, financing of the right to child allowance and allowance for women who gave birth who are not employed in the Federation of Bosnia and Herzegovina.

In order to overcome discrimination in terms of protection, the aim is to ensure approximately equal conditions in raising, educating and protecting children, as well as their training for independent life and work, in the best interest of the child and family in the territory of the Federation of Bosnia and Herzegovina.¹²⁶

In the Republic of Srpska, the Law on Child Protection¹²⁷ regulates the child protection system, the beneficiaries of child protection rights, the procedure for exercising rights and other issues of importance for the child protection system.

Child protection is an activity of general interest for the Republic of Srpska, which provides organized activities, namely: support for having children and harmonizing work and parenting, creating basic conditions for equalizing the level of meeting children's developmental needs, helping families with children to achieve their reproductive, protective, educational and economic functions, improvement of the financial position of families with children and special financial support for the family for the birth of a third child.

By-laws adopted on the basis of the Child Protection Act:

- Rulebook on determining the need of a child up to three years of age for increased care from an authorized medical doctor¹²⁸;
- Rulebook on the procedure for determining the need of a child with developmental disabilities for increased parental care from an authorized health institution¹²⁹;
- Rulebook on the procedure for determining the need for special care of a child with developmental disabilities provided by a parent-caregiver or a caregiver¹³⁰;
- Rulebook on keeping records in child protection^{131 132}.

¹²⁶ Source: Federal Ministry of Labor and Social Policy;

¹²⁷ "Official Gazette of the Republic of Srpska" numbers 114/17, 122/18, 107/19 and 119/21;

¹²⁸ "Official Gazette of the Republic of Srpska" number: 70/18;

¹²⁹ "Official Gazette of the Republic of Srpska" number 70/18;

¹³⁰ "Official Gazette of the Republic of Srpska" number 14/20;

¹³¹ „Official Gazette of the Republic of Srpska" number 74/18.

¹³² Source: Government of the Republic of Srpska;

In the Brčko District of BiH, the Law on Child Protection of the Brčko District of BiH - consolidated text,¹³³ stipulates that, regardless of the material conditions of the family, child allowance belongs to children who were born as twins, triplets, quadruplets, etc.

According to the amendments to this Law, a child without both or one parent, a child without parental care, a family with a child impaired in physical or mental development, a family in which both or one parent is disabled from I to VI (ending with VI) of groups - categories or with a physical impairment in a percentage of not less than 70% (seventy percent), and a single parent, all have the right to child allowance, regardless of property conditions, increased by 50% (fifty percent).

Also, the same Law stipulates that the right to child allowance must belong to the child until the child reaches the age of seven if the child meets the conditions stipulated by the Law. Children older than seven years of age are entitled to child allowance if they are in full-time education in primary, secondary and two year post secondary schools, academies or colleges, and at the latest until they turn twenty-six years of age. Child allowance is also paid during the school holidays. The deadline for submitting school certificates is: a) for children who have reached the age of seven, parents are obliged to submit a certificate of enrollment in primary school, as well as for each subsequent school year in the period from September 1 to September 30; b) for children of secondary school age, parents are obliged to submit certificates of full-time education, in the period from September 1 to September 30 for each school year; c) for children who are entering their first year at two year post secondary schools, academies or colleges for the first time, parents are obliged to submit a certificate of full-time education in the period from September 1 to September 30; d) for children-students up to the age of twenty-six, parents are obliged to submit a certificate of full-time education, in the period from October 1 to October 31 for each year.

A new article was added that stipulates that children exercise the right to child allowance if they are incapable of independent living and work, and the incapacity occurred during full-time education for the entire duration of the incapacity, and at the latest until the age of twenty-six.¹³⁴

73. The Committee requests detailed information on the implementation of the Law on Protection and Treatment of Children and Minors in Criminal Proceedings in the Federation of Bosnia and Herzegovina;
74. The Committee requests information on the maximum duration of detention sentences and the maximum duration of prison sentences awarded to minors;
75. The Committee asks under what conditions minors are sentenced to prison, and whether sentences are revised and under what conditions;

Criminal legislation at the level of Bosnia and Herzegovina does not apply to children, as prescribed by the Criminal Code of Bosnia and Herzegovina¹³⁵. A child is considered a person who has not reached the age of 14, and a minor is a person who has not reached the age of 18. The criminal legislation of BiH is applied to minors in accordance with the Rules on educational recommendations, educational measures and punishment of minors of the aforementioned law, and according to other laws of BiH. Juvenile prison sentences can be imposed on minors according to the conditions prescribed by the aforementioned Rules, and it is a special punishment of deprivation of liberty in terms of its purpose, nature, duration and method of execution.¹³⁶

In the Brčko District of BiH, in accordance with the provisions of the Criminal Code of the Brčko District of BiH,¹³⁷ criminal legislation in the District is applied to minors in accordance with the Law on Protection and Treatment of Children and Minors in Criminal Proceedings of the District¹³⁸. Juvenile

¹³³ „Official Gazette of BD BiH" numbers 18/20, 29/20, 41/20 and 13/21;

¹³⁴ Source: Government of the Brčko District of BiH;

¹³⁵ „Official Gazette of Bosnia and Herzegovina, numbers 3/2003, 32/2003, 37/2003, 54/2004, 61/2004, 30/2005, 53/2006, 55/2006, 8/2020, 47/2014, 22/2015, 40 /2015, 35/2018 and 46/2021;

¹³⁶ Source: Ministry of Justice of Bosnia and Herzegovina;

¹³⁷ „Official Gazette of BD BiH - Consolidated text" number 19/20;

¹³⁸ "Official Gazette of BD BiH" number 44/11;

prison sentence imposed on a minor perpetrator of a criminal act cannot be longer than 5 years, and it is imposed for full years or months. For a criminal act for which a long-term prison sentence is prescribed or for a combination of at least two criminal acts for which a prison sentence of more than 10 years is prescribed, juvenile imprisonment can last up to 10 years.

When it comes to detention, according to the judge's decision, it can last no longer than 30 days from the day of deprivation of liberty, with the obligation of the council to control the necessity of detention every 10 days, with a prior declaration by the prosecutor about the actions taken for the period preceding the control. Detention can be extended by the decision of the council on the reasoned proposal of the prosecutor for a maximum of two months. An appeal is allowed against the decision of the council, which is decided by the council of the second-instance court within 24 hours of receiving the appeal.

After submission of the proposal for the imposition of a criminal sanction, the detention can be extended by the decision of the council for another 90 days, with the prosecutor's reasoned proposal, with detention control every 30 days and with the prosecutor's prior declaration on the actions taken for the period preceding the control. An appeal against this decision is allowed to the council of the second-instance court, which decides on the appeal within 24 hours of receiving the appeal. The appeal does not delay the execution of the decision.

Detention is immediately terminated if the court has issued a decision to suspend the proceedings against the minor.

After the imposing of the institution's corrective measure or the sentence of juvenile prison, detention can last no longer than two months. If no second-instance decision confirming or amending the first-instance decision is issued during that time, the detention is terminated and the minor is immediately released. If, within two months, a second-instance decision annulling the first-instance decision is issued, the detention may last another 30 days from the second-instance decision. The time spent in detention is included in the duration of the imposed institutional corrective measure and juvenile prison sentence.¹³⁹

76. The Committee asks whether children can be placed in solitary confinement, under what circumstances and for how long, and what is the age of criminal responsibility;

On the basis of the Law on Execution of Criminal Sanctions, Detention and Other Measures of Bosnia and Herzegovina,¹⁴⁰ the Rulebook on clothing and footwear, nutrition, disciplinary procedure, conditions and methods of serving the disciplinary punishment of solitary confinement and isolation measures, of detainees and prisoners in the Institute for Execution of Criminal Sanctions, Detention and other measures of BiH was adopted¹⁴¹. The Rulebook stipulates that a person serving a juvenile prison sentence, who has not reached the age of 23, may exceptionally be sentenced to solitary confinement for a maximum of five days. A person serving a juvenile prison sentence who attends classes will be allowed to regularly attend classes, read professional literature and do schoolwork while serving the sentence in solitary confinement. The measure of solitary confinement cannot be applied to a person who is serving a juvenile prison sentence and has not reached the age of 23. Therefore, minors and older minors are treated more leniently during their stay in detention or prison.¹⁴²

77. The Committee requests information on measures taken to find alternatives to detention for asylum-seeking families and to provide accommodation for migrant minors in exceptional situations, regardless of whether they are accompanied or unaccompanied children, and that their accommodation is adequately monitored;

78. The Committee asks whether assistance is provided to unaccompanied children in terms of their protection from abuse and exploitation, and whether children in such situations have access to health care;

¹³⁹ Source: Government of the Brčko District of BiH;

¹⁴⁰ "Official Gazette of BiH" number 22/16 - consolidated text;

¹⁴¹ "Official Gazette of BiH" numbers 20/05 and 56/21;

¹⁴² Source: Ministry of Justice of BiH;

The specialized institution for the reception and accommodation of foreigners - the Immigration Center does not have a special department where unaccompanied minors would be accommodated, as a result of which the Service for Affairs with Foreigners does not provide accommodation of minor migrants in the said center. The Ministry of Security of Bosnia and Herzegovina has signed a protocol on cooperation with a non-governmental organization regarding accommodation of unaccompanied minors, pregnant women, families with small children, as well as other vulnerable categories (MFS-EMMAUS), as well as victims of human trafficking. The concept of the shelter itself is such that it provides rooms for children to play, health care, as well as psychological help in case of need. In the described manner, all measures and actions have been undertaken, the ultimate goal of which is the protection against abuse and exploitation of children, as well as enabling their rights. The domestic legislation in the field of migration treats this category of migrants with special provisions from which it is clear that BiH continuously undertakes all activities to ensure the rights established by the above-mentioned Charter.¹⁴³

In the Republic of Srpska, in terms of protecting children from abuse and exploitation and enabling access to health care, i.e. protection, we inform you that children who have been abused and exploited are provided with health care in health care institutions, i.e. community health centers. The above is done by expert teams, which include clinical psychologists who work mostly in these and similar treatments with children.¹⁴⁴

79. The Committee asks whether Bosnia and Herzegovina uses the method of bone marrow testing of unaccompanied minors in order to assess their age, in which cases it is done and what are the consequences (whether a child can be denied protection based on such a test alone);

According to the Law on Asylum, in case of doubt about the age of an unaccompanied minor, appropriate medical methods and examinations can be applied, with the minor's consent, to determine age of the minor. In practice, health methods for determining the age of unaccompanied minor asylum seekers have not been applied, and age determination relies on the minor's statement.¹⁴⁵

The bone marrow testing method is performed in cases of children suffering from malignant diseases, in the presence of parents or guardians.¹⁴⁶

80. The Committee requests information on child poverty rates and measures to combat it, including non-monetary measures, such as ensuring access to quality and affordable services in the areas of health, education, housing, etc.;

In the Federation of BiH, the health care system provides health care to all population groups, which includes the socially endangered, Roma and other minorities. In the Law on Health Care of the Federation of BiH,¹⁴⁷ it is defined that social care for health, under equal conditions, in the territory of the Federation of BiH is realized by ensuring health care to the population of the Federation, as well as population groups that are exposed to an increased risk of disease, health care of persons in connection with the prevention, suppression, early detection and treatment of diseases of greater social and medical importance, as well as health care of the socially endangered population. Health care according to this article includes: health care of returnees, displaced persons and refugees, as well as victims of violence in the community who are not health insured on some other basis, in accordance with the regulations governing the status of returnees, displaced persons and refugees, as well as victims of violence in the community. The status of returnees is the same as that of other BiH citizens when they apply for social

¹⁴³ Source: Ministry of Security of BiH;

¹⁴⁴ Source: Government of the Republic of Srpska;

¹⁴⁵ Source: Ministry of Security of BiH;

¹⁴⁶ Source: Government of the Republic of Srpska;

¹⁴⁷ „Official Newspaper of FBiH” numbers 46/10 and 75/13;

welfare. It is necessary to contact the municipal center for social welfare in the municipality where the returnee was registered upon returning to BiH.

It has been observed from practice that, for socially endangered persons, who are not insured on other grounds, the entity responsible for calculation and payment of contributions is mostly the cantonal administrative body responsible for social and child protection affairs (Ministry of Labor and Social Policy or similar ministries). There are also cases in which the canton transferred these obligations to municipalities and municipal services.¹⁴⁸

In the Republic of Srpska, in relation to measures to combat child poverty, we inform you that all children up to the age of 15 are provided with mandatory health insurance. Please note that the new Law on Health Care is currently being drafted, which stipulates that all children up to the age of 18 will be covered by mandatory health insurance.¹⁴⁹

81. The Committee requests information on measures aimed at combating discrimination and promoting equal opportunities for children from particularly vulnerable categories such as ethnic minorities, Roma children, children with disabilities and children in a state of need;

The Development Strategy of the Federation of BiH 2021-2027 was adopted in the Federation of BiH in 2000, where "improving the outcome of the health system" is defined as a priority in the health care of the Federation, i.e. it is necessary to promote the right to health care for all citizens of the FBiH, to increase health insurance coverage, to apply lifelong learning about health, a healthy lifestyle and healthy choices, to protect the reproductive health of young people, to continuously ensure and improve the quality of health services, with the following measures: 1. improvement of access and reduction of inequality in health services; 2. strengthening the potential of preventive protection; 3. strengthening digitization and computerization of the health care system; 4. improvement of actions in crisis public health situations; 5. strengthening the financial sustainability of the health system and improving fairness in health care financing and 6. creating an environment for scientific research and biomedical research. Furthermore, the Strategic Plan for the improvement of early growth and development of children in the Federation of Bosnia and Herzegovina for the new planning period was finalized through the multisectoral group. Meetings were held with representatives of UNICEF regarding the Cooperation Program and further activities to improve the early growth and development of children.¹⁵⁰

In the Federal Ministry of Labor and Social Policy for the indicated reporting period, there were no special measures and programs directed against discrimination and the promotion of equal opportunities for children with disabilities. However, in accordance with the provisions of the Law on the Basics of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children from the budget of the Federation of Bosnia and Herzegovina, through this ministry, monetary allowances are provided for persons with disabilities (which includes children) who have been assessed by the competent medical commission as having damage to their bodies 90-100%. According to the determined percentage of damage, the following rights were determined: Group I (100% physical damage) - personal disability allowance 109.76 BAM and - care and assistance from others 274.40 BAM; Group II (90% physical damage) - personal disability allowance 82.32 BAM and - care and assistance from others 137.20 BAM.

In case of established need, the orthopedic allowance amounts to 19.21 BAM. The allowances paid are intended to equalize opportunities for people with disabilities, and in the spirit of obligations from the UN Convention on the Rights of Persons with Disabilities.¹⁵¹

¹⁴⁸ Source: Federal Ministry of Health;

¹⁴⁹ Source: Government of the Republic of Srpska;

¹⁵⁰ Source: Federal Ministry of Health;

¹⁵¹ Source: Federal Ministry of Labor and Social Policy;

In the Republic of Srpska, the Law on Health Care regulates the issue of health care for all citizens of the Republic of Srpska, and at the level of the Republic, health care is provided under equal conditions to population and nosological groups of special social and medical importance.

Health care includes: a) children up to the age of 15, school children and students until the end of their education, and up to the age of 26 at the latest, in accordance with the law; b) women in connection with family planning, as well as during pregnancy, childbirth and maternity up to 12 months after childbirth, unless otherwise regulated by another law; c) persons older than 65 years of age; d) persons with disabilities; e) persons in a state of mental retardation; f) unemployed persons registered with the employment organization if they do not receive financial compensation according to the regulations on the rights of unemployed persons; g) beneficiaries of rights from the regulations regulating the field of rights of veterans, disabled veterans and families of veterans of the defensive-homeland war and the protection of civilian victims of war; h) socially vulnerable persons in accordance with a special law; i) persons living with HIV infection or suffering from AIDS or other infectious diseases that are established by a special law regulating the area of population protection from infectious diseases; j) persons suffering from malignant diseases, hemophilia, diabetes, psychosis, epilepsy, multiple sclerosis, cystic fibrosis, rheumatic fever; k) persons in the terminal phase of chronic renal insufficiency; l) sick or injured persons who are provided with emergency medical assistance; m) persons in connection with giving and receiving human organs, tissues and cells; n) persons suffering from rare diseases determined by the Institute of Public Health and o) persons in a state of coma vigil regardless of item m).

Health care of citizens is carried out on the principles of equality, availability, comprehensiveness, continuity and coordination and without discrimination on any basis.

Equality in health care means that citizens with the same health needs achieve the same level of health care, and citizens with different health needs achieve a different level of health care, in accordance with the provisions of this law and other regulations that regulate this field.

Every citizen has the right to health care with the respect of the highest possible standard of their human rights and values, i.e. they have the right to physical and psychological integrity and personal safety, as well as respect for their moral, cultural and religious beliefs.¹⁵²

82. The Committee requests information to what extent the participation of children in work aimed at combating child poverty is ensured (for all levels of government);

We were unable to get an answer to this question by the time the Report was sent.

Article 17, paragraph 2 - Free primary and secondary education - regular school attendance

83. The Committee requests information on the enrollment rates of children in primary and secondary schools, as well as the dropout rates from schools and the measures taken to resolve these issues (for both entities and the Brčko District);

According to the data of the official education statistics, the population estimate for Bosnia and Herzegovina, for the school year of 2020/2021, coverage of children in primary education is 87.2%, while for secondary education this coverage is 76.9%.¹⁵³

In the Federation of Bosnia and Herzegovina, the number of children enrolled in primary and secondary schools is shown in the tables:

¹⁵² Source: Government of the Republic of Srpska;

¹⁵³ Source: Agency for Statistics of BiH;

Enrollment of students in the first grade of primary school in FBiH by canton				
Canton	Number of children			
	2017/18.	2018/19.	2019/20.	2020/21.
Una – Sana	2.260	2.193	1.861	1.723
Posavina	210	176	146	200
Tuzla	4.268	4.219	4.006	3.810
Zenica – Dobož	3.777	3.758	3.498	3.481
Bosnian –Podrinje	190	225	249	264
Central Bosnia	2.340	2.300	2.206	1.874
Herzegovina – Neretva	1.893	1.858	1.825	1.755
West – Herzegovina	869	888	804	830
Sarajevo Canton	4.371	4.012	4.296	4.278
Canton 10	401	420	387	380

Source: Federal Ministry of Education

Total number of students in primary schools in FBiH by canton				
Canton	Number of children			
	2017/18.	2018/19.	2019/20.	2020/21.
Una – Sana	21.947	20.873	19.502	18.042
Posavina	2.450	2.134	1.934	1.934
Tuzla	39.776	39.267	38.374	36.863
Zenica – Dobož	33.630	21.223	33.314	32.599
Bosnian –Podrinje	1.885	1.886	1.894	1.932
Central Bosnia	20.880	22.328	21.262	20.153
Herzegovina – Neretva	17.422	17.549	16.853	16.851
West – Herzegovina	8.207	7.841	7.928	7.746
Sarajevo Canton	36.759	36.957	37.378	37.635
Canton 10	4.723	4.411	4.114	3.467

Source: Federal Ministry of Education

Enrollment of students in the first grade of secondary school in FBiH by canton				
Canton	Number of children			
	2017/18.	2018/19.	2019/20.	2020/21.
Una – Sana	2.519	2.389	2.120	2.391
Posavina	290	290	*	*
Tuzla	4.303	4.195	4.153	4.020
Zenica – Dobož	2.933	3.116	3.300	3.074
Bosnian –Podrinje	231	218	209	203
Central Bosnia	2.630	1.074	2.583	*
Herzegovina – Neretva	1.849	1.714	1.998	1.833
West – Herzegovina	932	679	624	*
Sarajevo Canton	3.963	3.928	3.844	3.931
Canton 10	547	573	*	*

Source: Federal Ministry of Education

* No data was submitted from the relevant canton

Total number of students in secondary schools in FBiH by canton				
Canton	Number of children			

	2017/18.	2018/19.	2019/20.	2020/21.
Una – Sana	9.570	8.746	8.083	7.398
Posavina	1.350	1.094	*	*
Tuzla	16.049	15.867	15.232	14.992
Zenica – Dobož	13.910	11.606	13.083	12.824
Bosnian – Podrinje	976	903	836	796
Central Bosnia	10.401	8.464	7.738	*
Herzegovina – Neretva	7.796	7.260	7.184	6.837
West – Herzegovina	3.754	3.570	3.100	*
Sarajevo Canton	15.970	16.111	15.325	15.037
Canton 10	1.965	1.967	*	*

Source: Federal Ministry of Education

* No data was submitted for the Posavina Canton

In the Federation of Bosnia and Herzegovina, when considering the data on the total number of primary school students, a continuous decrease in the number of primary school students is noticeable. According to aggregate data, the number of students from the 2015/16 school year until the 2020/21 school year decreased by 3,290 students or by 15.03%. The same trend applies to secondary schools, where a percentage decrease in the number of secondary school students was recorded, the highest in the Una-Sana canton (-27.75%), Herzegovina-Neretva (-27.16%) and Bosnian-Podrinje (-22, 79%).

It is important to mention that the COVID-19 pandemic had a negative impact on the implementation of the compulsory preschool education program in the year before starting primary school (many educational institutions were closed in the second half of March 2020).¹⁵⁴

In the Republic of Srpska, the gross enrollment rate in primary schools in 2018 was 92.3 and in secondary schools 84.1. In 2019, the enrollment rate in primary schools was 91.4, and in secondary schools 82.8. In 2020, it was 91.0 in primary schools, and 82.6 in secondary schools. In 2021, the enrollment rate in primary schools was 91.30, and in secondary schools 90.60.

The number of students who dropped out of school in 2018 was 44 in primary schools, and 211 in secondary schools. In 2019, 26 students in primary schools and 157 in secondary schools dropped out of school. In 2020, 48 students in primary schools and 176 in secondary schools dropped out of school. In 2021, 44 students dropped out of primary school, and 175 dropped out of secondary school.

The Republic of Srpska has 187 primary schools with a total of 86,430 students distributed in 4,919 classes. There are also four centers for educating children with developmental disabilities.

The total number of students attending secondary schools in the Republic of Srpska is 35,628. The largest number of students are educated in vocational and technical secondary schools - 79.85%, followed by 18.74% in gymnasiums, while 1.17% of students are in art schools, 0.12% are in theological schools, and 0.12% are in religious schools.¹⁵⁵

15 primary schools and 4 secondary schools, including a gymnasium, an economic school, a technical school and an agricultural-medical school, are registered on the territory of Brčko District of BiH. In the Brčko District of BiH, according to the Law on Education in Primary and Secondary Schools, primary education is compulsory and free, provided to all children and lasts for 9 years. Enrollment in primary schools is done on the basis of the list of compulsory school students delivered to the school by the registry office according to extracts from the birth register. Enrollment of students in the first grade is based on the application of the parents of a child who has reached six years of age by April 1 of the current year, according to their enrollment area. Therefore, the registry office does not have a database of students who are due for compulsory school enrollment, so the Department of Education does not have access to data on students who are obliged to attend school.

¹⁵⁴ Source: Federal Ministry of Education and Science;

¹⁵⁵ Source: Government of the Republic of Srpska;

In the Brčko District of BiH, the data for the number of enrolled students and the number of students that dropped out of school are as follows: in 2018, 750 students were enrolled in primary schools, and 24 students dropped out of school; in 2019, 731 students were enrolled, and 18 students dropped out of school; in 2020, 701 students were enrolled, and 11 students dropped out of school, and in 2021, 718 students were enrolled, and 11 students dropped out of school. Please note that the stated number of students refers to students who were enrolled in first grades from January 2018 to December 2021, without data on the total number of students at the level of the entire school, taking into account that primary education is mandatory and that it is necessary to determine the percentage of student response to mandatory school enrollment.

In 2018, a total of 2,145 students were enrolled in the above-mentioned four high schools, and 69 students dropped out of school; in 2019, 2,132 students were enrolled, and 78 students dropped out of school, in 2020, 2,112 students were enrolled, and 108 students dropped out of school, and in 2021, a total of 2,066 students were enrolled, and 105 dropped out of school. Please note that the stated number of students refers to the total number at level 4 of secondary school from the first to the final grades, taking into account that secondary education is not mandatory and that the percentage of students who regularly attend secondary education should be calculated as well as the percentage of students who dropped out from secondary education.¹⁵⁶

84. The Committee requests information on the measures taken to mitigate the costs related to education, such as transportation, books and tools in the entities and the Brčko District;

In the Federation of Bosnia and Herzegovina in the 2020/21 school year, free transportation was provided for 40,344 children, for distances of less than 4 kilometers to more than 18 kilometers, depending on the canton. Also, it is important to point out that 2,987 children have the right to free transportation, but do not use it. The reasons for not using this right are mainly the lack of a road network or the lack of a regular traffic line.

In the period mentioned above, the Federal Ministry of Education and Science continuously implemented the Project for the procurement of free textbooks in order to implement Article 16 of the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina,¹⁵⁷ which expressly states that primary education is compulsory and free for all children. As part of the mentioned Project, 46,853 students received 227,316 free textbooks from the 2018/2019 school year to the 2021/2022 school year, for which 3,112,392.08 BAM was spent, of which the Federal Ministry of Education and Science provided funds in the amount of 2,090,000.00 BAM.¹⁵⁸

In the Republic of Srpska, the Ministry of Education and Culture has been providing free textbooks for all first and second grade primary school students for each school year since the 2007/2008 school year. From the 2019/2020 school year, in addition to free textbooks for all students in the first and second grade of primary schools, textbooks are also provided for students who won competitions at the level of the republic in the 2018/2019 school year. In the 2021/2022 school year, free textbooks were provided to: a) all students in the first, second, third and fourth grades of primary schools; b) primary school students who are winners of competitions at the level of the republic and c) students from fifth to ninth grade who are the third and next child in order of birth in a family with three or more children.

In addition, the Ministry finances the transportation costs for all students who live at a distance of more than four kilometers from school.

The Ministry provides support to schools that decide to organize an extended program (extended stay and morning care), and bears the costs of gross salaries and compensation of workers hired in the extended program.

¹⁵⁶ Source: Government of the Brčko District of BiH;

¹⁵⁷ „Official Gazette of BiH" number 18/03;

¹⁵⁸ Source: Federal Ministry of Education and Science;

The Ministry also finances assistants for children with developmental disabilities, who are recommended by competent commissions. In the 2021/2022 school year, the Ministry approved the hiring and financing of 414 assistants who provide technical support to students with developmental disabilities in elementary schools during classes. In the first semester (September-December 2021), 879,945, 47 BAM was spent to finance assistants.

Regarding measures to mitigate the costs of education in secondary schools, the Government of the Republic of Srpska provides scholarships and transportation allowances to students who enroll in scarce occupations.¹⁵⁹

In the Brčko District, this issue is regulated by the Law on Education in Primary and Secondary Schools of the BD BiH, which stipulates that competent authorities are obliged to take all necessary measures to ensure students the conditions for free access and participation in education, especially in the procurement of free textbooks, manuals and other didactic material, as well as free transportation for students who live more than 3 km from the school they attend. The same applies to secondary school students, while free transportation, regardless of the number of kilometers, is provided to all students with difficulties in psycho-physical development. The education of students in secondary schools is free in terms of paying any fees or fees for attending the school (students bear the cost of purchasing the necessary textbooks for attending classes in secondary school).¹⁶⁰

85. The Committee requests information on the total number of children with disabilities and those attending regular and special primary and secondary schools in both entities and the District in the reference period;

In the Federation of Bosnia and Herzegovina, projects of preschool institutions, primary and secondary schools, citizens' associations and non-governmental organizations were supported within the program "Help for projects to improve educational work with children with developmental disabilities". In addition to activities aimed at eliminating segregating and divided structures in schools in the Federation of Bosnia and Herzegovina, the Federal Ministry of Education and Science undertook other activities aimed at improving the inclusion of all children in the educational system, especially in formal education institutions, especially children with special needs, i.e. the disabled children. As part of the Work Program, the Federal Ministry of Education and Science implemented a program called: "Help for inclusion projects and projects for improving work with children with special needs".¹⁶¹

STUDENTS WITH SPECIAL NEEDS AND DISABILITIES IN "SPECIAL SCHOOLS" IN THE FEDERATION OF BiH				
	Canton	Number of schools for students with special needs	Number of classes for students with special needs	Number of students with special needs
1.	Una – Sana	/	/	/
2.	Posavina	3	5	13
3.	Tuzla	3	16	60
4.	Zenica – Doboј	2	4	20
5.	Bosnian –Podrinje	1	1	7
6.	Central Bosnia	2	7	22
7.	Herzegovina – Neretva	2	28	93
8.	West – Herzegovina	3	7	22
9.	Sarajevo Canton	4	45	268
10.	Canton 10	2	3	4
	TOTAL	22	116	509

Source: Federal Ministry of Education and Science

¹⁵⁹ Source: Government of the Republic of Srpska;

¹⁶⁰ Source: Government of the Brčko District of BiH;

¹⁶¹ Source: Federal Ministry of Education and Science;

The data for the Republic of Srpska are as follows:¹⁶²

PRIMARY SCHOOLS IN THE REPUBLIC OF SRPSKA		
Period	Students with special needs included in regular classes	Students of primary schools for children with special needs
2018.	1317	373
2019.	1304	375
2020.	1265	339
2021.	1470	396

SECONDARY SCHOOLS IN THE REPUBLIC OF SRPSKA		
Period	Students with special needs included in regular classes	Students of primary schools for children with special needs
2018.	339	106
2019.	377	86
2020.	357	78
2021.	749	73

In the Brčko District, the data on the total number of children with disabilities in the reference period are as follows:

PRIMARY SCHOOLS IN BD BiH			
Period	Students with physical disabilities	Students with special needs in regular classes (physical and mental disabilities)	Students with special needs in special classes
2018.	39	137	13
2019.	58	158	15
2020.	51	174	15
2021.	51	186	14

SECONDARY SCHOOLS IN BD BiH			
Period	Students with physical disabilities	Students with special needs in regular classes (physical and mental disabilities)	Students with special needs in special classes
2018.	6	38	0
2019.	5	37	0
2020.	11	52	0
2021.	11	56	0

Students who are categorized and have a decision on categorization are taken into account.¹⁶³

86. The Committee requests information on the number (percentage) of children with special needs in education, the percentage in regular schools and the percentage in separate, special schools in both entities and the District;

In the Federation of BiH, according to the data of the Federal Institute for Statistics, in the Federation of BiH, in the pedagogical year 2015/16 there were 304 children with special needs in preschool institutions, in the pedagogical year 2016/17 there were 285 children with special needs in preschool institutions, and in the pedagogical 2017/18 there were 340 children with special needs in preschool

¹⁶² Izvor: Vlada Republike Srpske;

¹⁶³ Izvor: Vlada Brčko distrikta BiH;

institutions. According to data from the Federal Institute for Statistics, in the 2015/16 school year in the Federation of BiH, there were 2,397 students with special needs included in regular primary education classes, in the 2016/17 school year there were 2,086 students with special needs included in regular classes, and in the 2017/18 school year there were 2,510 students with special needs included in regular classes. In the year 2020/21 2,535 children with special needs, of which 916 were girls, were included in regular classes in primary schools. In 2020/21 451 children were enrolled in primary schools for children with special needs, of which 162 were girls.

The bulletins of the Federal Institute for Statistics do not contain data on the number of students with special needs who are included in regular secondary education classes for the specified reference period. There were 280 students in secondary schools for children with special needs in the Federation of Bosnia and Herzegovina in the school year 2015/16, in the school year 2016/17 there were 257 students, and in the school year 2017/18 there were 255 students. In 2020/21 247 children were enrolled in schools for children with special needs, of which 90 were girls.¹⁶⁴

The data for the Republic of Srpska are as follows:

PRIMARY SCHOOLS IN THE REPUBLIC OF SRPSKA		
Period	Students with special needs included in regular classes	Students of primary schools for children with special needs
2018.	1,5	0,4
2019.	1,5	0,4
2020.	1,4	0,4
2021.	1,7	0,5

SECONDARY SCHOOLS IN THE REPUBLIC OF SRPSKA		
Period	Students with special needs included in regular classes	Students of primary schools for children with special needs
2018.	0,8	0,3
2019.	1,0	0,2
2020.	0,9	0,2
2021.	2,1	0,2

In relation to the total number of children with disabilities, according to the data available to the Ministry of Health and Social Welfare of the Republic of Srpska, in relation to the beneficiaries of the social welfare system, the number of children who exercise the right to personal disability benefits under the Law on Social Welfare, we inform you that in 2019, 1023 children exercised the mentioned right, in 2020 1019 children exercised the mentioned right and in 2021 1559 children exercised the mentioned right.

In primary schools in the Republic of Srpska in the 2021/2022 school year, 1,467 students with developmental disabilities were included in regular classes (inclusion), i.e. 1.71% of the total number of students with developmental disabilities, i.e. 1.71% of the total number students in primary schools.

In the 2017/2018 school year, 1,319 children with developmental disabilities were included in regular classes; 2018/2019 – 1317 students; 2019/2020 – 1304 students and 2020/2021 – 1265 students.

In 19 primary schools, 32 classes (a combination of two, three or four grades) were formed, in which classes are held for 139 students with developmental disabilities, who cannot attend classes in regular classes due to multiple disabilities.

In secondary schools, the number of students with developmental disabilities ranged from 381 in the 2017/2018 school year, 339 in the 2018/2019 school year, 377 in the 2019/2020 school year, and 357 in the 2020/2021 school year.¹⁶⁵

¹⁶⁴ Source: Federal Ministry of Education and Science;

¹⁶⁵ Source: Government of the Republic of Srpska;

In the Brčko District of BiH, the Law on Education in Primary and Secondary Schools stipulates that students with minor disabilities in psycho-physical development and children who, according to the assessment of the commission on the detection, assessment of abilities, classification and records of children and youth with special needs, should enter into increased supervision and work of pedagogues, psychologists and defectologists, attend classes in regular classes, that is, in inclusive classes.

Children with significant disabilities in psycho-physical development attend classes in special classes, according to an adapted curriculum, where in addition to education - rehabilitation and resocialization are also necessary. A student who cannot attend classes due to a disability or other serious illness can be educated at home.

A student who, due to a serious illness, is in a health institution, is provided with education in a hospital, while a student who is placed in a social institution attends the school closest to that institution. At the beginning of each school year, the head of the Department of Education makes a Decision on the composition, distribution and working methods of professional teams in the implementation of work with students with special needs in primary and secondary schools. In this way, all students with special needs have professional help for students with special needs just like typical students and teachers, and especially for parents of students with special needs.¹⁶⁶

87. The Committee asks what measures have been taken in terms of adopting new, comprehensive regulations or an effective strategy on inclusive education;

The Federal Ministry of Education and Science participated in the drafting of the Strategy for Improving the Rights and Position of Persons with Disabilities in the Federation of Bosnia and Herzegovina (2016-2021), which included the activity "Encourage female entrepreneurship" through the specific goal of "Strengthening the employment and self-employment of persons with disabilities" with a special emphasis on women with disabilities, and the specific goal "To raise public awareness of the problems of disability with the aim of removing prejudices, cultural and psychological barriers" which envisages the activity "To conduct public campaigns against violence against women with disabilities, to educate women with disabilities to recognize and report violence and seek help in protecting their rights".

The Agency for Preschool, Primary and Secondary Education is working on the development of the Common Core of comprehensive development programs for preschool education and primary and secondary education in Bosnia and Herzegovina. In this direction, eight educational areas were defined on the basis of the European Framework of Key Competences, Key Competences and Life Skills in Bosnia and Herzegovina, the analysis of current curricula in Bosnia and Herzegovina, as well as the analysis of the curricula of Croatia, Slovenia, Montenegro, Finland, and Australia and New Zealand. Ensuring a quality education system depends to a large extent on documents created at the state level.

Recommendations of the Federal Ministry of Education and Science on how to solve the so-called "Two schools under one roof" have been submitted to all cantonal ministries of education, and their implementation is related to the constitutional solutions in the Federation of BiH and the different practice of the courts on this matter. As good progress in this matter, the Board of the Agency for Preschool, Primary and Secondary Education, at the proposal of the Director of the Agency, at the 28th meeting held on June 24, 2015, made a Decision on the approval of guidelines for the implementation of the common core of curricula defined on learning outcomes. The guidelines define the process of implementation of Common Cores defined on learning outcomes in Development Programs in preschool education and education, as well as the implementation of Common Cores in curricula for primary education and general secondary education and general education subjects in secondary vocational education, with reference to evaluation and valuation. The guidelines will be applied in all public and

¹⁶⁶ Source: Government of the Brčko District of BiH;

private preschool institutions, primary and secondary schools. The next step in this process is the creation of curricula based on learning outcomes.

The issue of the use of minority languages in the Federation of BiH is regulated by the Law on the Protection of the Rights of National Minorities of Bosnia and Herzegovina¹⁶⁷, the Law on the Protection of the Rights of Members of National Minorities in the Federation of Bosnia and Herzegovina¹⁶⁸ and the Law on Prohibition of Discrimination in BiH¹⁶⁹. The issue of learning languages of national minorities in preschool institutions, primary and secondary schools is dealt with in the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina¹⁷⁰, the Framework Law on Preschool Education in Bosnia and Herzegovina¹⁷¹ and the Framework Law on Secondary Vocational Education and Training in Bosnia and Herzegovina¹⁷².

In the Federation of Bosnia and Herzegovina, cantonal laws on education are harmonized with the framework laws adopted at the level of Bosnia and Herzegovina, so it can be concluded that all laws on primary education are harmonized with the Framework Law on Primary and Secondary Education in BiH.¹⁷³

In the Republic of Srpska, measures related to the improvement of inclusive education are defined by the Law on Primary Education¹⁷⁴, the Rulebook on the Education of Children with Developmental Disabilities¹⁷⁵ and the Strategy for the Development of Preschool, Primary and Secondary Education of the Republic of Srpska for the period 2022-2030 (adopted at the 152nd session of the Government of the Republic of Srpska, held on December 30, 2021).

The Republic's Pedagogical Institute created a new Curriculum for the education of students with moderate and severe impairment of intellectual functioning and the Curriculum for the education of students with pervasive developmental disorders.¹⁷⁶

In the Brčko District of BiH, the Law on Education in Primary and Secondary Schools of the BD BiH and the Rulebook on Working with Students with Special Needs in Primary and Secondary Schools of the Brčko District of BiH are applied in the work with students with disabilities and students with special needs.¹⁷⁷

88. The Committee requests information on the results of the measures taken to improve Roma children's access to education, as well as their attendance, absences and dropping out of schools in both entities and Brčko District;

The Ministry of Human Rights and Refugees of Bosnia and Herzegovina prepared the Framework Action Plan of Bosnia and Herzegovina on the educational needs of the Roma 2018-2022. which meets the international standards that BiH has largely accepted, to define the right of the Roma national minority to education as well as the obligation to apply certain educational standards and norms. The goals and measures from this document in 2021 have become an integral part of the Action Plan of BiH for the social inclusion of Roma for the period 2021-2025.

¹⁶⁷ „Official Gazette of BiH" numbers 12/03 and 76/05;

¹⁶⁸ „Official Newspaper of FBiH" number 56/08;

¹⁶⁹ „Official Gazette of BiH" numbers 59/09 and 66/16;

¹⁷⁰ „Official Gazette of BiH" number 18/03;

¹⁷¹ „Official Gazette of BiH" number 88/07;

¹⁷² „Official Gazette of BiH" number 63/08;

¹⁷³ Source: Federal Ministry of Education and Science;

¹⁷⁴ „ Official Gazette of the Republic of Srpska" numbers 44/17, 31/18, 84/19, 23/20 and 63/20;

¹⁷⁵ „ Official Gazette of the Republic of Srpska" number: 83/20;

¹⁷⁶ Source: Government of the Republic of Srpska;

¹⁷⁷ Source: Government of the Brčko District of BiH;

In the Federation of Bosnia and Herzegovina in 2021, one-time monetary prizes in the total amount of 28,350.00 BAM were awarded to 81 students of Roma nationality in primary schools for achieving excellent results at the end of the 2020/21 school year and one-time monetary prizes in the total amount of 5,850.00 BAM were awarded to 13 secondary school students of Roma nationality for achieving excellent results at the end of the 2020/21 school year.¹⁷⁸

In the Republic of Srpska, the Government of the Republic of Srpska adopted the Strategy for the Advancement and Protection of the Rights of Members of National Minorities in the Republic of Srpska for the period 2020-2024. A special item in this strategy is dedicated to the Roma in the Republic of Srpska as the most endangered national minority. According to the 2013 census, there are 1,974 Roma in the Republic of Srpska.

The action plan on the educational needs of Roma men/Roma women in the Republic of Srpska 2021 - 2024 was made in consultation with representatives of Roma associations, and the aim is to achieve the goals that will lead to better education for Roma in the Republic of Srpska through the implementation of measures and activities, because education is one of the four areas that need improvement - in addition to employment, housing and health care.

Children of the Roma population are also included in primary education. The Ministry strives to, through the activities it implements (providing free textbooks, financing transportation, cooperation with local communities and non-governmental organizations), work systematically to solve the problem of Roma education, the problem of education is still evident. With the implementation of the "Yes, it's me" project, additional activities are carried out in this regard: panel discussions on the importance of early learning and the inclusion of Roma children in preschools and primary schools with an emphasis on municipalities where members of the Roma population live; training of educators and teachers to work with children from vulnerable categories of the population with an emphasis on Roma children; preparation of manual for working with children from sensitive categories with an emphasis on members of the Roma nationality; improving the competences of parents through participation in workshops on diversity as the wealth of every community. The target group is Roma and parents of the majority population. The project covers five preschool institutions and five primary schools in the Republic of Srpska, which are located in areas with Roma families; and media campaign as an incentive to develop awareness of the need for education of Roma children in society "Yes, that's me!".

The above-mentioned project is implemented with the aim of keeping Roma children in schools with support through these and similar activities that are being implemented, and to reduce the number of children who drop out of school.

The Republic of Srpska does not have problems with leaving education. The dropout rate is low (0.04 to 0.05%) and complies with European recommendations, below 10%.¹⁷⁹

In the Brčko District of BiH, the results of the measures taken to improve Roma children's access to education, as well as attendance, absences and dropping out of schools are as follows: The Government of the Brčko District of BiH on August 18, 2021 adopted the Action Plan on the educational needs of Roma in BD BiH for the period 2021-2023. The Department of Education defined six goals with the Action Plan on the educational needs of Roma in the Brčko District of BiH: 1. inclusion of Roma children in preschool programs; 2. ensuring that children belonging to the Roma minority are included in the compulsory education system; 3. encouragement of Roma population to continue secondary education; 4. encouraging Roma students to acquire two year post secondary education and higher education; 5. enabling adult Roma to complete primary and secondary school; 6. preserving and promoting the Romani language, culture and history. The action plan foresees a series of measures for the implementation of the above-mentioned goals. In 2018/2019, 116 Roma children were enrolled in

¹⁷⁸ Source: Federal Ministry of Education and Science;

¹⁷⁹ Source: Government of the Republic of Srpska;

schools at the BD BiH level, and 8 dropped out of school; in 2019/2020 146 were enrolled and 17 dropped out of school; in 2020/2021 171 Roma children were enrolled and 16 dropped out of school. Strengthening educational measures and policies for the integration of Roma children into the education system, through job descriptions, the Department of Education employs a Roma issues officer who, in their job description, does the following: keeps records of students of the Roma population in primary and secondary schools of BD BiH and creates a database about the social status of these students and their families; cooperates with social workers in primary and secondary schools and solves problems in Roma families; collaborates and conducts dialogue with Roma families and prepares them for the enrollment of children in preschool, primary and secondary education; cooperates in the implementation of students' free activities that are based on the promotion of the mother tongue (Romani) and the culture and tradition of the Roma; cooperates with Roma communities and other institutions that can contribute to the improvement of schooling conditions; and participates in the work of expert teams when it comes to children of the Roma population.¹⁸⁰

89. The Committee requests information on the measures taken to ensure the right to education for children of migrants and children seeking asylum;

According to the Law on Asylum, asylum seekers have the right to access primary and secondary education. Funds for costs incurred in this way are provided by the Ministry of Security in the budget of institutions or through donations for asylum in Bosnia and Herzegovina. In accordance with the Rulebook on Asylum¹⁸¹ minor asylum seekers are granted access to education within the existing state education system. If due to the special position of the minor asylum seeker, access to the existing state education system is not possible, access to another educational program is possible, in accordance with possibilities. If necessary, the minor asylum seeker is provided with preparatory classes, including language classes, in order to facilitate their access to the education system.¹⁸²

In the Republic of Srpska, all types of violence, abuse and neglect, as well as all activities that endanger, discriminate or single out students or groups of students, on any basis, are prohibited in primary education, in accordance with applicable laws and international conventions.

The task of all educational institutions is to intensify activities to promote stimulating communication, cooperation, mutual tolerance and respect, with the obligatory involvement of students and their parents. In this regard, the Child Care Program is being implemented in schools, in connection with which is the Referral Mechanism Program for supporting children in the schools of the Republic of Srpska. The schools introduced lists for identifying indicators of problems and disorders in children. Through this program, professional associates and teachers employed in schools are professionally trained and learn new methods and techniques of working and recognizing and working with a group of risky children, along with prepared instruments for identifying and further treating the child and family through the training and education they have undergone.

In cooperation with the Republic's Pedagogical Institute, we are continuously working on activities that strengthen the educational role of the school.¹⁸³

In primary and secondary schools in the territory of the Brčko District of BiH, there were no cases of migrant children and children seeking asylum to attend classes.

90. The committee asks what measures have been taken in terms of creating policies against bullying in schools, i.e. measures to raise awareness, prevention and intervention;

¹⁸⁰ Source: Government of the Brčko District of BiH;

¹⁸¹ „Official Gazette of Bosnia and Herzegovina" numbers 69/16 and 75/21;

¹⁸² Source: Ministry of Security of Bosnia and Herzegovina;

¹⁸³ Source: Government of the Republic of Srpska;

In the Federation of BiH, in this area, the Protocol on the fight against peer violence, which applies to all schools and cantons in the Federation of BiH, is in the final phase of adoption. After the adoption of the mentioned document, we will report its details to the Committee for Social Rights.¹⁸⁴

In the Republic of Srpska, additional activities are being undertaken to strengthen the educational role of the school, in order to reduce incidents of violence to a minimum, and strengthen preventive action. In cooperation with the Republic's Pedagogical Institute, we continuously work on activities that strengthen the educational role of the school.

The Ombudsman for Children of the Republic of Srpska, in accordance with the Law on the Ombudsman for Children, and following the basic principles of the UN Convention on the Rights of the Child, established the Network of Young Advisors of the Ombudsman for Children with the aim of: exercising the right to participation of children/youth in all matters that concern them, concern their free expression of opinion, enabling access to information, familiarizing young people with basic requests, principles and rights from the Convention, obtaining information from children about the realization, protection and violation of their rights. Since the formation of the Network, over 80 young advisors have been exchanging opinions with each other and together with the ombudsman, asking questions, presenting examples and problems, and proposing solutions. Young advisors as associates and advisors of the Institution participate in: selection and preparation of current topics that interest them; organization and work of round tables; researches; creation of educational and promotional materials for children; educating their peers about children's rights; informing the ombudsman for children about their successes, needs, problems and violations of children's rights; and various activities and cooperation with other institutions, youth organizations and NGOs.

In order to achieve the goal of educating young advisors about children's rights, a large number of training seminars on children's rights were held, which were attended by young advisors and secondary school students from a large number of municipalities in the Republic of Srpska.

Young advisors, in accordance with their interests, initiated numerous topics on the basis of which the ombudsman for children acted further. Thus, in a conversation with young advisors, the topic of peer violence was brought up and the young people proposed to examine the attitudes of primary and secondary school students about peer violence.

All types of violence, abuse and neglect are prohibited in primary education, as well as all activities that threaten, discriminate or single out students, or groups of students, on any basis, in accordance with applicable laws and international conventions.

The Law on Primary Education defines that teachers and professional associates are obliged to take measures to protect the rights of the child, and to immediately notify the competent social institution of any violation of those rights, especially of all forms of violence against a child or a minor.

Based on the fact that the prevention, detection and suppression of violence among children and young people is of general social interest, the actions of educational institutions in cases of occurrence of violence are extremely important.

In cases of violence, the school is obliged to act in accordance with laws and by-laws, as well as valid protocols.¹⁸⁵

In the Brčko District of BiH, with the aim of preventing, detecting and suppressing violence among children, while accepting the obligations from Article 19 of the Convention on the Rights of the Child, which reads as follows "The contracting states shall take all appropriate legal, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, exclusion or negligent treatment, abuse or exploitation, including sexual abuse, while in the care of a parent, legal guardian or any other person who takes care of the child, primary schools have adopted the

¹⁸⁴ Source: Federal Ministry of Education and Science;

¹⁸⁵ Source: Government of the Republic of Srpska.

Protocol on dealing with cases of peer violence. This Rulebook establishes the procedures for establishing a reaction of the entire school in order to prevent, identify, report and investigate all cases of peer violence in the educational system during the educational process in the school building and the immediate surroundings; during recreational classes, excursions, outings and similar activities organized by the school. In addition to the aforementioned protocol, each school states that they work preventively to suppress violence through certain workshops. Through the lessons of the class community, meetings of the Student Council and the Parents' Council, it conducts advisory work and organizes workshops on the topic of non-violent behavior among students, non-violent resolution of conflict situations, work on understanding and respecting the needs of others, respect for diversity, etc., with the aim of suppressing violence and developing non-violent forms of conflict resolution.

Each school has a well-developed cooperation with the local community, the Sub-Department for Social Welfare, school police officers, non-governmental organizations and other institutions..

Also, international days dedicated to the fight against violence are celebrated every year (Pink T-shirt Day, Safe Internet Day, International Day of Nonviolence, etc.).

In several schools, there is a Mediation Team (made up of students - mediators under the supervision of pedagogues, psychologists, social pedagogues, social workers) who conduct mediation within the school with the aim of non-violent resolution of conflict situations. Most schools have boxes in the lobby for anonymous reports of discrimination.¹⁸⁶

91. The Committee requests information on the measures taken by the State to involve children in decision-making in a wide range of education-related measures, including special learning environments;

In the Federation of Bosnia and Herzegovina, the measures taken by the state to involve children in decision-making in a wide range of measures related to education are based on Article 54 of the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina, which requires the school to help, taking into account the age of the students who attend the school, to establish a Student Council. The purpose of the Student Council is to promote the interests of the schools in the community where the school is located, to present the views of the students to the school board, to inform the school board of its views when it deems it necessary, or at the request of the school board, on any matter related to work and management of the school. The manner and procedure of the establishment and work of the student council is determined by the general acts of the school. These provisions have been implemented and elaborated in the laws of all cantons in the Federation of Bosnia and Herzegovina.¹⁸⁷

For the Republic of Srpska, we gave answers in the previous question.¹⁸⁸

In the Brčko District of BiH, the Law on Education in Primary and Secondary Schools mandates the obligation of the school to ensure and enable the formation of the Student Council, which is carried out in accordance with the school's rules. Students are elected to the Council from the first to the ninth grade. Through this Council, students take part in the sense that they promote the interests of the school, present their views and opinions to the school board; they encourage the involvement of students in the realization of set tasks; and they inform the school board about every issue related to the work and management of the school. Apart from this involvement of students, participation in decision-making on a significant scale was not recorded.¹⁸⁹

¹⁸⁶ Source: Government of the Brčko District of BiH;

¹⁸⁷ Source: Federal Ministry of Education and Science;

¹⁸⁸ Source: Government of the Republic of Srpska;

¹⁸⁹ Source: Government of the Brčko District of BiH.

ABBREVIATIONS

BIH - Bosnia and Herzegovina
FBIH - Federation of Bosnia and Herzegovina
RS - Republic of Srpska
BD BiH - Brčko District of Bosnia and Herzegovina
ESP/R/ - European Social Charter /revised/
EKSP - European Committee for Social Rights
MOR - International Labor Organization
KM - Convertible Mark
DD – Children's allowance
USK - Una-Sana Canton
ZDK – Zenica-Doboj Canton
HNK – Herzegovina-Neretva Canton
ZHK – West Herzegovina Canton
GAP – Gender Action Plan