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EUROPEAN SOCIAL CHARTER

9th National Report on the implementation of
the European Social Charter

submitted by

**THE GOVERNMENT OF BOSNIA AND
HERZEGOVINA**

Article 7, 8, 16 and 17

for the period 01/01/2014 - 31/12/2017

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BOSNIA AND HERZEGOVINA
THE MINISTRY FOR HUMAN RIGHTS AND REFUGEES

**THE NINTH REPORT OF BOSNIA AND HERZEGOVINA
ON COMPLIANCE WITH THE EUROPEAN SOCIAL CHARTER /REVISED/**

**GROUP IV: CHILDREN, FAMILIES AND MIGRANTS
“ART. 7, 8, 16 AND 17”**

**REFERENCE PERIOD:
January 2015 - December 2017**

SARAJEVO, OCTOBER 2018

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I. INTRODUCTION

Bosnia and Herzegovina has ratified the European Social Charter /revised/ on 7 October 2008 and hereby submits its Ninth Report on Compliance with the European Social Charter /revised/ in accordance with Article 21 of the said Charter.

This Report includes provisions of the European Social Charter /revised/ related to the fourth thematic group /children, families and migrants/, “art. 7, 8, 16 and 17”, for the reference period January 2015 – December 2017.

The Report was prepared on the basis of the new reporting system adopted by the Council of Ministers of the Council of Europe which entered into force on 31 October 2007, and on the basis of the Report Form on compliance with agreed provisions of the European Social Charter /revised/¹ to be submitted for all relevant information on the measures adopted for the purpose of its implementation, and especially:

- 1) legislative framework – any laws or regulations, collective agreements or other provisions in support of their implementation;
- 2) measures (administrative arrangements, programmes, action plans, projects, etc.) taken with an aim of implementing the legislative framework;
- 3) figures, statistical data or other relevant information on the basis of which it is possible to assess the extent to which these provisions apply.

Instructions resulting from interpretation of articles from the Charter by the members of the European Committee of Social Rights that were summed up as a Synopsis of Judicial Practice (Common Law) in order for the subject of provisions to be completely clear.

The Ninth Report of Bosnia and Herzegovina for the thematic group /children, families and migrants/ shall contain up-to-date information on the legislative framework from previous reports, as well as corresponding explanations, that is, information on developments in practice during the reference period.

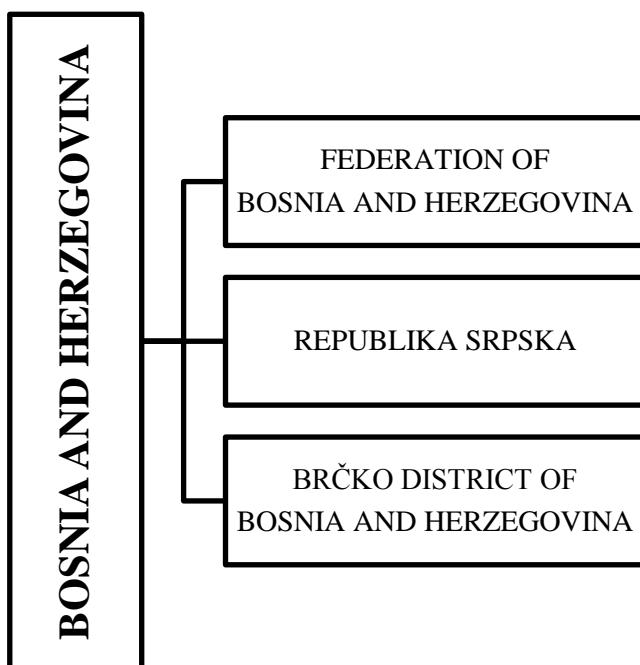
Pursuant to Article 23 of the European Social Charter /revised/, a copy of this prepared Report shall be submitted to the relevant organizations of employers and trade unions, namely:

- Confederation of Independent Trade Unions of Bosnia and Herzegovina,
- Confederation of Trade Unions of Republika Srpska,
- Confederation of the Brčko District of BiH,
- Association of Employers of Bosnia and Herzegovina,
- Association of Employers of the Federation of Bosnia and Herzegovina,
- Union of Employers' Associations of Republika Srpska
- Association of Employers of the Brčko District of BiH.

¹ Adopted at the session of the Committee of Ministers of the Council of Europe on 26 March 2008;

II. ADMINISTRATIVE DIVISION OF BOSNIA AND HERZEGOVINA

NOTE: At the 136th session of the Committee of Social Rights of the Council of Europe, the Committee's representatives have requested from the representatives of Bosnia and Herzegovina for all subsequent reports to contain a scheme of administrative division of Bosnia and Herzegovina, in order to facilitate understanding of how the ratified provisions of the European Social Charter /revised/ are being implemented in Bosnia and Herzegovina.



The administrative division of Bosnia and Herzegovina was established in the Dayton Accords and accordingly, Bosnia and Herzegovina was administratively divided into two entities: the Federation of Bosnia and Herzegovina (51% of the state territory), Republika Srpska (49% of the total territory of Bosnia and Herzegovina) and the Brčko District which does not belong to any of the entities, but it represents a separate administrative unit over which the institutions of Bosnia and Herzegovina exercise their sovereignty.

The Federation of Bosnia and Herzegovina and Republika Srpska are the entities with their own constitutions which must comply with the Constitution of Bosnia and Herzegovina, and their governments, legislature and judiciary. The territory of Brčko which was under arbitration did not become a part of any entity, but in accordance with the decision of the International Arbitral Commission for Brčko, it was placed under administration of Bosnia and Herzegovina as a separate district. The Brčko District has its own multi-ethnic government with the elected assembly, executive board, judiciary and police forces.

The Federation of Bosnia and Herzegovina consists of 10 cantons² which are further administratively divided into municipalities, while Republika Srpska is administratively divided into regions³, and regions are further divided into municipalities.

² 1. Una-Sana; 2. Posavina; 3. Tuzla; 4. Zenica-Doboj; 5. Bosnian-Podrinje; 6. Central Bosnia; 7. Herzegovina-Neretva; 8. West Herzegovina; 9. Sarajevo and 10. Livno (Canton 10);

III. GENERAL LEGISLATIVE FRAMEWORK

Bosnia and Herzegovina

- Law on Civil Service in the Institutions of Bosnia and Herzegovina (“Official Gazette of BiH” numbers 19/02, 35/03, 4/04, 17/04, 26/04, 37/04, 48/05, 2/06, 32/07, 43/09 and 8/10);
- Law on Labour in the Institutions of Bosnia and Herzegovina (“Official Gazette of BiH” numbers 26/04, 7/05, 48/05, 60/10 and 32/13);
- Law on Gender Equality in Bosnia and Herzegovina - consolidated text (“Official Gazette of BiH” number 32/10);
- Aliens Act of Bosnia and Herzegovina (“Official Gazette of BiH” number 88/15);
- Law on Movement and Stay of Aliens and Asylum of Bosnia and Herzegovina - consolidated text (“Official Gazette of BiH” number 36/08 and 87/12);
- Law on Occupational Safety of Bosnia and Herzegovina (“Official Gazette of BiH” number 2/90);
- Rulebook on Determination of Special Working Conditions and Medical Examinations of Workers at Such Posts (“Official Gazette of SR BiH” number 2/90);
- Framework Law on Preschool Upbringing and Education in Bosnia and Herzegovina (“Official Gazette of BiH” number 88/07);
- Framework Law on Primary and Secondary Education in Bosnia and Herzegovina (“Official Gazette of BiH” number 18/03);
- Framework Law on Secondary Vocational Education and Training in Bosnia and Herzegovina (“Official Gazette of BiH” number 63/08);
- Framework Law on Higher Education in Bosnia and Herzegovina (“Official Gazette of BiH” number 59/07);
- Law on the Agency for Preschool, Primary and Secondary Education in Bosnia and Herzegovina (“Official Gazette of BiH” number 88/07);
- Criminal Code of Bosnia and Herzegovina (“Official Gazette of BiH” number 32/03);
- Law on Criminal Procedure of Bosnia and Herzegovina (“Official Gazette of BiH” numbers 3/03, 32/03, 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 58/08, 12/09, 16/09, 93/09, 72/13);
- Law on Execution of Criminal Sanctions, Detention and Other Measures of Bosnia and Herzegovina – consolidated text (“Official Gazette of BiH” number 12/10, 100/13);
- Decision on the Manner and Procedure for Exercising the Right to Maternity Leave in the Institutions of Bosnia and Herzegovina (“Official Gazette of BiH” number 95/10);
- Ordinance on Physical Education for Minors sentenced to Youth Detention or Institutional Disciplinary Measures in the Institutes of Bosnia and Herzegovina (“Official Gazette of BiH” number 44/05).

Federation of Bosnia and Herzegovina

- Law on Labour of Bosnia and Herzegovina (“Official Gazette of FBiH” numbers 43/99, 32/00 and 29/03, 26/16);
- Law on Civil Service in the Federation of Bosnia and Herzegovina (“Official Gazette of the Federation of BiH” numbers 29/03, 23/04, 39/04, 54/04, 67/05 and 8/06);
- Family Law of the Federation BiH (“Official Gazette of FBiH” numbers 35/05, 41/05 and 31/14);
- Inheritance Law of the Federation BiH (“Official Gazette of FBiH” number 80/14);

³ Banja Luka, Doboj, Bijeljina, Pale and Trebinje;

- Criminal Code of the Federation BiH (“Official Gazette of the Federation of Bosnia and Herzegovina” number 36/03, 37/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14 and 76/14);
- Law on Protection and Treatment of Children and Juveniles of the Federation BiH (“Official Gazette of FBiH” number 7/14);
- Law on Protection from Domestic Violence of the Federation BiH (“Official Gazette of FBiH” number 20/13);
- Law on Preschool Upbringing and Education (“Official Gazette of FBiH” number 88/07);
- Law on Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children (“Official Gazette of FBiH” numbers 36/99, 54/04, 39/06, 14/09 and 45/16);
- Law on Occupational Safety of the Federation BiH (“Official Gazette of SR BIH”, number 22/90);
- Law on the Allocation of Public Revenues in the Federation BiH (“Official Gazette of FBiH” numbers 22/06, 43/08, 22/09 and 35/14);
- Law on Retention of the Law on Housing Relations of the Federation BiH (“Official Gazette of FBiH” number 11/98) was re-enacted by the Law on Housing Relations of the SR BiH (“Official Gazette of SRBiH” numbers 14/84, 12/87 and 36/89);
- Federation BiH and Republika Srpska Contractual Relations Act – consolidated text (“Official Gazette of SFRY” numbers 29/78, 39/85, 45/89 and 57/89, “Official Gazette of RBiH” numbers 2/92, 13/93 and 13/94 and “Official Gazette of RS” numbers 17/93 and 3/96);
- Law on the Allocation of Public Revenues in the Federation BiH (“Official Gazette of FBiH” numbers 22/06, 43/08, 22/09 and 35/14);
- Rulebook on Content and Manner of Maintaining Records of Issued Protective Orders, Persons protected by the Protective Order and Violent Persons Against Whom the Orders are Sought (“Official Gazette of FBiH” number 95/13);
- Rulebook on Determination of Special Working Conditions and Medical Examinations of Workers at Such Posts (“Official Gazette of SR BiH” number 2/91).

Republika Srpska

- Labour Law of Republika Srpska – consolidated text (“Official Gazette of RS” numbers 1/16 and 66/18);
- Family Law of Republika Srpska (“Official Gazette of RS” numbers 54/02, 41/08, 63/14);
- Inheritance Law of Republika Srpska (“Official Gazette of RS” number 1/09);
- Law on Occupational Safety of Republika Srpska (“Official Gazette of RS” numbers 1/08 and 13/10);
- Law on Social Protection of Republika Srpska (“Official Gazette of RS” number 37/12 and 90/16);
- Law on Protection of the Child of Republika Srpska (“Official Gazette of RS” numbers 4/02, 17/08, 1/09, 114/17);
- Law on Protection from Domestic Violence of Republika Srpska (“Official Gazette of RS” numbers 102/12 and 108/13);
- Law on Preschool Upbringing and Education (“Official Gazette of RS” numbers 119/08 and 1/12);
- Law on Ombudsman for Children of Republika Srpska (“Official Gazette of RS” number 103/08);
- Criminal Code of Republika Srpska (“Official Gazette of RS” numbers 49/03, 108/04, 37/06, 70/06, 73/10, 1/12 and 67/13);
- Law on Criminal Procedure of Republika Srpska (“Official Gazette of RS” number 53/12);
- Law on Protection and Treatment of Children and Juveniles in the Criminal Procedure of Republika Srpska (“Official Gazette of RS” number 13/10);

- Law on the Administrative Service in RS Administration (“Official Gazette of RS” numbers 62/02, 38/03, 42/04 and 49/06);
Law on Mediation in Employment and Exercise of Rights of Unemployed Persons of Republika Srpska (“Official Gazette of RS” numbers 30/10 and 102/12);
- Law on Employment of Foreign Nationals and Stateless Persons of Republika Srpska (“Official Gazette of RS” numbers 24/09 and 117/11);
- Law on Vocational Rehabilitation, Training and Employment of Disabled Persons of Republika Srpska (“Official Gazette of RS” number 37/12 and 82/15);
- Housing Act of Republika Srpska (“Official Gazette of RS” numbers 50/92, 76/92, 84/92);
- Law on General Administrative Procedure of Republika Srpska (“Official Gazette of RS” number 13/02);
- Law on Administrative Disputes of Republika Srpska (“Official Gazette of RS” number 109/05);
- Law on Inspections in Republika Srpska (“Official Gazette of RS” number 113/05, 1/08);
- Ordinance on works which cannot be performed by young workers (“Official Gazette of RS” number 86/16);
- Rulebook on the content of, and procedures for, medical examinations of workers employed at posts with an increased risk which includes exposure to poisonous substances of Republika Srpska (“Official Gazette of RS” number 15/08);
- Instruction on the method and procedure of payment of the cash compensation to mothers (“Official Gazette of Republika Srpska” number 40/12).

Brčko District of Bosnia and Herzegovina

- Statute of the Brčko District of Bosnia and Herzegovina;
- Law on Civil Service in Administrative Bodies of the Brčko District of BiH (“Official Gazette of BD” numbers 28/06, 29/06, 19/07);
- Labour Law of the Brčko District of Bosnia and Herzegovina (“Official Gazette of BD BiH” number 19/06, 19/07, 25/08, 20/13, 31/14 and 1/15);
- Law on Occupational Safety and Health Protection of Workers of the Brčko District of BiH (“Official Gazette of Brčko District of BiH” number 20/13);
- Family Law of the Brčko District of BiH (“Official Gazette of BD BiH” number 23/07);
- Law on Social Protection of the Brčko District of Bosnia and Herzegovina (“Official Gazette of BD BiH” number 1/03, 4/04, 19/07, 2/08 and 21/18);
- Law on Protection of the Child of the Brčko District of Bosnia and Herzegovina – consolidated text (“Official Gazette of BD BiH” number 51/11, 3/15 and 21/18);
- Law on Protection and Treatment of Children and Juveniles in the Criminal Procedure of the Brčko District of Bosnia and Herzegovina (“Official Gazette of BD BiH” number 44/11);
- Law on Preschool Upbringing and Education of the Brčko District of BiH (“Official Gazette of the Brčko District of BiH” numbers 13/07, 19/07, 39/08, 21/10);
- Law on Education in Primary and Secondary Schools of the Brčko District of BiH (“Official Gazette of the Brčko District of BIH” number 10/08, 25/08, 4/13, 26/16, 48/16 and 22/17);
- Criminal Code of the Brčko District of Bosnia and Herzegovina – consolidated text (“Official Gazette of BD BiH” number 33/13, 26/16 and 13/17);
- Law on Protection and Treatment of Children and Juveniles in the Criminal Procedure

of the Brčko District of BiH (“Official Gazette of the Brčko District of BIH” number 44/11);

- Law on Administrative Procedure of the Brčko District of Bosnia and Herzegovina – consolidated text (“Official Gazette of BD BiH” number 48/11 and 21/18);
- Law on Administrative Disputes of the Brčko District of BiH (“Official Gazette of the Brčko District of BiH” numbers 4/00, 1/01);
- Mayor's decision on the conditions and manner of compensation payment to employees during the maternity leave number: 01-014-001435/05 of 21 February 2005 (“Official Gazette of BD BiH” number 19/05, 3/14 and 49/14);
- Law on Protection of Witnesses under Threat and Vulnerable Witnesses of the Brčko District of BiH (“Official Gazette of the Brčko District of BiH” numbers 10/03, 8/07 and 19/07);
- Law on Inspections of the Brčko District of BiH (“Official Gazette of the Brčko District of BiH” numbers 24/08, 25/08 and 20/13).

IV. APPLICATION OF RATIFIED PROVISIONS OF THE ESC/R/ IN BOSNIA AND HERZEGOVINA

Article 7. The right of children and young persons to protection

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake to provide:

1. that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;
2. that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;
3. that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;
4. that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;
5. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;
6. that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;

7. that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;
8. that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;
9. that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;
10. special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

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

In Conclusions (2015), the European Committee of Social Rights acknowledges information contained in the Report submitted by Bosnia and Herzegovina and observes that different provisions are being implemented at state level and entity levels of government (FBiH, Republika Srpska and the Brčko District of BiH).

Question of the Committee: Please describe the general legislative framework and indicate if there were any legislative amendments in relation to the previous report.

Pursuant to provisions of the new Labour Law of the Federation of Bosnia and Herzegovina from 2016, **in the Federation of Bosnia and Herzegovina**, an employment contract cannot be concluded with a person under 15 years of age, which also extends to all forms of business activities. The contract concluded contrary to this provision shall be deemed void due to unilateral prohibition of contract conclusion and shall not have full force and effect.

Persons between the age of 15 and 18 (minor) may conclude an employment contract, i.e. be hired only with the consent of a legal guardian and under the condition of obtaining a medical certificate from the competent doctor or the competent healthcare institution demonstrating their general fitness to work.

A minor may not perform particularly hard manual works, works underground or under water, nor on other works which could have a harmful effect or increased risk to his/her life or health, development or moral, given his/her physical and mental qualities. The Federal Minister indicates the aforementioned works in separate regulations, and the labour inspector prohibits such work from being performed by the minor.

Should the inspector establish that a certain work is especially difficult for a minor, the employer shall offer conclusion of an employment contract for the performance of other relevant works and if there are no such works, it is then obliged to offer re-skilling and up-skilling programmes for other relevant works. In case that, after his/her re-skilling or up-skilling, there are no such activities that can be performed by the minor worker, the employer may terminate an employment contract in the manner and under the conditions laid down in the Labour Law of the Federation of Bosnia and Herzegovina.

According to the new Labour Law of the Federation of Bosnia and Herzegovina, an employer-a legal person shall be fined for an offence in the amounts ranging from 1,000 to 3,000 BAM (500-1,500 EUR), and in case of recidivism with a fine of 5,000 to 10,000 BAM (2,500-5,000 EUR) if:

- employment contract is concluded with a minor or he/she is hired for any type of work;
- the minor has to do overtime work or compensation hours;
- the minor has to do night work;

- the minor performs particularly hard manual works, works underground or under water, or other works which could have a harmful effect or increased risk to his/her life or health, development or moral, given his/her physical and mental qualities;
- medical examination of a minor is not provided at least once in two years;
- overtime work prohibition imposed by the labour inspector is not complied with.

The lowest and highest amount of statutory penalties shall be doubled in relation to offences committed against minor workers.

With an aim of protecting their health and physical and mental development, minor workers shall be entitled to medical examination at least once in two years. The medical examination costs shall be borne by the employer.

Unlike the previous Labour Law, the new Labour Law of 2016 contains provisions on work outside the premises of the employer and provides for conclusion of an employment contract for the purpose of performing the activities outside the employer's premises (at home of the employee or other premise provided by the employee), in accordance with the collective agreement and labour bylaws.

In Republika Srpska, a new Labour Law was adopted and entered into force in 2016, and also certain amendments were adopted in 2018 by which certain novelties were introduced. One of the most significant novelties is that a person of at least 15 years of age, of an appropriate medical fitness and who fulfils other conditions laid down in a separate law, a general act of the employer, a systematization act or a separate decision of the employer, can be employed. Minimum age limit for the conclusion of an employment contract was also established. This limit shall be 15 years of age of the person concluding the employment contract as one condition, and the other shall be the general medical fitness of that person.

A person under the age of 18 can be employed only upon the written approval of parents, foster parents or legal guardians, provided that such work does not have a harmful effect to his/her health, moral and education, i.e. such work is not prohibited by law.

A person under the age of 18 can be employed only upon obtaining the report from the competent healthcare institution indicating that he/she is capable of performing the tasks required by such employment and that such tasks do not have a harmful effect to his/her health. The medical examination costs shall be borne by the Employment Institute.

The burden of proof that there are conditions for employment shall lie with the worker. General conditions shall be determined regardless of the tasks required by such employment. The age shall be demonstrated by the Birth Certificate or other valid document, while medical fitness shall be demonstrated by the report of the authorized medical doctor. Special conditions shall be established in accordance with the tasks required by such employment.

Considering the facts that the Labour Law does not provide for special conditions, special conditions are contained in other laws (*lex specialis*) regulating certain issues related to employment, and in collective agreements and general acts of the employer.

In the following period, the agenda of the Republika Srpska Government provides for new amendments to the Labour Law and a working group of social partners was established for that purpose. The subject of amendments is not yet known and it is currently being agreed by the social partners.

The Law on Occupational Safety of Republika Srpska regulates that a special protection shall be provided for the purpose of upholding the smooth physical and mental development of minor workers. Also, it stipulates that the employer is obliged to ensure that a worker is less than 18 years old, and, in addition to the training for safe and healthy work, he/she is informed in writing of the risk assessment results for that workplace and the measures taken to eliminate such risks with an aim of improving the occupational safety and protection. This provision ensures special protection for workers under the age of 18.

Just as the new Labour Law of the Federation of Bosnia and Herzegovina, the new Labour Law of Republika Srpska for 2016 regulates employment which includes the activities to be performed outside the employer's premises. Such work includes telecommuting and work at home.

The Law provides for penalty provisions for non-compliance with labour provisions and provides for fines ranging from 2,000 to 12,000 BAM (1,000-6,000 EUR). If the offence is committed against a worker under the age of 18, the fine for a legal entity shall not be less than 3,000 BAM (1,500 EUR), and for a responsible person of 500 BAM and more (250 EUR).

In the Brčko District, the Labour Law shall regulate that the employment contract shall not be concluded with the person under the age of 15. A minor shall not be hired if the foregoing requirements, i.e. the authorized doctor or the competent healthcare institution has issued a certificate demonstrating that the minor has been examined and that he/she is physically and mentally capable of performing the tasks required by such post, or that one or both parents or a legal guardian of the minor have given their consent, are not complied with.

The Law does not provide for exceptions and no possibility of concluding the employment contract with the persons under the age of 15 is allowed, including all forms of economic activity and regardless of the worker's status.

The Law provides for penalty provisions for non-compliance with labour provisions and provides for fines ranging from 1,000 to 7,000 BAM (500-3,500 EUR), i.e. twice the amounts if the offence was committed against the minor.

This Law stipulates that an employment contract may also be concluded for the purpose of performing activities outside the employer's premises. An employer can arrange activities outside the premises under the conditions that are not dangerous or harmful to the health of the worker and other persons, and do not pose danger to the working environment.

No inspections were recorded by the labour inspectors regarding the violation of this provision. While performing the inspection, the inspector shall act preventively and undertake administrative and other measures and actions when the purpose and aim of the inspection cannot be achieved by the preventive action.

Article 7, paragraph 2 Prohibition of employment of persons under 18 years of age in hazardous and unhealthy occupations

In Conclusions (2015), the European Committee of Social Rights concludes that the situation does not comply with Article 7, paragraph 2 of the Charter, since it was not established with certainty that the current legislature provides for the forms of hazardous or unhealthy activities which pose a danger or unhealthy influence on the youth.

We hereby notify the Committee that the conclusion was partially complied with, since there are laws on occupational safety in Bosnia and Herzegovina, but there is a need to harmonize the current

legislature in the entities and the Brčko District in terms of adjusting the list of hazardous or unhealthy activities for workers under the age of 18. Detailed justifications are as follows:

In the Federation of Bosnia and Herzegovina, The Law on Occupational Safety and the Rulebook on Determination of Special Working Conditions and Medical Examinations of Workers at those posts provide for general occupational safety rules and measures, the persons who are entitled to occupational safety and protection, and the employer's obligations of implementing the prescribed occupational safety measures. These acts also provide for a list of risks at those workplaces with special working conditions and laid down the requirements for performance of such tasks including the age, gender, health condition and physical and mental fitness. The minimum age for performing works with special working conditions shall be 18. The Federal Minister of Labour shall be authorized to determine which works cannot be performed by minors in a separate regulation.

In the Federation of Bosnia and Herzegovina, the Law on Occupational Safety ("Official Gazette of SR BiH", number 22/90) which provides for the fines in a former currency (dinar) is still applicable. Currently, a new Law on Occupational Safety which provides for the appropriate fines in BAM currency is in the process of being legally adopted.

The labour inspector shall prohibit the minors from performing the tasks which are prescribed as extremely difficult for a minor. The employer shall be obliged to, in case of the prohibition of performance of the said work by the minors, offer conclusion of an employment contract for the performance of other appropriate tasks and if there are no such tasks, it is then obliged to offer re-skilling and up-skilling programmes for other appropriate works. In previous reports of the Federal Labour Inspection, there were no recorded cases of minors' employment involving special working conditions.

In Republika Srpska, new Labour Law stipulates that a person under the age of 18 can be employed only upon the written approval of parents, foster parents or legal guardians, provided that such work does not have a harmful effect to his/her health, moral and education, i.e. such work is not prohibited by law. The Law does not lay down more details about this consent, i.e. whether it should be given prior to conclusion of the employment contract, simultaneously or subsequently, after conclusion of the employment contract.

Also, a person under the age of 18 can be employed only after obtaining a report of the competent healthcare institution demonstrating that the person is capable of performing the required tasks and that such tasks do not have harmful effects to his/her health. In that way, special protection shall be guaranteed to the person who has not reached the age of 18 by preventing them from concluding the employment contract which includes the performance of tasks with an increased risk of injuries or an increased harmful effect to health, since such persons are still intensively developing, both physically and mentally. These requirements are set for the purpose of full protection, not only in terms of physical and mental health of young workers, but also in terms of exercising their employment rights in case of a labour dispute.

The public institution "Employment Service of Republika Srpska" shall be obliged to bear the medical examination costs for persons under the age of 18, only if they are registered as unemployed persons.

A worker under the age of 18 cannot be deployed to workplaces regarded as workplaces with an increased risk, or particularly difficult manual works, works underground or under water, as well as other works that could pose an increased risk to their life, health and mental and physical development. In this respect, the Ordinance on works which cannot be performed by young workers has been adopted.

Performance of night work shall be prohibited to workers under the age of 18. Exceptionally, workers under the age of 18 may be temporarily excluded from the prohibition of night work in case the

consequences of force majeure and damages are eliminated and for the protection of interests of Republika Srpska, on the basis of the approval of the competent labour inspector.

The Ordinance on works which cannot be performed by young workers specifies the works that cannot be assigned to a worker under the age of 18. A workplace with an increased risk is defined by the Risk Assessment Act, i.e. works that could endanger his/her life, health, morale, education and mental and physical development. In the Risk Assessment Act, works that are potentially risky for young workers from the aspect of occupational safety and health should be specifically indicated.

Those works include:

- Works that are objectively above the physical or psychological capabilities of a young worker;
- Works that represent an increased risk of harmful exposure to physical, chemical and biological hazards;
- Works that can have a detrimental effect on psychological development, education and morale of a young worker;
- Tasks, procedure and work which include:
 - a) Production and handling of equipment, pyrotechnic devices and other objects containing explosives;
 - b) Work with wild or poisonous animals;
 - c) Animal slaughtering on an industrial scale;
 - d) Handling equipment for production, storage or use of gases under pressure, compressed, liquid or dissolved gases;
 - e) Work with barrels, tanks, reservoirs or glass containers containing hazardous chemicals;
 - f) Working operations where there is a risk of demolition of buildings;
 - g) Working operations where there are dangers posed by the use of high-voltage electricity;
 - h) Working operations whose pace is dictated by the machine operation and which include the payment by the operation result;
 - i) Exposure to harmful effects of high or low temperatures, radiation, noise or vibration;
 - j) Exposure to certain substances and mixtures;
 - k) The risk of injury at work for which it can be assumed that they will not be recognized or avoided by young person's owing to their insufficient experience, training or awareness of the existing or potential risks and hazards at work.

The new Labour Law of Republika Srpska stipulates that a person under the age of 18 can only be employed if the job is not harmful to his/her health. The Law also stipulates that a worker under the age of 18 cannot perform particularly difficult manual works, works underground or under water, as well as other works that could pose an increased risk to his/her life, health and mental and physical development. Works that cannot be performed by a worker under the age of 15 are determined by collective agreements and labour bylaws.

The Ordinance on the content and procedure of medical examinations of workers at workplaces including an increased risk of poisoning exposure of Republika Srpska stipulates that workers under the age of 18, pregnant women and nursing mothers cannot work at such workplaces. Other work-related contraindications shall be determined by the Occupational Medicine Specialist by the type of work, poison type and degree of exposure.

According to the Law on Occupational Safety of Republika Srpska, the employer shall hire an Occupational Medicine Service for the purposes of performing the activities of occupational safety and health. The Occupational Medicine Service shall be obliged to perform the following activities:

- Carry out risk assessment at the workplace and in the working environment;
- Inform the workers about the risks to their health associated with their work and perform the activities related to the first aid training for staff;

- Establish and examine the causes of occupational diseases and work-related illnesses;
- Evaluate and determine the specific requirements for medical fitness that workers have to fulfil in order to perform certain tasks at the workplace with an increased risk or for the use or handling of certain working equipment;
- Perform preliminary and periodic medical examinations of workers at workplaces with an increased risk and issue reports on medical examinations in accordance with occupational health and safety regulations;
- Participate in organization of the first aid, rescue and evacuation in case the workers are injured or accidents occur;
- Give advice to the employer when choosing another appropriate job by the medical fitness of the employee;
- Give advice to the employer when choosing and testing new operating equipment, hazardous chemicals and means and equipment for personal protection at work, and from the health aspect;
- Participate in the analysis of occupational injuries, occupational diseases and work-related illnesses; and
- Directly cooperate with the person for occupational safety and protection.

In the Brčko District, according to the Labour Law of the Brčko District of Bosnia and Herzegovina, a minor is a person between the age of 15 and 18 (minor) that may conclude an employment contract, i.e. be hired only under the condition of obtaining a medical certificate from the competent doctor or competent healthcare institution demonstrating that the minor was examined and that he/she is physically and mentally capable of performing the tasks related to the relevant post and that one or both parents or a legal guardian of the minor have given their consent. The Law also stipulates that a minor may not perform dangerous works or particularly hard manual works, works underground or under water, nor other works which could have a harmful effect or increased risk to his/her life, health, physical development or moral.

In the Brčko District of Bosnia and Herzegovina, forms of work and types of risk which constitute a hazard or an unhealthy impact on young persons are regulated by secondary legislation, in accordance with the Law on Occupational Safety and Health Protection of Workers of the Brčko District of BiH.

The Labour Inspection of the Brčko District of Bosnia and Herzegovina has recorded no cases of violation of the aforementioned provisions on work of young people in dangerous working conditions and it shall be obliged to, on its own initiative prohibit the employment of minors in aforementioned dangerous or hard manual works.

Article 7, paragraph 3 Prohibition of employment of children subjected to compulsory education

In Conclusions (2015), the European Committee of Social Rights concludes that situation in Bosnia and Herzegovina is not compatible with Article 7, paragraph 3 of the Charter, on the ground that it was not found that efficient protection from employment of children subjected to compulsory education is guaranteed in practice.

We hereby notify the Committee that the Conclusion was complied with, since the minimum age for employment is specified in the current legislation in Bosnia and Herzegovina. Detailed justifications are as follows:

According to the Law on Labour in the Institutions of Bosnia and Herzegovina, a general condition which is also a mandatory condition for employment in the institutions of Bosnia and Herzegovina is that a person has reached 18 years of age.

The Draft Law on Amendments to the Labour Law, in relation to which the Council of Ministers of Bosnia and Herzegovina is currently preparing a proposal, provides for the possibility of employment of minors between 15 and 18 years of age who are not subjected to compulsory education, associations and foundations, but only for the jobs that do not jeopardize their safety, health, morale or development, with the consent of a healthcare institution and a medical certificate proving general medical fitness.

In the Federation of Bosnia and Herzegovina, the new Labour Law provides for the minimum age for employment, in a way that it was established that an employment contract cannot be concluded with the person under the age of 15, nor can such a person be hired for any type of work. Therefore, a general prohibition on employment of persons under the age of 15 was set out for all types of work, and there are no exceptions in terms of categories of work which can be performed by the children under age of 15.

Labour and legal regulations do not provide for the prohibition of child labour during school breaks. Labour reports of the Federal Administration for Inspection Affairs do not contain any data on the number and nature of the detected violations, as well as the measures taken, i.e. the penalties imposed on employers who are hiring minors subjected to compulsory education.

The penal provisions of the Labour Law provide for a fine for an employer who concludes an employment contract contrary to the said legal provision.

According to the provisions of the same Law, minors are prohibited from working overtime which will also be prohibited by the labour inspection.

This is a step forward in relation to the previous Labour Law of the Federation of Bosnia and Herzegovina which did not regulate the issue of employment of children under the age of 15 and which only provided for a general prohibition of employment of children under the age of 15.

The Constitution of the Federation of Bosnia and Herzegovina grants exclusive authority in education to cantons, and the Federal Ministry of Education and Science has a coordinating role only to the extent determined by the cantons.

Also, **in Republika Srpska**, a new Labour Law of 2016 stipulates that a person of at least 15 years of age, appropriate medical fitness and who fulfils other conditions laid down in a separate law, a general act of the employer, a systematization act or a separate decision of the employer, can be employed.

Regulations in the field of labour and employment in Republika Srpska do not regulate the issue of employment of children under the age of 15 nor their work at home. The Labour Law does not contain any provision that prohibits the work of children during school breaks due to the general prohibition of employment of persons under the age of 15. This regulation provides for the protection of children against employment.

In Republika Srpska, compulsory education means elementary education in duration of nine years which lasts until 15 years of age. Persons under age of 15 cannot enter into an employment contract which is why such there were no such cases recorded in practice.

Positive legal solutions in the field of labour relations do not restrict the possibility of performing any kind of work which is not covered by the employment contract, that is occurring sporadically or spontaneously, without a predetermined organizer, on a voluntary basis and without financial compensation, with an aim of the general, common welfare or welfare of another person, as well as voluntary educational activities of children under the age of 15 which are organized for the purpose of general social benefit.

Considering the fact that persons under the age of 15 are prohibited from concluding an employment contract, there were no cases of employment of persons under the age of 15.

In the Brčko District, the Labour Law of the Brčko District of Bosnia and Herzegovina does not provide for exceptions nor any possibility of concluding an employment contract with the persons under the age of 15, including all forms of economic activity and regardless of the worker's status.

It is not stipulated that child labour during the school break is explicitly prohibited, and there are no prescribed types of work for children under the age of 15 who are subjected to compulsory education. There are no legal provisions governing work during the school break of children subjected to compulsory education.

The Inspectorate of the BiH Brčko District Government did not specify any cases of violation of the above-mentioned statutory provisions in practice in their reports, nor the measures taken and sanctions imposed in this regard.

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

In Conclusions (2015), the European Committee of Social Rights observes that the limit of 40 hours a week for workers under the age of 16 is excessive.

Question of the Committee: Please describe the general legislative framework and indicate if there were any legislative amendments in relation to the previous report.

In the Federation of Bosnia and Herzegovina, in comparison to the previous Law, progress was made in the new Labour Law since it specifies that full time for minors shall not exceed 35 hours a week. Full time working hours can be divided into five or six business days in accordance with the collective agreement and labour bylaws.

The penal provisions of the Labour Law provide for a fine for an employer who concludes a full-time or part-time employment contract contrary to the Law. In addition, the lowest and highest amount of statutory penalties shall be doubled in relation to any violation of employment rights specified in the Labour Law as offences committed against minor workers.

In Republika Srpska, the new Labour Law provides for the limitation of working hours of persons under the age of 18. Full-time working hours for a worker under the age of 18 cannot exceed 35 hours a week, i.e. eight hours a day. It follows that a working period for minor workers will be less than a full-time working period, which is 40 hours a week. There are no legal impediments to determine the shorter working hours for minors in a duration of 35 hours a week.

An employer shall be obliged to, at least once a year and at its own expense, refer the workers under the age of 18 to the competent healthcare institution for assessment of their fitness to work.

Overtime work and night work are forbidden to workers under the age of 18. No cases of violation of these statutory provisions were recorded in the Inspectorate's practice.

In the Brčko District, the Labour Law of the Brčko District of Bosnia and Herzegovina provides for the 40 working hours a week and does not provide for exceptions for persons under the age of 18.

Minor workers shall not work at night, and for underage workers working in industry, working between 7.00 p.m. and 7.00 a.m. shall be regarded as night work. For all other underage workers, working between 8.00 p.m. and 6.00 a.m. shall be regarded as night work.

Minors may be temporarily exempted from the prohibition of night work in the event of an accident, force

majeure, extraordinary circumstances, or for the purpose of health protection and safety of the District, provided that a written consent of the inspector is obtained.

Article 7, paragraph 5 Fair wage

In Conclusions (2015), the European Committee of Social Rights requests information on wage setting for workers, including fair wages for young workers.

Question of the Committee: Please describe the general legislative framework and indicate if there were any legislative amendments in relation to the previous report.

In the Federation of Bosnia and Herzegovina, according to the new Labour Law, workers' wage is set by collective agreement, labour bylaws and employment contracts. A wage for the work done and time spent at work consist of a basic salary, a part of the wage for performance and wages for difficult working conditions, overtime and night work, and for work on the weekly rest day, holiday or any other day established by law as a day-off, in accordance with the collective agreement, labour bylaws and the employment contract. The Law provides for no distinction in the wage amount in relation to the age of workers. The employer shall pay the workers equally for work of equal value, regardless of any discriminatory grounds prescribed by Law. The work of equal value means work requiring the same professional qualification degree, the same working capacity, responsibility, physical and intellectual work, skills, working conditions and results of work.

The Law also stipulates that, during the traineeship period, the trainee shall be entitled to 70% of the wage set for the works for which he/she is trained. In addition, the Law provides that the employer and the trainee can agree on a higher amount of the wage.

Wages for minors shall be calculated in the same way as for other workers, depending on the posts for which the employment contract is concluded and the coefficient applicable to that post depending on the complexity of tasks and the professional qualification degree and certain skills that are required for the relevant post. The wage shall not be paid in the amount lower than the amount laid down in the collective agreement, labour bylaws and the employment contract.

General collective agreement for the territory of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of BiH", numbers 48/16 and 62/16) has ceased to be valid, in view of the fact that the FBiH Employers' Association has adopted a Decision on Termination of the General Collective Agreement for the territory of the Federation of Bosnia and Herzegovina which was published on 14 March 2018 in the Official Gazette of the Federation of BiH, number 19/18. The lowest gross and net hourly wage are not laid down in the Labour Law.

A phrase "the lowest wage" is used in the Labour Law in the sense that Article 78 stipulates that the lowest wage shall be determined on the basis of the lowest labour cost determined by the collective agreement and labour bylaws. The Law stipulates that the employer cannot calculate and pay the wage less than the wage determined by the collective agreement and labour bylaws.

Amended Article 78 of this Law stipulates that the Government of the Federation shall determine the lowest wage after consultation with the Economic and Social Council, and that the Government of the Federation shall, at the proposal of the Federal Ministry of Finance, in cooperation with the Federal Institute for Development Programming and upon prior consultations with the Economic and Social Council, adopt a regulation laying down the methodology for calculating and adjusting the minimum wage referred to in this Article.

By reference to the number of hours for a full month, by the number of hours in a month and the lowest hourly wage laid down, the lowest wage can be as follows:

Number of hours in a month	The lowest pre-tax net wage for regular work	The lowest gross wage for regular work
160 working hours	369.60 BAM	535.65 BAM
168 working hours	388.08 BAM	562.44 BAM
176 working hours	406.56 BAM	589.22 BAM
184 working hours	425.04 BAM	616.00 BAM

Number of hours for a month shall be calculated on the basis of a 40-hour week, not including Saturdays and Sundays, i.e. 5 business days in a week.

Data on the average net wages in the Federation of Bosnia and Herzegovina paid by years for the reference period

Year	Average net salary in BAM
2015	825
2016	835
2017	875

According to the new Labour Law, **in Republika Srpska**, workers shall be entitled to a wage in accordance with the general act and the employment contract. An equal wage shall be guaranteed to workers for the same work or the work of the same value that they perform for the employer. The work of the same value means the work for which the same professional qualification degree, i.e. education, knowledge and abilities, are required, and where there is equal contribution with equal responsibility.

A wage consists of a part of the wage for the work done and time spent at work, an increase in salary laid down in the Labour Law, the general act and the employment contract and other income by way of employment, in accordance with the collective agreement, labour bylaws and the employment contract. Therefore, an equal wage for the full-time employment and the work done for the employer shall be guaranteed to persons under the age of 18 and to the workers over 18 years of age.

An employer may establish the employment relationship with a person entering employment for the first time, in the capacity of a trainee in the profession for which such person has acquired specific type and level of professional education, where so specified as a requirement for working on specific jobs by law or rulebook. This provision shall refer also to a person who has worked for a time period shorter than the one determined as traineeship within the degree of professional qualification that is a requirement for work on these positions. In course of traineeship, a trainee shall be entitled to salary and all other rights pursuant to employment relationship, in conformity with the law, the general act and the employment contract.

An employer may conclude a contract on vocational training with the person who wants to undergo vocational development and acquire specific knowledge and skills to work in the profession, or to undergo specialization, during the time established for the programme of internship, i.e. specialization. The employer may provide monetary compensation and other rights to such persons in accordance with the Law, the general act or the contract on vocational training and development. Monetary compensation in that sense shall not be considered as salary. Contracts shall be concluded in writing.

Therefore, according to the current legal standards, there is a difference between the employment as a trainee and the conclusion of a contract on vocational training without employment for the purpose of performing a traineeship. Fulfilment of the employment relationship will result in the payment of wages in accordance with the Law and the general acts, while the monetary compensation and the amount

thereof shall be the subject of a contract without employment and are not considered to be payable in the sense of the Labour Law.

The lowest wage shall be paid for full time employment and average performance results of employees in accordance with employers' acts, and it shall be determined by the Government of Republika Srpska at the proposal of the Economic and Social Council in the last quarter of the current year for the following year. Should the Economic and Social Council fail to adopt a proposal, the Government of Republika Srpska shall adopt a decision on the lowest wage, considering the wage developments, production growth and standards of living in Republika Srpska. The term "minimum wage" is not present in positive legal regulations in Republika Srpska.

The Decision on the lowest wage in Republika Srpska⁴ specifies the lowest wage in Republika Srpska for 2018 and it is set in the net amount of BAM 410.00, and from August 2018 in the amount of BAM 440.00.

According to information of the Republika Srpska Institute of Statistics, the average net wage was payed in June 2018 amounted to 849 BAM and it is nominally higher for 0.3%, reasonably for 0.5% as compared to the previous month.

**Data on the average net wages in Republika Srpska paid by years
for the reference period**

Year	Average net salary in BAM
2015	831
2016	836
2017	831

In the Brčko District of BiH, the Labour Law of the Brčko District of Bosnia and Herzegovina lays down that the salaries for employees are to be fixed by the collective agreement, labour bylaws or the employment contract. The lowest wage, conditions and method of its adjustment with the average wage shall be laid down in the collective agreement or labour bylaws. The lowest wage shall mean the minimum wage.

The rights of trainees and volunteers are also regulated in the Law. In course of traineeship, a trainee shall be entitled to salary in the minimum amount of 80% before taking a professional examination. An employer may conclude an employment contract with the trainee for a period equal to the traineeship period set out for the relevant occupation. The contract shall be concluded in writing and one copy shall be submitted to the relevant Employment Institute within 5 days of its conclusion for the purpose of record-keeping and control.

Average net salary of the Brčko District of BiH	2015	2016	2017
	820.52 BAM	829.70 BAM	838.45 BAM

Considering the territory of the entire state, the average net salary in the period 2015-2018 shall be as follows:

⁴ "Official Gazette of Republika Srpska" number 02/18;

	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	BAM (average)
2015	828	820	832	833	830	834	838	826	828	826	826	842	830
2016	829	829	843	830	838	837	832	843	837	837	847	853	838
2017	846	838	854	839	860	851	849	858	844	853	857	862	851
2018*	870	849	869	863	881	872	878	888	-	-	-	-	-

*Lack of data for September, October, November and December 2018.

Article 7, paragraph 6 Inclusion of time spent on vocational training in the regular working hours

In Conclusions (2015), the European Committee of Social Rights requests information on whether the time spent on vocational training with the approval of the employer is included in the regular working hours and whether it is paid as such.

Question of the Committee: Please describe the general legislative framework and indicate if there were any legislative amendments in relation to the previous report.

In the Federation of Bosnia and Herzegovina, the new Labour Law stipulates that an employer may, in accordance with the needs of business, facilitate education, vocational training, and professional development of employees. Also, the employer shall be obliged to ensure education, vocational training, and professional development to an employee when introducing changes or new methods or organization of work. Trainings shall be included in the regular working hours of the employee for which he/she is paid. No distinction shall be made with respect to the age of employees and their right to education and professional development. Employees shall be obliged to undergo education, vocational training, and professional advancement commensurate with their capacities and the needs of business. Terms and method of education, vocational training and professional development related to work shall be governed by a collective agreement or labour bylaws.

An employer may conclude an employment contract with a trainee for the purpose of providing professional training aimed at enabling him to work autonomously. A trainee shall be the person with secondary or post-secondary school qualifications and/or a university degree who for the first time enters into employment relationship in a particular profession, and who is obliged to pass a professional examination under the law or needs prior work experience to be able to work in the profession. During the training period, a trainee shall be entitled to 70% of the salary set for the job for which he is trained. An employer and a trainee may agree on a higher salary.

If the professional examination or work experience stipulated in the law or in the labour bylaws constitutes a requirement for performing tasks in a certain profession, an employer may take the person who has completed education for such a profession in vocational training for autonomous work, without them entering into employment relations. Time of vocational training shall be counted into the internship and work experience stipulated as a requirement for work in specific professions, and may not last longer than the period of internship. A contract on vocational training shall be concluded in writing. A copy of the contract shall be submitted by the employer to the competent employment service for record-keeping and supervision purposes, within eight days. A person undergoing vocational training shall be entitled to healthcare insurance as laid down by regulations for unemployed persons, whereas the rights arising from insurance in case of injury at work or occupational disease shall be provided by the employer, pursuant to the regulations on pension and disability insurance.

A person undergoing vocational training shall be entitled to breaks during work, a daily rest period between two successive working days and weekly rest. Since, according to the Labour Law, the paid

leave of absence in terms of acquisition of employment rights or in relation to an employment, is considered as the time spent at work, the absence of the employee for education or vocational training purposes shall be considered as a part of a working day.

In **Republika Srpska**, the new Labour Law provides for education, vocational training and professional development during the employment, when the employer refers the employee to additional training on handling the equipment and applying safety measures at work if necessary for safe handling of the equipment and means of protection at work. The Law lays down that the costs of education, vocational training and professional development are provided from the employer's funds and other resources, in accordance with the Law and the general act. In the event that an employee terminates education, vocational training or professional development, he or she shall be obliged to compensate the employer for the costs unless the termination is justified.

The time spent on additional training for handling of equipment and means of protection at work if it is necessary for the safe handling of such equipment and their intended use shall be considered as the time spent at work. During the period of vocational training and professional development, an employee shall be entitled to a wage in the full amount which would have been paid for the regular work.

In the Brčko District, under the Labour Law of the Brčko District and in accordance with the business needs, the employer may ensure education, vocational training, and professional development to an employee. Employees shall undergo education, vocational training and/or professional development commensurate with their capacities and the business needs at the expense of the employer.

When introducing one or several methods of work, the employer shall be obliged to ensure education, vocational training, and professional development to

The conditions and method of education, training and development shall be regulated in a collective agreement or labour bylaws.

Article 7, paragraph 7 Paid annual leave

In Conclusions (2015), the European Committee of Social Rights accepts information contained in the previous Report submitted by Bosnia and Herzegovina.

Question of the Committee: Please describe the general legislative framework and indicate if there were any legislative amendments in relation to the previous report.

In the Federation of Bosnia and Herzegovina, the new Labour Law lays down that an employee shall be entitled to paid annual leave lasting at least 20 working days, however no longer than 30 working days. A minor worker shall be entitled to an annual leave in duration of at least 24 working days.

The period of temporary inability to work, the time of non-working holidays, or other leave of absence recognized for the purposes of pension coverage shall not be included in the duration of annual leave. When these circumstances cease to exist, the employee will be able to use the remaining part of the annual leave.

All statutory provisions prohibiting the employer from renouncing or waiving the right to paid annual leave, as well as paying compensation instead of using the annual leave, shall apply to minors in terms of their rights to annual leave. A minor worker, just like other workers, shall not be able to waive their entitlement to annual leave. Also, employees cannot be deprived of their right to annual leave nor can compensation be paid to them in lieu of annual leave, except in the event of the employment contract termination when the employer is obliged to pay compensation in lieu of annual leave used to the

employee who has not used his annual leave, or part of his annual leave, in the amount he would have received if he had used his entire annual leave, or the remaining part of it, if he did not use his annual leave or part of it through the employer's fault.

In Republika Srpska, the new Labour Law stipulates that employees shall not be able to waive their entitlement to annual leave nor shall they be deprived of that right.

In the context of the annual leave use, the Law makes no distinction between employees of different ages, but it introduces a general prohibition of denying the right to annual leave and prohibition of waiving the right to annual leave.

According to the new Labour Law of Republika Srpska, an employee shall have the right to annual leave in each calendar year for the duration determined by the general act and the employment contract, of at least four working weeks or at least 20 working days. Annual leave shall be increased based on the years of service and other grounds in accordance with the collective agreement.

An employee who is working at a post with special working conditions shall be entitled to an annual leave of at least 30 working days, which shall be increased in accordance with the years of service.

The Law stipulates that annual leave does not include periods of absence from work on other grounds, and therefore, the use of annual leave shall be terminated. In case that annual leave is terminated in this sense, the employee shall use the remaining part of the annual leave in agreement with the employer.

Given above and considering the prohibition of renouncing the right to annual leave and the prohibition of renouncing of the right to annual leave, and after the absence from work on other grounds during the annual leave, an employee shall, upon agreement with the employer, be entitled and obliged to use of the rest of the annual leave.

A person entering employment for the first time or whose employment was terminated for more than 30 working days shall be entitled to use annual leave after six months of continuous work for the employer, including the time of temporary inability to work in terms of regulations on health insurance and absence from work with payment of the salary.

The above-mentioned statutory provisions shall apply to minor workers.

In the Brčko District, according to the Labour Law of the Brčko District of Bosnia and Herzegovina, an employee shall be entitled to paid annual leave lasting for at least eighteen working days. A minor worker shall be entitled to an annual leave in duration of at least twenty-four working days. Employees who are working at posts where they are exposed to adverse effects shall be entitled to annual leave of at least 30 working days.

The period of temporary inability to work, the time of non-working holidays, or other leave of absence recognized for the purposes of pension coverage shall not be included in the duration of annual leave.

Absence from work due to illness, injury, maternity leave or similar leave which was not of the employee's own will shall not be considered a termination of employment.

Employees cannot be deprived of their right to annual leave nor can compensation be paid to them in lieu of annual leave.

In the event of termination of an employment contract, the employer may pay compensation to the employee for an unused annual leave if the employer and the employee so agree.

Article 7, paragraph 8 Prohibition of night work

In Conclusions (2015), the European Committee of Social Rights concludes that situation in Bosnia and Herzegovina is not compatible with Article 7, paragraph 8 of the Charter, on the ground that it was not found that regulations on prohibition of night work for persons under the age of 18 are implemented in practice.

We hereby notify the Committee that the Conclusion was complied with, since new entity Labour Laws contain provisions prohibiting night work for minors, while competent Labour Inspectorates perform inspections and implement these provisions in practice. Detailed justifications are as follows:

As regards the work in the institutions of Bosnia and Herzegovina, there are no specific provisions in the Labour Law of Bosnia and Herzegovina regarding the prohibition of night work for minors, since a general condition for employment in the institutions of Bosnia and Herzegovina is the minimum age of 18. Consequently, minors are not even considered for employment.

In the Federation of Bosnia and Herzegovina, new Labour Law prohibits night work by minor workers, noting that work in the period between 7.00 p.m. and 7.00 a.m. is considered night work for minors working in the industry. The period between 8.00 p.m. and 6.00 a.m. is considered night work for minors who are not working in the industry. Exceptionally, minor workers may temporarily be exempted from the prohibition of night work in case of major breakdowns, force majeure and protection of interests of the Federation based on the approval by the Canton Labour Inspectorate.

The Federal labour inspector performs direct inspection in business companies, enterprises and other institutions. An employee, a trade union, an employer and a council of employees may submit a request to the labour inspector for carrying out inspection. Also, while carrying out the inspection, the labour inspector has the authority laid down by the Law and regulations adopted on the basis of the Law. The reports on the work of the Federal Administration for Inspection do not contain any information on the number and nature of the detected offences, as well as on the measures taken or penalties imposed on employers when it comes to the prohibition on the night work by minors.

Penal provisions of the Labour Law provide for the fine for the employer who orders a minor worker to work at night, contrary to the aforementioned provision of Article 42 of this Law, noting that it is specifically indicated that, if the aforementioned offence is committed against a minor worker, the lowest and highest amount of the fine shall be doubled. Article 171 of the Labour Law of the Federation of Bosnia and Herzegovina lays down that an employer-a legal person shall be fined in the amount ranging from BAM 1.000,00 (convertible marks) to BAM 3.000,00, and in case of repeated offence, in the amount of 5.000,00, if the employer:

- a) orders a minor worker to work overtime in accordance with Article 38, paragraph 3;
- b) orders pregnant woman, a mother and/or adoptive parent of a child up to three years of age, or a single parent, single adoptive parent and a person who has been entrusted with childcare by virtue of a decision by the competent authority, a child up to the age of six, without their written consent, to work overtime (Article 38, paragraph 4);
- c) fails to comply with the prohibition of overtime work imposed by the labour inspector (Article 38, paragraph 5);
- d) orders a minor worker, a pregnant woman, a mother and/or adoptive parent of a child up to three years of age, or a single parent, single adoptive parent and a person who has been entrusted with childcare by virtue of a decision by the competent authority, a child up to the age of six, without their written consent, to work redistributed working hours (Article 38, paragraph 5);
- e) orders pregnant woman as of the sixth month of pregnancy, a mother and adoptive parent, as well as a person entrusted with childcare pursuant to a decision issued by the competent

- authority, until the child has turned two years of age, to work at night (Article 41, paragraph 5);
and
- f) orders a minor worker to work at night contrary to Article 42 of this Law.

In Republika Srpska, there is no information on violation of the night work prohibition.

Work in the period between 10.00 p.m. and 6.00 a.m. is considered a night work, while for employees under the age of 18, the work in the period between 7.00 p.m. and 6.00 a.m. is considered night work. Employees work at night due to the needs of working processes, type of profession the employee is engaged in or the regime of working in shifts. The employees who work at night shall be entitled to an increase in salary on that ground.

According to the new Labour Law, employees under the age of 18 are prohibited from working at night. Exceptionally, workers under the age of 18 may temporarily be exempted from the prohibition of night work in case of major breakdowns, force majeure and protection of interests of Republika Srpska based on the approval by the competent labour inspector. This approval by the competent labour inspector shall be intended for security by special measures of occupational safety and health of persons under the age of 18.

In the Brčko District of Bosnia and Herzegovina, the Labour Law prohibits night work by minor workers, noting that work in the period between 7.00 p.m. and 7.00 a.m. is considered night work for minors working in the industry. The period between 8.00 p.m. and 6.00 a.m. is considered night work for all other minor workers. Exceptionally, minor workers may temporarily be exempted from the prohibition of night work in case of major breakdowns, force majeure and protection of interests of the District based on the approval by the labour inspector.

No cases of violation of the aforementioned provisions were recorded by the Labour Inspection which is why there are no such provisions on implementation of the European Social Charter /revised/ in the reports of Bosnia Herzegovina.

Article 7, paragraph 9 Regular medical examinations

In Conclusions (2015), the European Committee of Social Rights requests information on whether current legislation provides for mandatory medical examinations for workers under the age of 18 who are engaged in activities prescribed by the law and the regulation.

Question of the Committee: Please describe the general legislative framework and indicate if there were any legislative amendments in relation to the previous report.

In the Federation of Bosnia and Herzegovina, under a new Labour Law of the Federation of Bosnia and Herzegovina, a minor employee shall be entitled to medical examinations at least once in two years, with a view to protecting his/her health and psychological and physical development. Costs of medical examinations shall be borne by the employer. Should the employer fail to ensure a medical examination of a minor employee at least once in two years, he/she may be fined for the violation in the amount ranging from BAM 1.000,00 to BAM 3.000,00, and in case of a repeated violation, in the amount ranging from BAM 5.000,00 to BAM 10.000,00.

In Republika Srpska, new Labour Law of Republika Srpska lays down the obligation of regular work ability assessment for workers under the age of 18.

Full-time working hours for a worker under the age of 18 cannot exceed 35 hours a week, i.e. eight hours a day.

The Employer shall be obliged to, at least once a year and at its own expense, refer the workers under the age of 18 to the competent healthcare institution for assessment of their fitness to work. Fitness to work, i.e. impact of the tasks performed by the worker on his/her life, health and psychological and physical development, is assessed during a medical examination by the competent healthcare institution. Should the employer fail to ensure a medical examination of a minor employee, he/she may be fined for the violation in the amount ranging from BAM 2.000,00 to BAM 12.000,00.

In the Brčko District, according to the Labour Law of the Brčko District of Bosnia and Herzegovina, a minor shall not be hired if the condition that the authorized doctor or the competent healthcare institution has issued a certificate demonstrating that the minor has been examined and that he/she is physically and mentally capable of performing the tasks required by such post is not fulfilled. Also, one or both parents or a legal guardian of the minor have to give their consent for his/her employment. In practice, there were no submitted requests for regular medical examination of minor employees in the Public Healthcare Institution “Medical Centre Brčko”.

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

In Conclusions (2015), the European Committee of Social Rights takes note of information contained in the previous Report submitted by Bosnia and Herzegovina and concludes that the situation in Bosnia and Herzegovina complies with Article 7, paragraph 10 of the Charter.

Question of the Committee: Please describe the general legislative framework and indicate if there were any legislative amendments in relation to the previous report.

In 2012, Bosnia and Herzegovina has ratified the following conventions of the Council of Europe related to the protection of children⁵:

- The Council of Europe Conventions on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote);
- The Council of Europe Convention on Contact concerning Children;
- The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

Bosnia and Herzegovina is obliged to inform the Council of Europe regularly on the implementation of the relevant conventions in Bosnia and Herzegovina.

On 31 August 2016, the Council of Ministers of Bosnia and Herzegovina has adopted an Action Plan for children of Bosnia and Herzegovina for the period 2015-2018. In addition, on an annual basis, the Council of Ministers of Bosnia and Herzegovina adopts a Report on the situation regarding trafficking in human beings and illegal immigration in Bosnia and Herzegovina. The Report contains detailed information about the indicators of the trafficking in human beings in Bosnia and Herzegovina; activities of the competent authorities, civil society organizations and international partners; on the international cooperation; day-care centres for children working on the street, and project activities in cooperation with the civil society organizations and other partners.

General overview of the situation and statistical indicators on the situation regarding trafficking in human beings in Bosnia and Herzegovina

2015

⁵“Official Gazette of BiH – International Agreements” number 11/12;

Total number of potential human trafficking victims: 35	
Adult	18
Minor	17
Women	27
Men	8
Sexually exploited	6
Induced into prostitution	1
Exploited for begging	24
Sold for forced marriage	4
Foreign citizens	0

2016	
Total number of potential human trafficking victims: 48	
Adult	38
Minor	10
Women	30
Men	18
Sexually exploited	7
Induced into prostitution	12
Exploited for begging	22
Sold for forced marriage	1
Labour exploitation combined with sexual exploitation	1
Exploitation for begging combined with sexual exploitation	5
Foreign citizens (Serbia, the Gambia, Ukraine and Cuba)	5 (3 women and 2 men)

2017	
Total number of potential human trafficking victims: 83	
Adult	36
Minor	47
Women	58
Men	25
Sexually exploited	10
Exploited for labour	7
Exploited for begging	52
Sale for forced marriage	5
Lewdness	4
Sexual intercourse with a child	1
Domestic partnership with a child	2
Minor person found at the border crossing without any documents	1
Foreign citizens (Netherlands and Libya)	2

Criminal offences related to minors

Within the meaning of the current criminal codes in Bosnia and Herzegovina, a child is a person who has not turned 14 and a minor is a person who has not turned 18.

Criminal-procedural legislation in Bosnia and Herzegovina does not define the concept of a child, but it sets the age limit for criminal liability. In this regard, the criminal liability of a minor exists if at the time of the commission of the criminal offence, the child was 14 years old.

The Criminal Procedure Laws of both entities and the Brčko District stipulate that the criminal proceedings shall be suspended and notified to the custody body if it is found during the proceedings that, at the time of the commission of the criminal offence, the child has not reached the age of 14.

Current criminal codes in Bosnia and Herzegovina also lay down the basic form of protection of children from sexual exploitation and abuse.

Specifically, the Criminal Code of Bosnia and Herzegovina, in the group of crimes against humanity and values protected by the international law, provides for certain offences involving sexual abuse of children, i.e. persons under the age of 18, namely, establishment of master-slave relations and transport of persons in the master-slave relations, human trafficking and international recruitment for prostitution.

Entity criminal codes and the Criminal Code of the Brčko District of Bosnia and Herzegovina, in sections "Criminal Offences against Sexual Integrity and Morality" and "Criminal Offences against Marriage and Family" cover a whole series of criminal offences that contain elements of sexual abuse and exploitation of children (persons up to 14 years of age) or minors (persons up to 18 years of age), namely:

- Rape;
- Sexual intercourse with a helpless person;
- Sexual intercourse with a child;
- Sexual intercourse by abuse of power;
- Lewdness;
- Pleasuring in front of a child or a minor;
- Inducement into prostitution;
- Trafficking in minor persons;
- Exploitation of a child or a minor for pornography;
- Production, possession and distribution of child pornography;
- Exposing a child to pornography;
- Incest.

Criminal offences that are most commonly encountered in relation to the aforementioned include:

- Domestic partnership with a minor
- Neglect and abuse of a minor

Protection against misuse of information technologies

Criminal offences that are directly related to "child pornography" are governed by the entity criminal codes and the Brčko District Criminal Code of Bosnia and Herzegovina.

In Bosnia and Herzegovina, a sustainable system for collection of data on the status of children's rights has not yet been established. Within the High Judicial and Prosecutorial Council of BiH, there is a database of reported and processed criminal offences from the Optional Protocol in both entities and the Brčko District of BiH.

Criminal codes in BiH (CC BiH, criminal codes of the entities and the Brčko District of BiH) provide for criminal offences and impose sanctions for any type of trafficking in children, child prostitution and child pornography.

In BiH, the competencies and responsibilities of institutions at all levels that prepare amendments to criminal legislation are clearly defined and divided, and the jurisdiction of the (actual and local) judicial

institutions in BiH is clearly established, while adjustment of criminal legislation with international standards is a continuous process.

On June 2, 2015, the Council of Ministers of BiH adopted the Action Plan for Children of BiH 2015-2018, which incorporates and specifically lays down the recommendations of the Committee on the Rights of the Child, as well as principal bodies, deadlines, indicators and budget. The Action Plan has been aligned with previous Action Plans for child protection and prevention of violence against children through information-communications technologies carried out in the period from 2010 to 2015 with the aim of improving the system of protection against child pornography and paedophilia and the prevention of child abuse through information and communication technologies.

In the Federation of Bosnia and Herzegovina, the relevant field is regulated by the following substantive regulations, namely:

- Criminal Code of the Federation of Bosnia and Herzegovina; and
- Law on Protection and Treatment of Children and Juveniles of the Federation of Bosnia and Herzegovina.

The Criminal Code of the Federation of Bosnia and Herzegovina provides for the criminal offence "Exploitation of a child or a minor for pornography". Within the meaning of the provision, whoever photographs or films a child or juvenile with an aim of developing photographs, audio-visual tapes or other pornographic materials, or possesses or imports or sells or deals in or projects such material, or induces such persons to play in pornographic shows, shall be punished by imprisonment for a term between one and five years.

Items meant or used for the perpetration of criminal offence shall be forfeited and the items produced by the perpetration of the relevant criminal offence shall be forfeited and destroyed.

In the past period, no changes were made in the legislative framework in relation to child pornography, but in the following period, the need for possible changes in the legislative framework will be considered.

The provisions of the Criminal Code of the Federation of Bosnia and Herzegovina, in relation to this Article of the Charter, also provide for the criminal offences of "Inducement into prostitution" and "Exposing a child to pornography".

The Law on Protection and Treatment of Children and Juveniles in the Criminal Procedure provides for the criminal offence to the detriment of children and juveniles, as follows: murder; infanticide; participation in suicide; severe bodily injury; unlawful deprivation of liberty; abduction; rape; sexual intercourse with a helpless person; sexual intercourse by abuse of power; sexual intercourse with a child; lewdness; pleasuring in front of a child or a minor; inducement into prostitution; exploiting a child or a minor for pornography; exposing a child to pornography; incest; domestic partnership with a minor; removal of a child or a minor; change of family status; neglecting or abusing a child or a minor; abandoning a child; domestic violence; maintenance avoidance; prevention and non-execution of measures for the protection of minors; enabling the use of narcotic drugs; robbery and larceny.

Measures for implementation of the relevant legal framework are implemented as part of the work of judicial and other law enforcement institutions.

The Ministry of Labour and Social Policy of the Federation of Bosnia and Herzegovina which is responsible for these issues together with the Institution of the Ombudsman of Bosnia and Herzegovina advocates the establishment of day-care centres for children found begging in all municipalities in Bosnia and Herzegovina, with a special emphasis on their protection. Currently, 6 such centres operate in six

cities (Sarajevo, Tešanj, Tuzla, Mostar, Zenica and Bihać) at the territory of the Federation of Bosnia and Herzegovina.

In most municipalities, Protocols on Cooperation have been signed, according to which the institutions competent for removal of children living and working on the street, act, coordinate and work with parents and other institutions in combating socially negative phenomena. This work contributes to the reduction of the number of children living and working on the street, their inclusion in the regular education system, and progress in culture, communication with the environment and hygiene habits.

The beneficiaries of these centres are children aged 5 to 18 from socially vulnerable families, prone to begging, vagrancy, disciplinary issues, children at risk of abuse, trafficking in human beings, prostitution, begging and all other negative effects of the street.

Day-care centres offer physical care services (bathing, food, clothing), mental and social treatment, counselling for children and families, educational activities, development of creative abilities and talents), exercise of rights (linking with social welfare services and other institutions) through: counselling activities, including administrative/statistical work/records, beneficiary processing, database management/and activities organized in the form of individual and group sessions within the centre and on-the-site, with an aim of preventing alcoholism, domestic violence, peer violence, etc.; preventive activities; providing counselling and psychological support to children and families; responding in emergency situations - emergency assistance; creative, social and educational activities aimed at expressing creative abilities in children, acquiring special skills, developing psychomotor skills, etc.; developing literacy and providing support in mastering the school curriculum; daily meals; as well as access to bathroom and laundry room and provision of clean clothes.

Also, legal aid – assistance is provided to beneficiaries within the counselling centre in terms of obtaining personal documents, securing access to education, health and social welfare systems.

In cities and municipalities where there are no day-care centres, the Social Welfare Centres, in cooperation with the police stations, are working on preventing the presence and work of children on the street, returning children to their families, informing parents about their obligations towards children, providing mental and social treatment to children and their family members, as well as providing other forms of assistance. Where necessary, the Social Welfare Centres also perform other activities for the protection of children as prescribed by law.

In Republika Srpska, the Criminal Code of Republika Srpska provides for the criminal offences against the sexual integrity, namely: rape, sextortion, sexual intercourse with a helpless person, sexual intercourse by abuse of power, inducement into prostitution, sexual harassment and lewdness. Special attention has been given to the protection of children by providing for the criminal offences of sexual abuse and exploitation of a child, namely: sexual intercourse with a child under the age of 15, sexual abuse of a child over the age of 15, inducement of a child to witness sexual acts, exploitation of children for pornography, exploitation of children for pornographic performances, introducing children to pornography, using a computer network or communicating via other technical means for commission of sexual abuse or exploitation of a child.

The Criminal Code of Republika Srpska defines the acts related to child pornography, including procurement, production and distribution, making available and the very possession of child pornography, are prescribed by the Criminal Code of Republika Srpska as the criminal offence of "Exploitation of Children for Pornography".

In the Brčko District of Bosnia and Herzegovina, the relevant field is regulated by the following substantive regulations, namely:

- Criminal Code of the Federation of Bosnia and Herzegovina; and
- Law on Protection and Treatment of Children and Juveniles in the Criminal Procedure of the Brčko District of Bosnia and Herzegovina.

The Criminal Code of the Brčko District of Bosnia and Herzegovina provides for the prosecution of the following criminal offences against minors: rape; sexual intercourse by abuse of power; sexual intercourse with a child; lewdness; pleasuring in front of a child or a minor; inducement into prostitution; human trafficking; exploitation of children or minors for pornography; exposing a child to pornography; and neglecting or abusing a child or a minor.

The Law on Protection and Treatment of Children and Juveniles in Criminal Procedure in the Brčko District of BiH provides for the following criminal offences to the detriment of children and juveniles: severe bodily injury; abuse; rape; sexual intercourse with a helpless person; sexual intercourse with a child; sexual intercourse by abuse of power; lewdness; pleasuring in front of others; human trafficking for the purpose of prostitution; exploiting a child or a minor for pornography; production and display of child pornography; incest; domestic partnership with a minor; removal of a minor; neglecting or abusing a minor; domestic violence; violation of family obligations; maintenance avoidance; enabling the use of narcotic drugs.

A criminal procedure against the perpetrators of the aforementioned criminal offences shall be conducted in accordance with provisions of the Criminal Procedure Act of the Brčko District of Bosnia and Herzegovina, noting that provisions relating to penalty order shall not be applied.

Investigation shall be conducted by the prosecutor who has acquired special knowledge in the field of the children's rights and criminal-legal protection of minor persons

Administrative enquiries shall be conducted by specialized authorized official persons who have acquired special knowledge in the field of the children's rights and criminal-legal protection of minor persons.

As regards the execution of procedural actions in criminal cases against the perpetrators of criminal offences to the detriment of children and juveniles, a child or a juvenile to whose detriment the criminal offence was committed shall be treated with particular care in view of his/her age, personality, education and the circumstances, in order to avoid potential damaging consequences for his/her future life, upbringing and development. A child or a juvenile shall as a rule be examined in the presence of a pedagogue, psychologist or another professional.

If a child or a junior juvenile who is the injured party in one of the aforementioned criminal offences is being examined in the capacity of a witness, examination may be conducted two times maximum. Prosecutor or an authorised official person shall examine the witness by using equipment for transfer of images and sounds, with the prosecutor or authorised official person not being in the same room with the witness.

If a child or a juvenile who is physically or mentally seriously traumatised by the circumstances under which the criminal offence was committed or suffers serious mental disorders rendering him/her particularly sensitive, is being examined in the capacity of a witness, he/she shall not be confronted with the suspect, that is, the accused.

In the period from 2015 to 2017, there were no verdicts for the criminal offences of "Exploitation of Children for Pornography" and "Exposing Children to Pornography".

**Data on cases involving children and juveniles as victims by years
for the reference period 2015-2017**

2015

No.	Criminal offence	Gender		Age	
		F	M	F	M
1.	Human trafficking	1	1	0	1
2.	Rape	1	0	0	1
		2	1	0	1
	Total		3		3

2016

No.	Criminal offence	Gender		Age	
		F	M	F	M
1.	Removal of a child or a minor	0	2	0	2
	Total		2		2

2017

No.	Criminal offence	Gender		Age	
		F	M	F	M
1.	Domestic violence	1	0	0	1
2.	Endangering public transportation	1	0	0	1
3.	Lewdness	1	0		
		3	0	0	1
	Total		3		3

Article 8 Right of employed women to protection of maternity

With a view to ensuring the effective exercise of the right of employed women to protection of maternity, the Contracting Parties undertake:

1. to provide either by paid leave, by adequate social security benefits or by benefits from public funds for women to take leave before and after childbirth up to a total of at least fourteen weeks;
2. to consider it as unlawful for an employer to give a woman notice of dismissal during her absence on maternity leave or to give her notice of dismissal at such a time that the notice would expire during such absence;
3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;
4. to regulate the employment of pregnant women, women who gave birth recently and women who are nursing their infants on night work;
5. to prohibit the employment of pregnant women, women who gave birth recently and women who are nursing their infants in underground mining, and, as appropriate, on all other work which is unsuitable for them by reason of its dangerous, unhealthy, or arduous nature and take appropriate measures for protection of employment rights of these women.

Article 8, paragraph 1 Maternity leave

In Conclusions (2015), the European Committee of Social Rights takes note of information contained in the previous Report submitted by Bosnia and Herzegovina in relation to maternity leave, but concludes that the situation in Bosnia and Herzegovina does not comply with Article 8, paragraph 1 of the Charter since maternity allowances are not adequate nor laid down by law in some parts of the country.

We hereby notify the Committee that the conclusion was not complied with, since current legislation has not yet been harmonized in relation to maternity allowances in the Federation of Bosnia and Herzegovina. Detailed justifications are as follows:

The Law on Labour in the Institutions of Bosnia and Herzegovina regulates the protection of women and maternity for civil servants employed in the institutions of Bosnia and Herzegovina, employees of the public companies of Bosnia and Herzegovina, associations and foundations of Bosnia and Herzegovina, inter-entity corporations and other institutions for performance of other duties in Bosnia and Herzegovina. The Law on Civil Service in the Institutions of Bosnia and Herzegovina also refers to the implementation of the Law on Labour in the Institutions of Bosnia and Herzegovina when it comes to maternity and maternity leave, as well as on the Decision on the Manner and Procedure for Exercising the Right to Maternity Leave in the Institutions of Bosnia and Herzegovina.

In the Federation of Bosnia and Herzegovina, the issue of maternity leave is governed by the Labour Law of the Federation of Bosnia and Herzegovina and the Law on Civil Service of the Federation of Bosnia and Herzegovina; in Republika Srpska by the Labour Law of Republika Srpska, and in the Brčko District by the Labour Law and the Law on Civil Service in Administrative Bodies of the Brčko District of BiH.

The said laws stipulate that an employer may not refuse to employ a woman on account of her pregnancy or terminate her employment contract during her pregnancy or redeploy her to other jobs, save in exceptional cases. A woman shall not be redeployed to other jobs during pregnancy or breastfeeding of a child, if this is in the interest of her health as established by an authorized medical doctor. If the employer is not able to secure the redeployment of a woman, the woman shall be entitled to paid leave of absence. Temporary redeployment may not result in reduction of the woman's salary. The employer may redeploy a woman to another workplace only with her written consent.

During pregnancy, delivery, and care for the child a woman shall be entitled to maternity leave of one year without interruption. Based on the findings of an authorized medical doctor, a woman may start maternity leave 28 days prior to the anticipated date of delivery. A woman may use shorter maternity leave, but not shorter than 42 days after delivery. After 42 days from the delivery, an employee – father of a child may also exercise the right to paternity leave, if the parents so agree. An employee – father of the child may also exercise the right in case of the mother's death, if the mother has abandoned the child, or if she is prevented from using maternity leave for other justified reasons.

Following the maternity leave, a woman with the child of up to one year of age shall be entitled to work half of full-time working hours if the child, according to the findings of competent health institution, requires enhanced care. As for the twins, the third or each subsequent child, she shall be entitled to work half of full-time working hours until her child has turned two years of age. In the Federation of Bosnia and Herzegovina, the Canton regulation may provide for longer duration of this right.

This right may also be exercised by an employee – father of the child, if the woman works full working hours during that period or, by the person who is taking care of the child if both parents are dead, if a parent abandons the child or is not able to take care of the child.

A woman who breastfeeds a child, who works full-time working hours after the maternity leave, shall be entitled to be absent from work once a day in duration of one hour to breastfeed her child, as established by an authorized medical doctor. A woman may exercise this right until the child turns one year of age, and the period of absence shall be included in full-time working hours.

If a woman gives birth to a stillborn child or if the child dies before the expiry of maternity leave, she shall be entitled to extend maternity leave by such time as is necessary, according to the findings of an authorized medical doctor, to recover from the delivery and the psychological condition caused by the loss of the child, however no less than 45 days from the delivery or the death of the child, during which time she shall be entitled to all the rights arising from maternity leave.

After the maternity leave, one of the parents may be absent from work until the child has turned three years of age, if this is provided for in the employer's act. During absence from work, the rights and obligations arising from labour relations shall be suspended.

During maternity leave, an employee shall be entitled to compensation of salary in accordance with the current law. During the work at half of full-time working hours, an employee shall be entitled to compensation of salary for the half of full-time working hours he/she is not working, in accordance with the law.

One of the parents of a child with serious difficulties in development (of a seriously handicapped child) shall be entitled to work half of full-time working hours, in case of a single parent or if both parents are employed, provided that the child is not placed in a social welfare/healthcare institution, based on the findings of the competent healthcare institution.

The parent exercising the right shall be entitled to compensation of salary in accordance with the law. The parent exercising the right may not be ordered to work at nights, overtime, nor may his/her workplace be changed, unless he has given his/her written consent to that effect.

Any of the said rights may be exercised by one of the adoptive parents or a person entrusted with childcare pursuant to a decision by the competent authority.

In the Federation of Bosnia and Herzegovina, maternity benefits are governed by the Law on Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children which is a framework law for the field of social welfare in the Federation of BiH. This Law provides for the following maternity benefits:

- Compensation in lieu of salary for an employed woman-mother during her absence from work due to pregnancy, childbirth and care of the child;
- Financial assistance for an unemployed woman-mother during pregnancy and childbirth;
- One-off support for care of a newborn child and assistance in infant feeding in the first 6 months and complementary foods for breastfeeding mothers.

Pursuant to provisions of the Constitution of the Federation of Bosnia and Herzegovina on this field, the federal government shall exercise jurisdiction jointly and in coordination with cantons.

Regulations on the social welfare adopted on the basis of the aforementioned Law at the cantonal level regulate the conditions, manner, procedure and financing of social welfare rights more closely.

A compensation in lieu of salary for an employed woman-mother during her absence from work due to pregnancy, childbirth and care of the child shall be fixed in the percentage of the salary payable in the period of six months prior to the childbirth, valorised by way of salary increase in the canton in the relevant period. The said percentage shall be established by a cantonal regulation.

However, in some cantons, the base amount is an average salary of a woman-mother payable in the period of the last six months, while in other cantons the base amount is an average salary in the canton. In addition, percentage amounts which are calculated by reference to the agreed base amount vary.

Overview of compensations for employed women-mothers during their absence from work due to pregnancy, childbirth and care of the child for 2015				
Canton	Base amount type	Base percentage	Monthly amount	
			Lowest	Highest
Una-Sana	Average salary of a postpartum woman in the last 6 months prior to confinement	50%	385,00	975,00
Posavina	Average salary of a postpartum woman in the last 6 months	-	499,00	725,00
Tuzla	Average salary of the employee in the last 6 months prior to confinement, i.e. average salary in the Tuzla canton if it is more favourable for the postpartum woman	90%, i.e. 55%	403,00	734,00
Zenica-Doboj	Average salary of a postpartum woman in the last 6 months prior to commencement of maternal leave	80%	200,00	714,00
Bosnian-Podrinje	Average salary of the postpartum woman in the last 6 months prior to confinement, which cannot be less than 60% of the average salary in the canton in previous year	80%	359,00	1.551,04
Central Bosnia	Average salary of the postpartum woman in the last 6 months prior to confinement	50%	110,00	1.009,00
Herzegovina-Neretva	Average salary of a postpartum woman in the last 6 months prior to commencement of maternal leave	-	-	-
West Herzegovina	Average salary of a postpartum woman in the last 6 months prior to confinement	70%	253,00	Average salary in the FBiH
Sarajevo Canton	Average salary in the Canton as determined by the Government of the	60%	360	Not less than the lowest salary in the Federation of BiH

	Sarajevo Canton			
Canton 10	Average salary of a postpartum woman in the last 6 months prior to confinement	100%	133,00	1.521,67

Overview of compensations for employed women-mothers during their absence from work due to pregnancy, childbirth and care of the child for 2016				
Canton	Base amount type	Base percentage	Monthly amount	
			Lowest	Highest
Una-Sana	Average salary of a postpartum woman in the last 6 months prior to confinement	50%	387,00	1.231,38
Posavina	Average salary of a postpartum woman in the last 6 months	-	582,52	724,64
Tuzla	Average salary of the employee in the last 6 months prior to confinement, i.e. average salary in the Tuzla canton if it is more favourable for the postpartum woman	55-90%	406,00	739,00
Zenica-Doboj	Average salary of a postpartum woman in the last 6 months prior to commencement of maternal leave	80%	264,35	668,41
Bosnian-Podrinje	Average salary of the postpartum woman in the last 6 months prior to confinement, which cannot be less than 60% of the average salary in the canton in previous year	80%	359,00	807,36
Central Bosnia	Average salary of the postpartum woman in the last 6 months prior to confinement	50%	126,61	1.256,00
Herzegovina-Neretva	Average salary of a postpartum woman in the last 6 months prior to commencement of maternal leave	-	-	-
West Herzegovina	Average salary of a postpartum woman in the last 6 months prior to confinement	70%	234,71	845,00
Sarajevo Canton	Average salary in the Canton as determined by the	60%	360,00	Not less than the lowest salary in the Federation of

	Government of the Sarajevo Canton			BiH
Canton 10	Average salary of a postpartum woman in the last 6 months prior to confinement	100%	303,23	846,00

Overview of compensations for employed women-mothers during their absence from work due to pregnancy, childbirth and care of the child for 2017				
Canton	Base amount type	Base percentage	Monthly amount	
			Lowest	Highest
Una-Sana	Average salary of a postpartum woman in the last 6 months prior to confinement	50%	227,69	1.402,61
Posavina	Average salary of a postpartum woman in the last 6 months	80%	402,80	671,20
Tuzla	Average salary of the employee in the last 6 months prior to confinement, i.e. average salary in the Tuzla canton if it is more favourable for the postpartum woman	55-90%	409,20	744,00
Zenica-Doboj	Average salary of a postpartum woman in the last 6 months prior to commencement of maternal leave	80%	200,00	736,00
Bosnian-Podrinje	Average salary of the postpartum woman in the last 6 months prior to confinement, which cannot be less than 60% of the average salary in the canton in previous year	80%	359,00	2.116,60
Central Bosnia	Average salary of the postpartum woman in the last 6 months prior to confinement	50%	150,00	1.750,00
Herzegovina-Neretva	Average salary of a postpartum woman in the last 6 months prior to commencement of maternal leave	40%	81,00	827,16
West Herzegovina	Average salary of a postpartum woman in the last 6 months prior to confinement	70%	130,62	875,00
Sarajevo Canton	Average salary in the Canton as	60%	360,00	Not less than the lowest

	determined by the Government of the Sarajevo Canton			salary in the Federation of BiH
Canton 10	Average salary of a postpartum woman in the last 6 months prior to confinement	100%	400,00	875,00

In Republika Srpska, the right of employed women to maternity leave is governed by the Labour Law. During pregnancy, birth giving and childcare, a woman shall be entitled to maternity leave in the duration of one year without interruption, and if she has given birth to twins, a third or any subsequent child, she shall be entitled to maternity leave in the duration of 18 months without interruption.

By request of a woman and a recommendation of competent doctor, the woman may start using the maternity leave 28 days before the due date. If a woman starts using the maternity leave 28 days before the due date, then the maternity leave may last for only another 11 months (for the first and the second child), i.e. 17 months (for twins, a third or any subsequent child) after giving birth.

The Labour Law of Republika Srpska also provides for other benefits for women. An employer shall not terminate a woman's employment contract for using the maternity leave which is an important segment of the protection of mothers and upon expiry of maternity leave, a woman shall return to the post occupied at the time when she took her maternity leave.

During the maternity leave, a woman shall be entitled to salary compensation at the level of average salary she was earning during the last 12 months before the starting date of the maternity leave. If the woman did not receive salary over each of the last 12 months, the salary compensation shall be equal to the average salary she received during the months she was working before the maternity leave. Therefore, women who use the maternity leave in maximum duration (12 months, i.e. 18 months without interruption) shall receive the same amount of income as would have been received while working, noting that the compensation will be adjusted on a monthly basis with an increase of average salaries in Republika Srpska. The said funds shall be paid by the Public Fund for Child Protection of Republika Srpska.

Also, a woman-mother shall acquire the right to pension for one year less of the contribution period for each child born in relation to conditions for acquiring the right to pension prescribed by the Law on Pension and Disability Insurance.

In the Brčko District, the salary compensation during maternity leave shall be financed from the budget of the Brčko District of Bosnia and Herzegovina, provided that the contributions for pension and health insurance have been paid.

During the use of maternity leave, an employee shall be entitled to a salary compensation equal to the average monthly net salary received by the employee in the last six months prior to the maternity leave. Employer shall be responsible for calculation of wages, contributions and compensations for the employee.

The Law on Child Protection of the Brčko District of Bosnia and Herzegovina, in the field of child protection, lays down the right to salary compensation during maternity or extended maternity leave and absence from work of an employed parent and adoptive parent for the purpose of childcare, as well as the salary of an employed woman-mother, i.e. father, adoptive parent or legal guardian of the child while absent from work due to pregnancy, childbirth or childcare.

Article 8, paragraph 2 Illegality of dismissal

In Conclusions (2015), the European Committee of Social Rights concludes that the situation in Bosnia and Herzegovina does not comply with Article 8, paragraph 2 of the Charter, based on the following facts: 1. the Federation of Bosnia and Herzegovina lacks adequate protection from dismissal of an employee during her pregnancy or maternity leave; 2. Republika Srpska lacks legislation providing for adequate compensation in case of unlawful dismissal during pregnancy or maternity leave; and 3. No adequate compensation has been provided for in the Brčko District for cases of unlawful dismissal during pregnancy or maternity leave.

We hereby notify the Committee that the conclusion was complied with, since current laws in BiH and especially new entity labour laws expressly provide for the prohibition to the employer to refuse to employ a woman on account of her pregnancy, and to prohibit the employee-postpartum woman to use her maternity leave and the right to half of full-time working hours upon expiry of the maternity leave until the child has turned three years of age and to use daily absence from work for the purpose of breastfeeding. Detailed justifications are as follows:

Prohibition of dismissal

The Law on Labour in the Institutions of BiH lays down that an employer may not refuse to employ a woman on account of her pregnancy or terminate her employment contract during her pregnancy or redeploy her to other jobs during her pregnancy, i.e. breastfeeding of a child, as established by an authorized medical doctor. There are no specific provisions in this Law related to submission of a request for compensation in case of unlawful dismissal on account of pregnancy or maternity leave, in addition to the general provision regulating the absolute statute of limitations on claims arising from employment, which is three years from the date when the claim in question arose, noting that it is laid down that general regulations of the Law on Obligations in relation to whose provisions each employee is allowed to apply for compensation apply on all issues related to the employment contract which are not regulated by this or other law.

Unless otherwise prescribed by law, the employer shall be punished for a misdemeanour with a fine ranging from BAM 800 to BAM 3.000 if he/she fails to respect the established rights of women during pregnancy and maternity leave.

General provision of this Law stipulates that, if an employee, at the request of the employer, stops working prior to expiry of a notice period, the employer shall be obliged to pay to the employee the compensation of salary and recognize all other rights if he/she had worked until the expiry of the notice period.

Should the Court of Bosnia and Herzegovina determine that the dismissal is unlawful, the employer may undertake to:

- reinstate an employee, at his/her request, to the tasks he/she previously performed or other adequate tasks, and pay him/her the compensation of salary in the amount the employee would have received if he/she had worked, as well as compensate him/her for the damage, or
- pay to the employee:
 - a) compensation of salary in the amount the employee would have received if he/she had worked;
 - b) compensation for the damage suffered;
 - c) severance pay to which the employee is entitled to in accordance with the

- employer's act or the employment contract;
- d) other benefits which the employee is entitled to in accordance with the employer's act or the employment contract.

An employee contesting the termination of his/her employment contract may request the court to deliver the injunction related to his/her reinstatement, pending the conclusion of court proceedings.

An employee, who believes that the employer has violated any of his/her rights arising from labour relations, may request the employer to respect such right. The employer shall be obliged to comply with the request within 30 days from the day on which the request was submitted. Submission of the request shall not preclude the employee from seeking protection of violated rights before the Court of Bosnia and Herzegovina.

An employee may file a legal action before the Court of Bosnia and Herzegovina due to infringement of his/her employment rights, as well as in the case the employer fails to meet such request within the set time limit.

The statute of limitations shall fall within one year from the day on which the decision that had violated his/her right was delivered, and/or from the day on which the violation of the right came to knowledge.

Settlement of the labour dispute shall be referred to arbitration by mutual agreement of the parties. The composition, procedure and other issues relevant for arbitration shall be regulated by the Law, the employer's act, i.e. agreement.

In the case of change of an employer or his/her legal status, employment contracts shall be transferred to the new employer, with the consent of the employee. The new employer and the employee may terminate the contract in a manner and in time limits established by the Law.

Absolute statute of limitations on claims arising from the labour relations shall be three years from the date on which the claim was generated.

In the Federation of Bosnia and Herzegovina, new Labour Law specifically indicates that an employer may not refuse to employ a woman on account of her pregnancy, maternity leave and exercise of the right to work half of full-time working hours upon expiry of the maternity leave until the child has turned three years of age and the right to absence for the purpose of breastfeeding, terminate an employment contract of a woman or an employee who is exercising one of the said rights. Termination of a fixed-term employment contract is not considered to be termination of an employment contract in the sense indicated above. An employer may not ask for any information on pregnancy unless the employee requires a specific right provided by law or other regulation for the purpose of protection of pregnant women.

Regarding the illegality of dismissal on the account of pregnancy and childbirth, the same legal framework shall apply to employees in the private and public sector.

The Law also provides for additional protection of a woman during her pregnancy in such a way that the employer is obliged to redeploy a woman during her pregnancy or breastfeeding of a child to other posts, if this is in the interest of her health, as established by an authorized medical doctor. If the employer is not able to secure the redeployment of a woman, the woman shall be entitled to paid leave of absence, in accordance with the collective agreement and labour bylaws. Such temporary redeployment may not result in reduction of the woman's salary and the employer may redeploy the woman to another workplace only with her written consent.

In this way, new formulation of a statutory provision provides for protection of a woman in all cases of dismissal as provided by law.

Penal provisions of the Labour Law provide for the fine for the employer who refuses to employ a woman on the account of her pregnancy or during pregnancy, use of maternity leave and exercise of the aforementioned rights or who terminated an employment contract of a woman or an employee who is exercising some of those rights.

In addition to the right of an employee to bring an action before the competent court in accordance with the Labour Law for the purpose of protection of his/her rights arising from employment, special protection is provided in cases of discrimination (inter alia, on the account of pregnancy). Ruling does not depend on the same procedure or the same court, and also there is no the legal limitation imposed for compensation that the court can determine on the basis of material and non-material damage suffered. therefore, the amount of compensation for damage in case of unlawful dismissal shall be determined in a procedure before the court in accordance with general regulations on compensation of the damage which do not provide for the maximum amount of such compensation. The action for compensation of the material and non-material damage shall be conducted before the same court, and it shall be decided on a case-by-case basis whether both types of compensation for damages will be established.

We do not have information on the average duration of such proceedings, but the courts are obliged to rule on lawsuits within reasonable time limits. The court rules in each individual case at its own discretion, which means that it can and does not have to return the employee to the workplace, and can instead determine the compensation of the salary in the amount of the salary that the employee would have received if he/she had worked, the compensation for the damage suffered, the severance pay and other fees, with no legal limitation of the maximum amount of such compensation.

In Republika Srpska, provisions of the Labour Law of Republika Srpska provide for detailed possibilities for employees in case they consider that their rights arising from employment are violated which, inter alia, refers to the unlawfulness of termination of the employment contract. The Law lays down that an employee who considers that the employer has violated his/her rights deriving from employment may file a written request to the employer to ensure him/her the exercise of the right. The request shall be filed within 30 days from the day on which the violation of the right comes to the attention, and no later than three months from the date of the violation. Submission of a request for the protection of rights does not delay execution of a decision or action against which the employee has filed a request for the protection of rights, except in the case of refusal of the employee to work at the workplace involving an imminent danger to life or serious damage to health of the employees or third parties.

The employer shall be obliged to decide on the request of the employee within 30 days from the date of its submission, and if he/she fails to decide within that time period, the request will be considered accepted.

An employee who believes that the employer has violated any of his/her rights arising from labour relations may bring an action before the Agency for Peaceful Settlement of Labour Disputes or before the competent court. The right to file a proposal and action shall not be made conditional upon previous recourse of the employee to the employer for protection of the rights. A proposal for peaceful settlement of the dispute may be filed by the employee within 30 days from the date of the violation of the right comes to the attention, and no later than three months from the date of the violation. The employee may bring an action for protection of rights no later than six months following the date the violation comes to attention or the date of the violation. An employee may bring an action if the dispute was not previously resolved by the peaceful settlement of dispute before the competent authority. Statute of limitation shall be terminated by initiation of the relevant proceedings. In case of a dispute before the competent

authority, the employer shall demonstrate the reasons for termination of an employment contract which means that the burden of proof shall be borne by the employer.

In addition to these possibilities, for the purpose of protection of his/her rights may address the labour inspection within a month from the date on which the violation comes to attention or no later than three months from the violation.

Should the competent court find that the termination of the employment contract is unlawful or without legal grounds, it will order the employer to return the employee to work and deploy him/her to the tasks he/she has performed before the termination of the employment contract or to other tasks that correspond to the professional and working skills of the employees, pay them a compensation for professional and working skills, and a compensation in lieu of the salary and any other remuneration to which the employee is entitled under a general act and the employment contract.

For the purpose of protection of the rights arising from employment and regardless of whether some of the said proceedings was already initiated, an employee may also address the labour inspector.

In the labour dispute, the employees may request a compensation for material and non-material damage. The amount of compensation for the material damage may be reliably determined by an expert witness with economic professional qualifications, whereby the expert witness performs the calculation of wages, as well as all other related fees, taxes and contributions, for the period following the day of the unlawful termination of the employment contract until the date of the closing of the full hearing.

On the other hand, the compensation of non-material damage is a sensitive issue in all types of disputes. There is a legal possibility for the employee to initiate a proceeding for compensation of the damage before the competent court for any type of discrimination. Unlike the material damage compensation that can be mathematically calculated accurately, the amount of non-material damage compensation varies on a case-by-case basis and depends on several factors. When deciding on compensation for non-material damage, the court is obliged to make a decision within the scope of the claim, and therefore it cannot award a higher amount than the one the employee has claimed. The court may award a lower amount than the amount claimed in case it considers that justified in a particular case.

Basic courts have exclusive jurisdiction to rule on the aforementioned claims in Republika Srpska, while local jurisdiction in each specific dispute is determined in accordance with the rules of the Civil Procedure Code. Basic courts have exclusive jurisdiction to rule in all labour disputes in Republika Srpska.

In average, it takes about 18 months until the final termination of the labour dispute. Most of the labour disputes do not end in the first instance, so after an appeal is brought against the first-instance judgement, the decision of the second instance (the District Court) is pending, which extends the length of the proceedings. The court proceedings shall be deemed terminated only upon adoption of the second instance judgment. The same rules shall apply regardless of whether in the specific case the applicant is a worker employed in a private or public sector.

The general legal framework providing for the unlawfulness of the termination of the employment contract and return to work shall apply to the unlawful dismissal of women. The Labour Law provides for the prohibition of discrimination on grounds of gender, that is, the provisions of the Law apply to male and female employees in general. In addition, a special emphasis is placed on the protection of maternity, where an employer is prohibited from terminating an employment contract on the account of pregnancy or the use of maternity leave.

In the proceedings for protection of the rights arising from employment, all competent authorities shall act in an impartial manner and in accordance with legal regulations, regardless of whether the worker is

employed in a private or public sector. There is no data on the number of the employees dismissed on the account of pregnancy.

Pursuant to provisions of the same Law, based on reports and recommendations of an authorized medical doctor, a pregnant woman or a woman who breastfeeds her child may be temporarily placed to another job if this is in the interest of her health or health of her child. If the employer has no possibility of placing the woman to another job, the woman shall be entitled to leave of absence with a compensation in accordance with the general act. This compensation may not be less than the remuneration the woman would have received if she had worked on her post. A pregnant or a breastfeeding woman may be placed to a post in a different location only with her consent.

The Labour Law also forbids termination of the employment contract of a woman during her pregnancy, maternity leave or short-time working for the purpose of childcare. During pregnancy, maternity leave, parental leave or short-time working for the purpose of childcare, an employer shall be prohibited from terminating a contract with an employee-woman who is underperforming or lacking particular knowledge and skills for performance of the relevant tasks, or if there is no need to perform a certain task due to technological, economical or organisational reasons or reduced amount of work and the employer is not able to offer another appropriate job to the employee, as well as in the case that an employee refuses to conclude an annex to the contract.

The Law also stipulates that, if the competent court finds during the proceeding that there were no legal grounds for the termination of employment contract with an employee and the employee does not request reinstatement, the court shall, at the request of the employee, order the employer to compensate the employee in the amount not exceeding 12 salaries of the employee, depending on the duration of employment, age of the employee and the number of dependents, which shall be regulated in detail by the collective agreement. Women shall also be entitled to this right in the case of unlawful termination of the employment contract.

This area is also governed by provisions of the Criminal Code of Republika Srpska in such a way that the employer shall be fined for the violation in the amount ranging from BAM 2,000 to BAM 12,000 in case of treating the pregnant employee or a postpartum woman contrary to the aforementioned statutory provisions.

In the Brčko District of Bosnia and Herzegovina, according to the Labour Law, an employer may not refuse to hire a woman on the account of her pregnancy nor terminate her employment contract on the account of her pregnancy or maternity leave.

The law also stipulates that an employer shall be fined for the offence with a fine ranging from BAM 1,000 to BAM 7,000 in case he/she refuses to hire a pregnant woman or terminates her employment contract.

The Committee has properly understood the statement from the previous report of Bosnia and Herzegovina that women in private and public sector are protected equally. For women working in the private sector and women working in the public sector (public institutions and public companies), the Labour Law of the Brčko District of Bosnia and Herzegovina-consolidated text applies, while for women working in the public sector (in public administration bodies and institutions of the Brčko District of Bosnia and Herzegovina), the Law on Civil Service in Public Administration Bodies of Brčko District of Bosnia and Herzegovina applies.

Therefore, current legislation of the Brčko District of Bosnia and Herzegovina explicitly provide for the prohibition of termination of the employment contract to a pregnant employee or an employee who is using her maternity leave, but does not specify the circumstances in which it is legally possible to dismiss a pregnant employee or an employee who is using her maternity leave.

These cases are highly uncommon in practice of the Labour Inspection in the Brčko District of Bosnia and Herzegovina. The only case that occurred in practice was that a pregnant woman or a postpartum woman could be dismissed if a certain company, i.e. legal entity completely ceased to operate and was removed from the court register.

Indemnification in case of unlawful dismissal

According to the Law on Labour in the Institutions of Bosnia and Herzegovina, it is forbidden to request from a woman who applied to a public job advertisement of the employer or is already working for the employer to do a pregnancy test. The same Law stipulated that an employer may not refuse to hire a woman nor terminate her employment contract on the account of her pregnancy or deploy her to other posts in cases provided for by law.

The employer shall be fined for the offence with a fine ranging from BAM 600 to BAM 1500 in case of non-compliance with the rights a woman is entitled to during her pregnancy and maternity leave.

In the Federation of Bosnia and Herzegovina, according to the new Labour Law, an employee who believes that the employer violated any of his/her rights arising from labour relations, may request the employer to respect such right within 30 days from the day on which the decision that had violated his right was delivered and/or from the day on which the violation of the right came to his/her knowledge. If the employer fails to meet such request within 30 days from the day on which the request for the protection of the right was filed or an agreement on peaceful dispute resolution was reached, the employee may file a legal action with the competent court within further 90 days. An employee who did not submit to his employer the request may not seek protection of the violated right before the competent court, except in the case of dismissal.

Should the court rule in favour of the applicant, it may order the employer to reinstate an employee to the tasks she previously performed and to pay her the compensation of salary in the amount the employee would have received if she had worked, as well as compensate her for the damage suffered, severance pay and other benefits to which the employee is entitled in accordance with the law, the collective agreement and the employment contract.

Pursuant to provisions of the same Law, in case of a dispute arising from termination of the employment contract, the burden of proof shall be borne by the employer in order to demonstrate that there is a justified reason for the termination of the employment contract.

A victim of an unlawful dismissal may claim compensation for material and non-material damage, regardless of whether he/she is an employee in a private or public sector. The duration of the proceedings and the amount of compensation shall be determined on a case-by-case base, therefore there is no specific duration established for this type of disputes and the amount of compensation shall be determined in accordance with the specific circumstances of the dispute.

In Republika Srpska, the Labour Law stipulates that, if the competent court finds during the proceeding that there were no legal grounds for the termination of employment contract with an employee, it may order for the employee to be reinstated in the post he/she performed and to be paid a compensation for damage whose amount depends on the time the employee did not work, the duration of employment, the age of the employee and the number of dependants, which shall be regulated in detail in the collective agreement. Therefore, the amount of compensation depends on each individual case. Also, in Republika

Srpska, in case of a dispute before the competent authority, the employer shall be obliged to demonstrate the reasons for termination of employment contract.

In the Brčko District, a victim of an unlawful dismissal may claim compensation for damage on the account of unlawful dismissal (payment of salary and other benefits in the amount the employee would have received if he/she had worked in that period), and also a compensation for material and non-material damage if suffered due to unlawful dismissal, provided that its existence, type and scope are demonstrated.

Compensation for both types of damage can be claimed before the same court, but not necessarily, depending on where the damage occurred. Labour disputes are of an emergency nature by law, as well as disputes for damages arising from defamation during the labour dispute. The same rules apply to employees in the public and private sectors.

An employee may request the employer to comply with her rights, but such a request does not prevent her to file an application before the court also (within three years following violation of the rights). Should the court find that the dismissal is unlawful, it may order the employer to reinstate an employee to the post and pay her the compensation of the damage suffered due to the loss of salary and contributions. In case the employee refuses to return to the post, she may claim a compensation in the amount not exceeding 18 salaries she would have received if she had worked, as well as severance pay and other benefits in accordance with the law, the collective agreement and the employment contract. The amount of compensation shall depend on the time spent at work, the age of the employee and the number of dependants.

In case the employer refuses to reinstate the employee contrary to the court's ruling, the employee shall be entitled to double compensation. Women are equally employed in private and public sectors.

The Collective Agreement or the Rulebook on Internal Organization, in accordance with the Law, may provide for peaceful resolution of a labour dispute, in which case the deadline for submission a request to the competent court runs from the date of termination of this procedure. If the procedure does not end within a reasonable time, nothing prevents the employee from filing a complaint to the competent court.

The Employment Institute of the Brčko District is only responsible for the financial compensation in case of unemployment which is regulated by the Law on Employment and Unemployment Rights. In order for the unemployed person to exercise these rights, it is necessary for the employer to pay unemployment contributions for all employed workers during the prescribed minimum insurance period.

Duration of the person's entitlement to such a right shall depend on the number of years of pensionable service. For the pensionable service of up to 5 years, the unemployed person shall be entitled to financial compensation and the corresponding rights in duration of 3 months. For the pensionable service of 5-15 years – 6 months, 15-25 years – 9 months and in case of the pensionable service over 25 years, the unemployed person shall be entitled to financial compensation in duration of 12 months.

According to the Labour Law, the amounts of financial compensation are as follows: 1. For an unemployed person with up to 10 years of pensionable service – 35% of the average salary received by that person in the last 3 months; 2. For an unemployed person with more than 10 years of pensionable service – 40% of the average salary received by that person in the last 3 months.

However, there is one limitation imposed by law in that sense, i.e. the financial compensation amount cannot be lower than 20% of the average net salary in the District, nor it can be higher than the amount of the average net salary in the District as established by the latest data published by the institution competent for statistics in the District.

According to the Labour Laws of the entities and the Brčko District of Bosnia and Herzegovina, settlement of the dispute shall be referred to arbitration by mutual agreement of the parties. The

composition, procedure and other issues relevant for arbitration shall be regulated by the collective agreement, i.e. mutual agreement.

Article 8, paragraph 3 Time off for nursing mothers

In Conclusions (2015), the European Committee of Social Rights acknowledges information contained in the Report submitted by Bosnia and Herzegovina and concludes that situation in Bosnia and Herzegovina complies with this Article of the Charter.

Question of the Committee: Please describe the general legislative framework and indicate if there were any legislative amendments in relation to the previous report.

According to the Law on Labour in the Institutions of Bosnia and Herzegovina, a woman may be redeployed to other jobs during pregnancy or breastfeeding of a child, if this is in the interest of her health as established by an authorized medical doctor. If the employer is not able to secure the redeployment of a woman, the woman shall be entitled to paid leave of absence. Temporary redeployment may not result in reduction of the woman's salary. The employer may redeploy a woman to another workplace only with her written consent.

An employer shall provide the employee with an opportunity to take note of labour regulations and occupational safety and health regulations within 30 days from the commencement of his/her employment. An employer shall be obliged to prepare the employee for work in a manner providing for the protection of his/her life and health, and preventing the occurrence of accidents. An employer shall be obliged to ensure conditions necessary for safety and protection of life and health of the employee and any other person with whom he/she gets into contact during the term of the contract in accordance with the law.

An employer may provide the employee with the collective insurance in accordance with general conditions for insurance against consequences of the accident.

The amount of insurance premium shall be established by the Council of Ministers of Bosnia and Herzegovina for the employees of the institutions of Bosnia and Herzegovina, i.e. the employer for other employees.

An employee shall have the right to refuse to work if his/her life and health are directly threatened because the prescribed occupational safety and health measures have not been implemented, and he/she shall immediately report this to the competent Administrative Inspectorate and the employer. In that case, the employer may redeploy the employee to other tasks until it is established that the occupational safety and health measures are implemented in a satisfactory manner.

In the Federation of Bosnia and Herzegovina, the new Labour Law of the Federation of Bosnia and Herzegovina stipulates that a woman who breastfeeds her child and works full-time working hours after the maternity leave, is entitled to be absent two times a day from work for one hour to breastfeed her child, until the child turns one year of age. The said period of leave shall be counted towards full-time working hours and it shall be used until the child turns one year of age.

Should the employer-legal person deprive a woman from the said right, he/she shall be fined for an offence in the amounts ranging from BAM 1,000.00 to BAM 3,000.00, and in case of a repeated offence in the amounts ranging from BAM 5,000.00 to 10,000.00. As long as a woman exercises this right, the employer shall not be able to terminate her employment contract.

In Republika Srpska, the new Labour Law of Republika Srpska stipulates that, if a woman starts working before the expiration of the maternity leave as defined above, she shall be entitled to additional

60 minutes of break during working hours in order to breastfeed the child. She shall be entitled to this right until the expiry of the 12-month maternity leave, i.e. the age of the child of up to 12 months and, if she did not start using the maternity leave 28 days before the childbirth. This period of time shall be considered time spent working full hours.

Should the employer-legal person deprive a woman from the said right, he/she shall be fined for an offence in the amounts ranging from BAM 2,000 to BAM 12,000.

In the Brčko District, a woman who breastfeeds her child and works full-time working hours after the maternity leave, is entitled to be absent two times a day from work for 60 minutes to breastfeed her child. The said period of leave shall be used until the child turns one year of age. The said period of leave for the purpose of breastfeeding shall be counted towards full-time working hours.

Article 8, paragraph 4 Regulation of night work

In Conclusions (2015), the European Committee of Social Rights concludes that situation in Bosnia and Herzegovina does not comply with Article 8, paragraph 4 of the Charter based on the following facts: 1. it was not demonstrated that the night work is adequately regulated in the Federation of Bosnia and Herzegovina for pregnant women, postpartum women and breastfeeding women; and 2. Night work is not adequately regulated in the Brčko District for pregnant women, postpartum women and breastfeeding women.

We hereby notify the Committee that the Conclusion was complied with, since current laws in BiH and especially new entity labour laws provide for prohibition of night work by pregnant women (as of the sixth month of pregnancy), as well as mothers and adoptive parents. Detailed justifications are as follows:

In Bosnia and Herzegovina, employees of both private and public sector are equally protected when it comes to night work. Specifically, pregnant or breastfeeding employees may be redeployed to another post for medical reasons and with appropriate medical documentation and her consent. If such redeployment is not possible, the employee is entitled to paid leave of absence. The Law on Labour in the Institutions of Bosnia and Herzegovina defines night work as work in the period from 10.00 p.m. to 6.00 a.m. Amendment to the relevant Article providing for prohibition of night work by pregnant women, starting from the sixth month of pregnancy and mothers with children up to two years of age, was proposed in the Draft Law which is currently in the process of adoption.

The Law also stipulates that, until the Law of Bosnia and Herzegovina which regulates health protection of employees, pension and disability insurance and other types of social welfare of employees is adopted, the laws and other regulations of the entities and the Brčko District of Bosnia and Herzegovina shall be applied by the employees' place of residence.

In the Federation of Bosnia and Herzegovina, new Labour Law of the Federation of Bosnia and Herzegovina provides for prohibition of night work by pregnant women starting from their sixth month of pregnancy, mothers and adoptive parents, as well as persons entrusted with childcare pursuant to a decision issued by the competent authority, until the child has turned two years of age.

The Law also provides for additional protection of a woman during her pregnancy in such a way that, according to provisions of the Labour Law, the employer is obliged to redeploy a woman during pregnancy or breastfeeding of a child to other jobs, if this is in the interest of her health, as established by an authorized medical doctor. If the employer is not able to secure such redeployment of a woman, she shall be entitled to paid leave of absence, in accordance with the collective agreement and labour bylaws.

Such temporary redeployment may not result in reduction of the woman's salary and the employer may redeploy the woman to another workplace only with her written consent.

A parent of a child with serious difficulties in development (of a seriously handicapped child) shall not be ordered to work at night or be redeployed without his/her written consent, provided that the child is not placed in a social welfare/healthcare institution.

Penal provisions of the Labour Law provide for the fine for the employer who orders a pregnant woman as of the sixth month of her pregnancy, a mother and an adoptive parent, as well as a person who has been entrusted with childcare by virtue of a decision by the competent authority, up to the child's two years of age, to work night shifts.

In Republika Srpska, provides for prohibition of night work by pregnant women starting from their sixth month of pregnancy and mothers with the child of up to two years of age. The same regime applies to employees in the public sector. Protection is enhanced by some sectoral collective agreements, including the Special Collective Agreement for employees in the Sector of Internal Affairs where night work is prohibited for three years after the childbirth.

A response to the question of the Committee related to information provided in the previous report of Bosnia and Herzegovina of whether the employees are interested in redeployment to a day shift job and which rules are applied in case that is not possible is that the Labour Law of Republika Srpska provides for a general provision on redistribution of working hours. If the nature of the job so requires, full working hours may be redistributed so that during one period of the year they last more, and in another period proportionally less, provided that the average working hours may not exceed 40 hours a week. If the redistribution of the working hours has been introduced, working hours may not exceed 52 hours in one week, and in case of seasonal work, the working hours may not exceed 60 hours a week. Redistribution of night shift work to the day shift work shall be conducted in agreement with the employer, i.e. such matters shall be more closely regulated by a general act and the employment contract, in accordance with the Labour Law.

In the Brčko District of Bosnia and Herzegovina, prohibition of night work is provided for only in the case of a single parent or when both parents are employed or the child is placed in a social welfare/healthcare institution, whereby the parent shall not be ordered to work night shifts or overtime, unless he/she has provided his/her consent to this effect.

Currently, new Labour Law of the Brčko District of Bosnia and Herzegovina is being prepared and it contains a provision on prohibition of night work by pregnant women up to the sixth month of pregnancy and mothers of children of up to three years of age.

The Law on Civil Service in Public Administration Bodies of Brčko District of BiH regulates this issue in the same way as the Labour Law.

Article 8, paragraph 5 Prohibition of dangerous, unhealthy or arduous work

In Conclusions (2015), the European Committee of Social Rights requests additional information on adequate regulations related to dangerous, unhealthy or arduous work performed by pregnant women, postpartum women or breastfeeding women.

Question 1. Please describe the general legislative framework and indicate if there were any legislative amendments in relation to the previous report.

According to the Law on Labour in the Institutions of Bosnia and Herzegovina, a woman may be redeployed to other jobs during pregnancy or breastfeeding of a child, if this is in the interest of her health as established by an authorized medical doctor. If the employer is not able to secure the redeployment of a woman, the woman shall be entitled to paid leave of absence. Temporary redeployment may not result in reduction of the woman's salary. An employer may redeploy a woman to another workplace only with her written consent.

In the Federation of Bosnia and Herzegovina, new Labour Law specifies that an employer is obliged to redeploy a pregnant or breastfeeding woman to another post, if this is in the interest of her health as established by an authorized medical doctor. If the employer is not able to secure the redeployment of a woman, the woman shall be entitled to paid leave of absence, in accordance with the collective agreement and the labour bylaws. This temporary redeployment may not result in reduction of the woman's salary and the employer may redeploy a woman to another workplace only with her written consent.

Also, general protection of a woman is provided for in such a way that a woman may not perform underground labour (in mines), unless she holds a managerial position, which does not require physical labour, or she works in a healthcare or welfare service, i.e., if a woman has to spend a certain amount of time in underground training or has to occasionally enter the underground part of a mine for the purpose of practicing an occupation which does not include physical labour.

Regulations adopted on the basis of the Law on Occupational Safety, i.e. Rulebook on Determination of Special Working Conditions and Medical Examinations of Workers at Such Posts regulate types of risks at posts with special working conditions and provide for conditions for carrying out the activities related to such posts in terms of age, gender, health and mental and physical abilities. One of the conditions for carrying out such activities is the minimum age of 18.

The Rulebook specifies the works that cannot be performed by a woman during pregnancy, i.e. pregnancy and breastfeeding as follows:

1. works that may require extreme physical effort or extreme posture;
2. works performed at an altitude of more than three meters, i.e. at the depth exceeding three meters;
3. works involving exposure of the employee to whole-body vibrations and shock;
4. works in conditions of high and low atmospheric pressure;
5. works involving exposure of the employee to fluorine and fluorine compounds;
6. works related to manufacture and handling of explosives, gunpowder and pyrotechnics;
7. works involving exposure of the employee to dust and smoke of lead and its organic compounds;
8. works involving exposure of the employee to tetraethyllead;
9. works involving exposure of the employee to mercury vapors and dust of mercury compounds;
10. works involving exposure of the employee to chromium and chromium compounds;
11. works involving exposure of the employee to carbon disulphide;
12. works involving exposure of the employee to benzene derivatives;
13. production and manipulation works involving exposure of the employee to organophosphate, carbamate and other pesticides.

The Law on Occupational Safety provides for a penalty for the employer who fails to establish the posts with special working conditions in accordance with the law and regulations adopted on the basis of that law.

For the purpose of enhancing the maternity protection and further adjustment of provisions of the Labour Law of the Federation of Bosnia and Herzegovina with the European Social Charter, new statutory regulations stipulate that the employer is obliged to redeploy a pregnant or breastfeeding woman to another post, if this is in the interest of her health as established by an authorized medical doctor. Other provisions related to payment and right to the paid leave of absence in case the employer is not able to ensure redeployment to other posts shall remain unchanged.

The Law on Occupational Safety and Health ensures even higher degree of protection from risks to the health and safety of women at work.

In Republika Srpska, provisions of the Labour Law and provisions of the Law on Occupational Safety provide for protection of employees from dangerous, unhealthy or arduous work.

Provisions of the Law on Occupational Safety stipulate that an employer is obliged to ensure that, in addition to the training for safe and healthy work, a pregnant, employed woman, a worker under the age of 18 and a worker with reduced work ability are informed in writing of the risk assessment results for that workplace and the measures taken to eliminate such risks with an aim of improving the occupational safety and protection.

This Law also specifies that an employer is obliged to ensure working conditions and environment where occupational safety and health measures are applied and to take responsibility for non-implementation of such measures, and to ensure that a working process corresponds to physical and mental capabilities of the employees and that a working environment, tools and personal protective equipment are in order, i.e. that they are manufactured and secured in a way that does not endanger safety and health of the employees and other persons. The employer is also obliged to organize the occupational safety and health activities.

If the employee is expected to use certain tools which can jeopardize life or health of people and the environment, the employer is obliged to, prior to commencement of the work, check if the employee is capable of handling and using such tools. An employee may refuse to work if his/her life or health is directly threatened or other people are exposed to such risk due to malfunction of facilities or equipment and failure to implement the corresponding occupational safety measures. Employees shall apply use appropriate tools and equipment for personal protection at work and to handle them in accordance with their purpose and nature. The employer may refer the employee to additional training in the field of occupational safety.

The Law, the general act and the employment contract closely regulate occupational safety measures and means. Therefore, provisions of the Labour Law provide for protection of employees from dangerous, unhealthy or arduous work, provided that relevant issues may be more closely regulated in a separate law, general act or the employment contract, depending on occupation of the employee.

The Labour Law states that, based on report and recommendation of the competent medical doctor, a pregnant or breastfeeding woman may be temporarily deployed to other posts if that is in the interest of her or child's health. Therefore, if there is any risk to the health of pregnant women, postpartum women or breastfeeding mothers, the Labour Law provides for the possibility of redeploying such women to other posts based on reports and recommendations of the competent medical doctors.

The previous article provided a detailed explanation of the statutory provisions prohibiting night work to pregnant women and mothers with children under the age of 2. The Law on Occupational Safety stipulates that the employer is obliged to ensure that a woman employed during pregnancy is informed in writing of the results of risk assessment for the relevant workplace and of the measures taken to eliminate such risks with an aim of improving the occupational safety and protection, in addition to the training for safe and healthy work.

In the Brčko District, pursuant to provisions of the Labour Law of the Brčko District, a pregnant or breastfeeding woman may be temporarily deployed to other posts if that is in the interest of her health, as established by the competent medical doctor.

If the employer is not able to secure the redeployment of a woman, the woman shall be entitled to paid leave of absence, in accordance with the collective agreement and the labour bylaws. This temporary

redeployment may not result in reduction of the woman's salary. The employer may redeploy a woman to another post appropriate for her condition only upon her written consent.

A woman may not perform underground works in mines, unless she holds a managerial position which does not require physical labour, or she works in a healthcare or welfare service, i.e., if a woman has to spend a certain amount of time in underground training or has to occasionally enter the underground part of a mine for the purpose of practicing an occupation which does not include physical labour.

Article 16

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Contracting Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married, and other appropriate means.

In Conclusions (2015), the European Committee of Social Rights concludes that situation in Bosnia and Herzegovina does not comply with Article 16 of the Charter since: 1. a considerable number of families in the Federation of Bosnia and Herzegovina do not receive the social assistance; 2. it was not demonstrated that the child allowance in the Federation of Bosnia and Herzegovina and Republika Srpska is an adequate income support; 3. equal treatment of foreign nationals from other Contracting Parties who are legitimate citizens or work regularly in respect of family allowances is not guaranteed.

We hereby notify the Committee that the Conclusion was not complied with, since current legislation requires amendments for the purpose of: 1. regulating the amount of child allowance in such a way as to make it an adequate income support of the families and wider social assistance coverage of families; and 3. improved regulation of treatment of foreign nationals from other Contracting Parties to the Charter who are legitimate citizens or work regularly in respect of family allowances. The summary of reasons is worded as follows:

Protection of families with children and right to child benefit

In the Federation of Bosnia and Herzegovina, the Law on Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children lays down the following fundamental rights of families with children:

- child benefit;
- compensation in lieu of salary for an employed woman-mother during leave of absence due to pregnancy, childbirth and childcare;
- financial support for an unemployed woman-mother during pregnancy and childbirth;
- one-off support for care of a newborn child;
- assistance in infant feeding in the first 6 months and complementary foods for breastfeeding mothers;
- special treatment of spouses who want children and pregnant women;
- placement of children in nursery schools and provision of free meals;
- provision of one meal during school hours in primary schools.

Regardless of shared competencies of federal and cantonal governments established by the Constitution in relation to the social welfare in the Federation of Bosnia and Herzegovina, some cantons are not able to

secure the funds from their budgets which are necessary for financing the social welfare rights of the families with children, and in most cantons, cantonal regulations are not aligned with federal regulations in terms of guaranteeing minimum fundamental rights.

For that reason, a Public Policy on Protection of Families with Children in the Federation of Bosnia and Herzegovina and a Preliminary Draft Law on Support for Families with Children in the Federation of Bosnia and Herzegovina which, in a uniform manner, regulates rights of families with children. The Government of the Federation of Bosnia and Herzegovina has prepared the relevant Draft Law and submitted it for further parliamentary procedure. This Law regulates the basics of financial support for the families with children, establishes the entitlements for support of the families with children (child allowance and financial support for an unemployed, postpartum woman), the procedure of exercising the rights, the conditions and the manner of exercising the rights, the method of financing aid for the families with children, supervision and other issues relevant for the support of families with children in the Federation of Bosnia and Herzegovina.

According to the relevant Law on Principles of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children, in the Federation of Bosnia and Herzegovina, the families whose total monthly income received on any ground, save for the income received in relation to social welfare and protection of families with children, and which does not exceed the amount established by cantonal regulation as the lowest amount of income sufficient for maintenance per household member, shall be entitled to the child benefit. Foreign nationals and stateless persons with permanent residence at the territory of the Federation of Bosnia and Herzegovina shall be entitled to the child benefit in accordance with international treaties.

An overview of base amounts for calculation and base percentage amount for calculation of the child benefit in the Federation of Bosnia and Herzegovina, i.e. in each individual canton, is provided in the Table below.

CHILD BENEFIT			
Canton	Income threshold	Base amounts for calculation of compensations	Percentages of base amounts for calculation of compensations
Una-Sana	If the total household income per member does not exceed 20% of the base amount	Average salary in the Canton	5% of the average salary in the Canton
Posavina	Child benefit for all children up to the age of 15	Amount determined by the Cantonal Government	Amount determined by the Cantonal Government
Tuzla	If the total household income per member does not exceed 15% of the base amount. Families with children where the monthly income per household member does not exceed 7% of the average salary have priority,	Average salary in the Canton	2.5% for one and two children, and for more than two children 5% of the average salary in the Canton
Zenica-Doboj	If the total household income per member does not exceed 15% of the base amount.	Average salary in the Canton	2% and 3% of the average salary in the Canton
Bosnian-Podrinje	If the total household	Average salary of the Canton	5% of the average salary

	income per member does not exceed 15% of the base amount.	is multiplied by the coefficient determined by the Cantonal Government	in the Canton
Central Bosnia	If the total household income per member does not exceed 22% of the base amount and if the child falls under one of six identified categories	Average salary in the Canton	4.5% of the average monthly net cantonal salary
Herzegovina-Neretva	If the total household income per member does not exceed 15% of the base amount.	Average salary in the Federation BiH	15% of the average salary in the Federation BiH. A child benefit increased up to a maximum of 50% of the basic allowance by the Government's decision
West Herzegovina	If the total household income per member does not exceed 20% of the base amount.	Established by the Government's decision	Established by the Government's decision, but such decision was never adopted to the lack of budget funds
Sarajevo Canton	If the total household income per member does not exceed 20% of the base amount	Average salary of the Canton is multiplied by the coefficient determined by the Cantonal Government	5.5% of the average cantonal salary
Canton 10	Child benefit for all children up to the age of 15	Established by the decision of the Cantonal Assembly	Established by the decision of the Cantonal Assembly

Tables below show data on monthly amounts and the number of child allowance beneficiaries in the Federation of Bosnia and Herzegovina in the reference period.

OVERVIEW OF THE NUMBER OF CHILD ALLOWANCE BENEFICIARIES /AS OF 21 December 2015/					
No.	Canton	Number of families beneficiaries	Number of children	Amount per child in BAM	
				With a test	Increased
1.	Una-Sana	-	-	-	-
2.	Posavina	-	-	-	-
3.	Tuzla	11331	18553	20,40	50,00
4.	Zenica - Doboj	11769	21454	14,50	21,75
5.	Bosnian - Podrinje	636	1287	29,00	43,50
6.	Central Bosnia	696	3043	31,51	31,50
7.	Herzegovina-Neretva	-	-	-	-
8.	West Herzegovina	-	-	-	-
9.	Canton Sarajevo	10180	17811	33,00	49,50
10.	Canton 10	-	-	-	-
Total in the Federation of BiH		34612	62148	-	-

OVERVIEW OF THE NUMBER OF CHILD ALLOWANCE BENEFICIARIES /AS OF 21 December 2016/					
No.	Canton	Number of families beneficiaries	Number of children	Amount per child in BAM	
				With a test	Increased
1.	Una-Sana	-	-	-	-

2.	Posavina	-	-	-	-
3.	Tuzla	9940	16420	20/40	50,00
4.	Zenica - Doboj	11789	21357	14,35	21,55
5.	Bosnian - Podrinje	621	1016	29,00	43,50
6.	Central Bosnia	No data	1532	30,28	30,30
7.	Herzegovina-Neretva	-	-	-	-
8.	West Herzegovina	-	-	-	-
9.	Canton Sarajevo	10180	17811	33,00	49,50
10.	Canton 10	-	-	-	-
Total in the Federation of BiH		32530	58136	-	-

OVERVIEW OF THE NUMBER OF CHILD ALLOWANCE BENEFICIARIES /AS OF 21 December 2017/					
No.	Canton	Number of families beneficiaries	Number of children	Amount per child in BAM	
				With a test	Increased
1.	Una-Sana	-	-	-	-
2.	Posavina	1857	2924	-	35,00
3.	Tuzla	13130	-	20,00 – 40,00	50,00
4.	Zenica - Doboj	-	-	-	-
5.	Bosnian - Podrinje	559	924	29,00	43,50
6.	Central Bosnia	-	-	-	-
7.	Herzegovina-Neretva	1275	2589	25,00	35,00
8.	West Herzegovina	-	-	-	-
9.	Canton Sarajevo	8323	11443	3608	33,00/42,00
10.	Canton 10	-	-	-	-
Total in the Federation of BiH		25.144	21.388	20,00-42,00	35,00-50,00

Note:

- Sarajevo Canton: Total income per household member for exercise of the right to child benefit amounts to a maximum of BAM 120.00. Child benefit 33.00 BAM until 31 October 2017, and from 01 November 2017 BAM 42.00. Increased child benefit BAM 49.50 until 31 October 2017, and from 01 November 2017 BAM 63.00;
- Posavina Canton: The payment of child allowance in this Canton started on 01 June 2017;
- Canton 10 – Child benefit is not provided for by the Law, but based on the Decision on the amount of child benefit, the Assembly of the Canton 10 started with the payments from March 2018. Universal compensation (regardless of the means and income test). All children up to 15 years of age are entitled to a supplement to the children, and the amount is determined by the Cantonal Government /BAM 30,00/;
- Una-Sana and West Herzegovina Canton – This right is regulated by law, but not paid;
- Zenica-Doboj and Central-Bosnia Canton – No data was provided.

In Republika Srpska, in relation to socially vulnerable families (Roma families and other vulnerable families such as families with single parents and similar), in accordance with the Law on Social Protection, the rights and services shall be exercised as follows:

- rights in the field of social welfare shall be realized by cash benefits, provision of social services and other measures necessary for social needs to be met, preventing and addressing the social issues. The rights realized by provision of services may be also exercised in the partnership of public, non-governmental and private sector;
- according to the Law on Social Protection, rights that can be exercised by the system beneficiary are: financial aid, cash benefit for assistance and care of another person, support for equalization of opportunities for disabled children and youth, placement in the institution, placement in foster care, home assistance and care, daycare, one-off financial support and counselling.

By distribution of one part of gaming revenue, the Ministry of Health and Social Welfare of Republika Srpska has financed implementation of projects aiming at support of families in social need in 2015, and in 2016, implementation of projects aiming at support of single parents of disabled children and youth and other socially vulnerable families with disabled children and youth, in accordance with objectives of the

Strategy for Improvement of the Social Position of Persons with Disabilities in Republika Srpska (2017-2026).

Also, new Law on Child Protection which was adopted in the end of 2017 and entered into force on 01 January 2018 provides for an increase in entitlement to maternity allowance so that it amounts to BAM 405.00 and is recognized in duration of 12 months for any mother who was unemployed for at least six months prior to the childbirths, regardless of the means test. As one of the child protection rights (in addition to other rights provided for in the previous Law on Child Protection), this Law also provides for a pronatality allowance for birth of the third and the fourth child which was payed on the basis of a bylaw until adoption of the Law.

The Law on Social Protection of Republika Srpska enables to each local self-governmental unit to, by its own decision, define additional rights which correspond to specific needs of beneficiaries living at the territory of that local community and is in accordance with local budget financial possibilities. Extended rights and services are the following: personal assistances for disabled persons, housing support, sheltered housing, support for young people leaving institutions or foster families, one-off financial assistance in kind, soup kitchen services, assistance in schooling of children from socially vulnerable families, assistance in upbringing and education of disabled children, subsidizing utility costs for poor families, assistance for housing of poor families, the costs of funeral for beneficiaries of rights under this Law, SOS phone services and all rights and services in accordance with the needs of local self-governmental units.

The right to financial assistance is intended for the basic needs for living, and beneficiaries can be individuals or entire families.

The right to cash benefit for assistance and care of another person may be exercised by persons who are completely or partially dependent on the assistance and care of another person in meeting the basic living and physiological needs.

The right to support for equalization of opportunities for disabled children and youth shall be exercised by children and youth with physical, mental, sensory or combined disorders who were subjected to an assessment of the needs and guidance of children and young people and which were included in the education process after the elementary school and no later than 30 years of age and this right shall not be exercised on another basis.

Placement in the institution means placement in the social welfare institution or other institution which is not included in the social welfare system, and which is appropriate and meets the conditions for care of the social welfare beneficiaries.

The PI Public Fund for Child Protection of Republika Srpska provides families with a child benefit for the second, third and fourth child, depending on the financial situation of the family.

Based on the submitted request, the right to child benefit shall be provided for the second, third and fourth child in the family depending on the financial situation of the family, birth order and age of children, for no longer than 15 years of age and subjected to full-time schooling. Regardless of the means test, this right may be exercised by children of killed combatants, children of civilian victims of war and war-disabled combatants of I and II category, children who were civilian victims of war, children without parental care, children in relation to which the Act on classification on grounds of disability was adopted by the competent authority, provided that the child is not placed in the social welfare institution, children whose families are entitled to financial assistance under the Law on Social Protection and children suffering from coeliac disease and chronic diseases which, according to opinion of the competent commission, are causing or have caused the relevant bodily harm.

According to the Law on Child Protection, the right to support for care of a newborn child (one-off financial support) shall be guaranteed for every newborn child, as well as the right to maternity allowance

(monthly cash sums in duration of one year) for the first three children, provided that the right to the paid maternity leave is not exercised and that the means test is met as established by the Law. Also, a one-off financial support shall be provided to mothers residing in Republika Srpska, regardless of the place of childbirth, for every third and fourth child born. Funds shall be provided from the Public Fund for Child Protection by a procedure regulated in the Instruction on the method and procedure of payment of the cash compensation to mothers.

Data on monthly amounts of child benefits and number of beneficiaries in Republika Srpska in the reference period by years

Child benefit	2015	2016	2017
Child benefit amount for the second and the fourth child	BAM 35.00	BAM 35.00	BAM 35.00
Child benefit amount for the third child	BAM 70.00	BAM 70.00	BAM 70.00
Child benefit amount for vulnerable categories	BAM 90.00	BAM 90.00	BAM 90.00
Average number of children on an annual basis	30.604	29.182	BAM 27.295

Number of families receiving the child benefit in Republika Srpska in the reference period

	2015	2016	2017
Average number of families entitled to the child benefit on an annual basis	21.819	20.727	19.256

In the Brčko District, funds for children were secured from the budget by a universal system, that is for the families whose monthly income per household member does not exceed 15% of the average income in the Brčko District of BiH. Child benefits are payable in the amount of 10% of the average salary. In 2012, average salary amounted to BAM 683.33, and the benefit amounted to BAM 68.33 a month.

Data on monthly amounts of child benefits and number of beneficiaries in the Brčko District in the reference period 2015-2017

	2015	2016	2017
Data on monthly amounts of child benefits	BAM 783.163,00 / BAM 82.00 / month	BAM 749.846,00 / BAM 82.00 / month	BAM 727.297,00 / BAM 83.,00 / month
Data – number of beneficiaries	4822	4603	4414

Child benefit amount, including the average benefit amount in the Brčko District, reference period 2015-2017

	2015	2016	2017
Child benefit amount	BAM 82.00	BAM 82.00	BAM 83.00

Coverage of families entitled to the child benefit in Brčko District in the reference period 2015 to 2017

Families entitled to the child benefit	2015	2016	2017
Number of families	4.822	4.603	4.414

Data on the amount of the individual child benefit in the Brčko District, as well as on the average amount of the benefit in the reference period from 2015 to 2017

	2015	2016	2017
Individual child benefit amount	BAM 82.00	BAM 82.00	BAM 83.00
Average child benefit amount			

Families which received child benefit in the Brčko District, in the reference period from 2015 to 2017

Families which received child benefit	2015	2016	2017
Number of families	4.822	4.603	4.414

In Brčko District, family benefits are provided to parents regardless of where their children, under the age of 18 and up to 26 years of age, are schooled.

Pre-school institutions

In Conclusions (2015), the European Committee of Social Rights acknowledges information provided in pre-school institutions in the preliminary report of Bosnia and Herzegovina.

Question of the Committee: Please describe the general legislative framework and indicate if there were any legislative amendments in relation to preschool care and education from the previous report.

In Bosnia and Herzegovina, the Framework Law on Pre-school Care and Education in Bosnia and Herzegovina provides legal rules governing the field of pre-school care and education. Pre-school

institutions provide day-care of children, perform educational, preventive-health and social functions by organizing all-day, half-day, minimum, shortened, occasional, five-day and various forms of work with children until the start of primary schooling.

The relevant Framework Law stipulates that each child shall have equal right of access and equal opportunities to participate in appropriate care and education system without discrimination on any ground.

Different programmes of preschool care and education in public and private sector shall be implemented by educators, specialized experts (pedagogues, specialized pedagogues, speech therapists, psychologists, doctors, social workers) with university degree.

Children's healthcare and health improvement at the age between six months and pre-primary school age shall be performed by medical staff with university degree, two-year college degree or secondary medical school.

Children with special needs shall be included in preschool institutions in accordance with programmes adjusted to their respective needs. Individual programmes adjusted to their abilities and capabilities shall be developed for each child respectively and integration programmes shall be developed and implemented for children with special needs.

In year prior to primary school, preschool care and education shall be obligatory for all children at preschool age and conditions and ways of funding, curricula and duration of preschool care and education, shall be regulated by relevant law passed by competent educational bodies.

Preschool care and education in public and private preschool institutions shall be implemented on the basis

of pedagogical standards and norms established by the competent educational bodies, while standards and norms in preschool care and education shall ensure consistent and effective implementation of common core curricula in all preschool institutions in Bosnia and Herzegovina.

Pursuant to relevant laws of both entities, the Brčko District and cantons, for RS, cantons in FBiH and BD, social welfare authority shall co-finance costs of:

- children without parental care,
- children with special needs,
- children of disabled persons,
- children civilian victims of war,
- children of unemployed parents,
- children of single parents,
- children beneficiaries of social welfare, and
- children of full-time students.

Educators working with children in the care and education process shall have university degree in the field of preschool education. Educators with over 20 years work experience and two-year college degree or secondary school degree may continue with their service in care and education process until their retirement.

In the Federation of Bosnia and Herzegovina, the Law on Preschool Upbringing and Education in Bosnia and Herzegovina is harmonized with the relevant Framework Law of Bosnia and Herzegovina in all cantons except the West-Herzegovina, Herzegovina-Neretva and Central Bosnia Canton.

In Republika Srpska, pre-school care and education are an integral part of the unique educational system in Republika Srpska, which represents a foundation of lifelong learning and full development of a

child. Pursuant to the provisions of the Law on Preschool Upbringing and Education, preschool care and education can be organized for each child in the year preceding the start of schooling. The Minister shall issue the Ordinance on the conditions and manner of realization of the programme for children in the year preceding the start of schooling.

About 8,500 children are included in organized preschool care and education, which is about 14.5% of the total number of preschool children in Republika Srpska.

Number of preschool institutions providing daycare for children by age and groups, as well as the number of applications rejected in Republika Srpska

	Number of preschool institutions	Number of educational groups with children up to the age of three	Number of educational groups with children over the age of three
2015	113	98	298
2016	124	107	323
2017	132	133	344

An aggravating circumstance is that there are no preschool institutions in 22 local self-government units. In the Republika Srpska Education Development Strategy for the period 2016-2021, significant attention is paid to preschool upbringing and education. Objectives for this area are:

- increased inclusion of children aged three-six in preschool upbringing and education;
- development of a more efficient and quality system of preschool upbringing and educational services;
- improvement of the existing model of initial education and professional development and more effective system of continuous professional training of educators;
- raising public awareness and decision-makers on the importance of early learning and possible effects on later development and learning; and
- creating conditions for inclusion in the institutional preschool care and education of children who are not developing in a typical manner.

Some of the measures provided for in the Strategy are: reconstruction and adaptation of the existing facilities and construction of new preschool institutions and other facilities; establishing partnership between public and private sector; inclusion of non-governmental sector through various forms of support; promotion of work of directors of preschool institutions; ensuring supervision of the quality of work in preschool institutions by modernizing the model for monitoring the work of educators and establishing immediate insight into the implementation and realization of the preschool educational programme; modernization of Preschool Upbringing and Education Programme in Republika Srpska; modernization of the initial vocational training of educators; the existence of compulsory professional training programmes for educators; monitoring, evaluation and self-evaluation, and the formation of an intersectoral working group for early growth and development.

Preschool programmes are based on the principles of planning, implementation and evaluation of an integrated development programme with an aim of empowering children's learning and development through provision of experiences supported by the system of learning activities and network of learning outcomes.

The following programmes are being implemented within the integrated development programmes:

- 1) specialized development programmes;
- 2) intervention, compensatory and rehabilitation programmes;
- 3) programmes for children before starting to go to school.

Also, a programme for strengthening the parental knowledge and skills in upbringing children is available in preschool institutions. The integrated development program is an open program of preschool upbringing and education and is adaptable for different conditions and duration in all preschool institutions in Republika Srpska.

Since 2011, the Government of Republika Srpska earmarks funds for implementation of preschool programme for children before they start going to school and who did not attend any form of organized preschool upbringing and education and it can be arranged for any child in the year preceding the start of schooling in duration of at least three months. It is primarily carried out in preschool institutions or institutions which carry out the preschool upbringing and educational programmes and where establishment and functioning of preschool institutions is not possible, based on the proposal adopted by the Government of Republika Srpska.

Preschool upbringing and educational activity in terms of pedagogical-educational work, care, preventive healthcare and social welfare is performed by: educators, expert associates and medical technicians. Expert associates who perform the activities on promotion of pedagogical-educational work are: pedagogue, psychologist and defectologist, while expert associates who perform the activities on promotion of social welfare and preventive healthcare, nutrition and care of the children are: family management worker, a nutritionist-dietician and a doctor of medicine, a pediatric specialist. The educational group attended by a disabled child may have an associate for the educator who provides technical assistance to the educator and the disabled child, and whose particularities are indicated by the parent or guardian. For the purpose of vocational training and professional development, educators, expert associates and the directors of preschool institutions are subjected to compulsory training and development programmes.

In the Brčko District, this area is governed by the Law on Preschool Upbringing and Education of the Brčko District of BiH. The objective of the preschool preparation programme for children is to help children who are not included in preschool upbringing and education to adapt more quickly and easily in the school environment. The program is implemented in school and preschool institution for at least 60 hours.

Registered preschool institutions in the Brčko District are the following:

1. Public preschool institution Obdanište i zabavište "Naša djeca" Brčko;
2. Private PI "Evlad" Brčko;
3. Private PI "Pčelica Maja" Brčko;
4. Private PI "Bambi" Brčko;
5. Private PI "Vožić osmijeha" Brčko.

All of the aforementioned institutions provide for children daycare. In school 2018/2019, 126 new pupils enrolled, while 317 of them remained on hold.

The Pedagogical Institution, the Inspector for Education and the Administrative Inspector are responsible for supervision of the legality of work, application of standards and the quality of work, both in public and private institutions. There are also two health associates for children with special needs and serious impairment, so that in the relevant period, two children with serious impairment can be admitted. A number of children with minor impairment varies from 10-20 depending on the number of applicants (impairment of sight, hearing, or speech).

The said Law defines the time for compulsory inclusion of children in preschool education and stipulates that in the year preceding the start of schooling, preschool upbringing and education are compulsory for all children of preschool age.

Preschool upbringing and education is an activity which lasts for at least 150 hours, and can be organized once or several times a week in the longest daily duration of three hours, in accordance with the needs and interests of the family and the child. Preschool upbringing and education are implemented in school and preschool institution, and is funded by the Education Department. The preschool institution is obliged to issue a certificate to each child who is attending preschool upbringing and educational programme.

Measures taken with an aim of monitoring the quality of services include: active work with the Council of Parents who, in the capacity of beneficiaries, make their proposals and suggestions for improvement of services, also professional-pedagogical supervision is carried out by the Pedagogical Institution and services are regularly analysed by the Management Board of the Institution and the staff is regularly trained.

Domestic violence

In Conclusions (2015), the European Committee of Social Rights acknowledges information provided in previous report of Bosnia and Herzegovina on the domestic violence.

Question of the Committee: Please describe the general legislative framework and indicate if there were any legislative amendments in relation to the previous report, and provide data on domestic violence cases for the reference period.

Tables below show data on the domestic violence cases **in the Federation of Bosnia and Herzegovina** for the reference period, for each canton respectively, classified by age and type of violence.

DOMESTIC VIOLENCE AGAINST CHILDREN, YOUNG AND ELDERLY PERSONS IN 2015												
Canton	Age group	Physical violence		Emotional violence		Sexual violence		Other forms of violence		Total		
		M	F	M	F	M	F	M	F	M	F	M+F
Una-Sana	0-3	0	0	0	0	0	0	2	2	2	2	4
	4-6	3	2	1	1	0	0	5	6	9	9	18
	7-14	4	8	2	5	3	1	9	7	18	21	39
	15-18	3	9	3	3	0	0	3	3	9	15	24
	19-27	5	17	0	7	2	0	3	12	10	36	46
	28-45	5	50	0	21	1	0	1	26	7	97	104
	Over 46	1	28	1	4	2	0	1	6	5	38	43
	Total	21	114	7	41	8	1	24	62	60	218	278
Posavina	0-3	0	1	0	0	0	0	0	0	1	1	1
	4-6	0	0	0	0	0	0	0	0	0	0	0
	7-14	0	0	0	0	0	0	0	0	0	0	0
	15-18	1	1	1	1	0	0	0	0	2	2	4
	19-27	2	0	1	1	0	0	0	0	3	1	4
	28-45	0	6	1	5	0	0	2	1	3	12	15
	Over 46	0	4	1	6	0	0	0	1	1	11	12
	Total	3	12	4	13	0	0	2	2	9	27	36
Tuzla	0-3	0	2	2	2	0	0	2	1	4	5	9
	4-6	1	0	6	3	0	1	2	2	9	6	15
	7-14	5	3	11	7	0	0	4	3	20	13	33
	15-18	2	9	3	4	0	0	0	0	5	13	18
	19-27	2	47	1	22	0	1	0	3	3	73	76
	28-45	1	102	0	49	1	0	0	15	2	166	168
	Over 46	17	65	3	33	0	0	1	5	21	103	124
	Total	28	228	26	120	1	2	9	29	64	379	443
	0-3	0	0	0	0	0	0	0	0	0	0	0

Zenica-Doboj	4-6	0	0	3	3	0	0	0	3	3	6
	7-14	4	5	8	7	1	0	4	0	17	12
	15-18	6	9	6	11	0	1	0	0	12	21
	19-27	7	30	2	23	0	0	0	3	9	56
	28-45	2	48	4	41	0	0	1	4	7	93
	Over 46	2	24	2	34	0	0	0	6	4	68
	Total	21	116	25	119	1	1	5	13	52	249
Bosnian-Podrinje	0-3	0	0	0	0	0	0	0	0	0	0
	4-6	0	0	0	0	0	0	0	0	0	0
	7-14	0	0	0	0	0	1	0	0	0	1
	15-18	0	0	0	0	0	0	0	0	0	0
	19-27	0	1	0	0	0	0	0	0	0	1
	28-45	0	2	0	0	0	0	0	0	0	2
	Over 46	0	0	0	0	0	0	0	0	0	0
	Total	0	3	0	0	0	1	0	0	0	4
Central Bosnia	0-3	0	0	1	1	0	0	0	0	1	2
	4-6	1	0	2	0	0	0	2	1	5	1
	7-14	3	2	0	1	0	0	3	3	6	12
	15-18	0	1	0	4	0	0	1	1	1	6
	19-27	1	5	4	5	0	0	0	0	5	10
	28-45	19	16	0	11	0	0	0	8	19	35
	Over 46	1	10	1	8	0	0	0	1	2	19
	Total	25	34	8	30	0	0	6	14	39	78
Herzegovina-Neretva	0-3	0	0	0	0	0	0	1	0	1	1
	4-6	0	0	0	0	0	0	0	0	0	0
	7-14	4	3	3	1	0	0	0	0	7	4
	15-18	2	0	0	1	0	2	0	1	2	4
	19-27	5	14	0	1	0	0	0	1	5	16
	28-45	3	36	0	9	0	0	2	3	5	48
	Over 46	6	27	2	10	0	0	0	10	8	47
	Total	20	80	5	22	0	2	2	16	27	120
West Herzegovina	0-3	2	0	2	0	0	0	0	4	0	4
	4-6	0	0	0	0	0	1	0	1	0	2
	7-14	0	0	2	0	0	1	0	1	2	4
	15-18	0	1	1	4	0	1	0	1	1	7
	19-27	0	0	0	2	1	0	0	0	1	2
	28-45	0	5	0	10	0	1	1	5	1	21
	Over 46	0	0	0	1	0	1	0	0	0	2
	Total	2	6	5	17	1	5	1	8	9	36
Sarajevo Canton	0-3	2	3	19	24	0	0	25	26	46	53
	4-6	2	3	41	43	0	0	34	44	77	90
	7-14	28	25	57	53	0	0	36	48	121	126
	15-18	14	46	33	54	0	0	27	57	74	157
	19-27	5	101	22	99	0	0	9	46	36	246
	28-45	5	182	13	208	0	2	8	66	26	458
	Over 46	15	109	19	116	0	0	11	65	45	290
	Total	71	469	204	597	0	2	150	352	425	1420
Canton 10	0-3	1	0	0	0	0	0	4	1	5	1
	4-6	0	2	0	0	0	0	1	3	1	5
	7-14	9	3	0	0	0	1	4	2	13	6
	15-18	0	5	3	2	0	1	0	0	3	8
	19-27	0	8	0	3	0	0	0	0	0	11
	28-45	3	6	0	4	0	0	0	0	3	10
	Over 46	2	11	1	6	0	0	0	0	3	17
	Total	15	35	4	15	0	2	9	6	28	58
	Total	5	6	24	27	0	0	33	31	62	64
	Total	7	7	53	50	0	2	44	57	104	116
	Total	57	49	83	74	4	4	60	64	204	191
	Total	5	6	24	27	0	0	33	31	62	126
	Total	7	7	53	50	0	2	44	57	104	220
	Total	57	49	83	74	4	4	60	64	204	395

Grand total	15-18	28	81	50	84	0	5	31	63	109	233	342
	19-27	27	223	30	163	3	1	12	65	72	452	524
	28-45	38	453	18	358	2	3	15	128	73	942	1015
	Over 46	44	278	30	218	2	1	13	94	89	591	680
	Total	206	1097	288	974	11	16	208	502	713	2589	3302

DOMESTIC VIOLENCE AGAINST CHILDREN, YOUNG AND ELDERLY PERSONS IN 2016												
Canton	Age group	Physical violence		Emotional violence		Sexual violence		Other forms of violence		Total		
		M	F	M	F	M	F	M	F	M	F	M+F
Una-Sana	0-3	0	0	0	0	0	0	1	1	1	1	2
	4-6	2	2	1	3	0	0	3	3	6	8	14
	7-14	5	8	2	7	0	1	4	4	11	20	31
	15-18	7	8	4	6	0	0	4	2	15	16	31
	19-27	3	23	1	9	0	0	1	14	5	46	51
	28-45	3	52	2	10	0	0	1	19	6	81	87
	Over 46	6	28	0	6	0	1	0	13	6	48	54
	Total	26	121	10	41	0	2	14	56	50	220	270
Posavina	0-3	0	1	0	0	0	0	0	0	1	1	1
	4-6	0	0	0	0	0	0	0	0	0	0	0
	7-14	0	0	0	0	0	0	0	0	0	0	0
	15-18	0	0	0	0	0	0	0	0	0	0	0
	19-27	0	0	0	0	0	0	0	0	0	0	0
	28-45	0	3	0	0	0	0	0	1	0	4	4
	Total	1	7	1	4	0	0	0	2	2	13	15
Tuzla	0-3	0	3	4	2	0	1	2	1	6	7	13
	4-6	0	0	4	1	0	0	2	2	6	3	9
	7-14	4	3	13	13	0	1	6	3	23	20	43
	15-18	2	5	7	8	0	0	1	2	10	15	25
	19-27	0	31	5	17	0	0	6	4	11	52	63
	28-45	5	95	15	54	3	4	0	33	23	186	209
	Total	12	222	57	129	6	10	17	65	92	426	518
Zenica-Doboj	0-3	1	2	0	0	0	0	0	0	1	2	3
	4-6	1	3	1	1	0	0	0	0	2	4	6
	7-14	5	7	3	5	0	0	2	1	10	13	23
	15-18	4	5	2	4	0	0	0	2	6	11	17
	19-27	3	24	2	20	0	0	0	10	5	54	59
	28-45	2	39	2	20	0	0	1	10	5	69	74
	Total	21	115	18	76	0	0	4	33	43	224	267
Bosnian-Podrinje	0-3	0	0	0	0	0	0	0	0	0	0	0
	4-6	0	0	0	0	0	0	0	0	0	0	0
	7-14	0	0	0	0	0	0	0	0	0	0	0
	15-18	0	0	0	0	0	0	0	0	0	0	0
	19-27	0	4	0	6	0	0	0	0	0	10	10
	28-45	0	0	0	4	0	0	0	0	0	4	4
	Total	0	5	0	11	0	0	0	0	0	16	16
Central Bosnia	0-3	0	0	0	0	0	0	0	0	0	0	0
	4-6	0	0	0	0	0	0	0	0	0	0	0
	7-14	3	2	5	7	0	1	0	2	8	12	20
	15-18	0	1	0	3	0	2	0	0	0	6	6
	19-27	1	13	0	2	0	0	1	1	2	16	18
	28-45	3	16	0	2	0	0	1	3	4	21	25

	Over 46	4	7	0	2	0	0	0	4	9	13	
	Total	11	39	5	16	0	3	2	6	18	64	82
Herzegovina-Neretva	0-3	0	0	0	0	0	1	0	1	0	1	
	4-6	1	2	2	6	0	0	0	0	3	8	
	7-14	6	10	6	16	0	0	2	2	14	28	
	15-18	1	6	0	1	0	2	1	0	2	9	
	19-27	0	4	0	1	0	0	0	1	0	6	
	28-45	2	16	0	5	0	0	0	0	2	23	
	Over 46	8	12	0	2	0	0	0	0	8	14	
	Total	18	50	8	31	0	2	4	3	30	86	116
West Herzegovina	0-3	0	0	0	0	0	0	0	0	0	0	
	4-6	0	0	0	0	0	1	0	1	0	2	
	7-14	0	0	2	1	0	1	1	1	3	6	
	15-18	1	0	2	4	0	1	1	2	4	7	
	19-27	0	0	0	2	1	0	1	1	2	3	
	28-45	1	7	0	13	0	1	0	1	1	22	
	Over 46	0	1	0	1	0	0	0	0	0	2	
	Total	2	8	4	21	1	4	3	6	10	39	49
Sarajevo Canton	0-3	2	3	21	25	0	0	35	42	58	70	128
	4-6	3	2	32	38	0	0	32	58	67	98	165
	7-14	27	20	76	62	0	2	60	62	163	146	309
	15-18	18	20	45	65	0	1	44	47	107	133	240
	19-27	6	94	15	74	0	1	11	59	32	228	260
	28-45	14	113	27	123	0	0	10	56	51	292	343
	Over 46	11	94	22	117	0	0	23	52	56	263	319
	Total	81	346	238	504	0	4	215	376	534	1230	1764
Canton 10	0-3	0	0	0	0	0	0	0	0	0	0	
	4-6	2	0	2	0	0	0	0	0	4	0	
	7-14	1	4	6	7	0	0	0	0	7	11	
	15-18	2	2	2	6	0	0	0	0	4	8	
	19-27	0	3	0	3	0	0	0	0	0	6	
	28-45	2	17	1	10	0	0	1	0	4	27	
	Over 46	2	6	4	7	0	0	0	1	6	14	
	Total	9	32	15	33	0	0	1	1	25	66	91
Grand total	0-3	3	9	25	27	0	1	39	44	67	81	148
	4-6	9	9	42	49	0	1	37	64	88	123	211
	7-14	51	54	113	118	0	6	75	75	239	253	492
	15-18	35	47	62	97	0	6	51	55	148	205	353
	19-27	13	196	23	134	1	1	20	90	57	421	478
	28-45	32	358	47	241	3	5	14	123	96	727	823
	Over 46	38	272	44	200	3	5	24	97	109	574	683
	Total	181	945	356	866	7	25	260	548	804	2384	3188

DOMESTIC VIOLENCE AGAINST CHILDREN, YOUNG AND ELDERLY PERSONS IN 2017											
Canton	Age group	Physical violence		Emotional violence		Sexual violence		Other forms of violence		Total	
		M	F	M	F	M	F	M	F	M	F
Una-Sana	0-3	0	0	0	2	1	0	1	1	2	3
	4-6	1	1	2	1	0	1	0	2	3	5
	7-14	2	2	1	5	0	3	0	3	3	16
	15-18	9	12	0	0	0	3	2	2	11	17
	19-27	1	25	1	1	0	0	0	0	2	26
	28-45	2	48	0	14	0	0	0	6	2	68
	Over 46	9	32	0	9	0	0	2	4	11	45
	Total	24	120	4	32	1	7	5	18	34	177
	0-3	0	0	0	0	0	0	0	0	0	0
	4-6	0	0	0	0	0	0	0	0	0	0

Posavina	7-14	0	0	0	0	0	2	0	0	0	2	2
	15-18	0	0	0	0	0	0	0	0	0	0	0
	19-27	0	0	0	0	0	0	0	0	0	0	0
	28-45	0	4	2	4	0	1	0	0	2	9	11
	Over 46	0	3	0	4	0	0	0	0	0	7	7
	Total	0	7	2	8	0	3	0	0	2	18	20
	0-3	1	2	0	0	0	0	0	1	2	3	
Tuzla	4-6	0	2	0	0	0	0	0	0	2	2	
	7-14	5	3	1	2	0	0	2	2	8	7	15
	15-18	0	9	3	4	0	2	1	3	4	18	22
	19-27	2	32	2	9	0	0	1	9	5	50	55
	28-45	5	100	3	73	0	3	4	52	12	228	240
	Over 46	10	84	6	62	0	4	8	35	24	185	209
	Total	23	232	15	150	0	9	16	101	54	492	546
Zenica-Doboj	0-3	0	0	1	3	0	0	0	1	3	4	
	4-6	1	0	0	0	0	0	0	1	0	1	
	7-14	2	7	4	4	0	3	1	1	7	15	22
	15-18	5	5	4	4	0	0	0	0	9	9	18
	19-27	3	20	0	3	0	0	2	5	5	28	33
	28-45	3	42	2	12	1	0	3	22	9	76	85
	Over 46	8	31	8	27	1	0	5	8	22	66	88
Bosnian-Podrinje	Total	22	105	19	53	2	3	11	36	54	197	251
	0-3	0	0	0	0	0	0	0	0	0	0	0
	4-6	0	0	0	0	0	0	0	0	0	0	0
	7-14	0	0	0	0	0	0	0	0	0	0	0
	15-18	0	0	0	0	0	0	0	0	0	0	0
	19-27	0	0	0	0	0	0	0	0	0	0	0
	28-45	0	2	0	0	0	0	0	0	0	2	2
Central Bosnia	Over 46	0	1	0	0	0	0	0	0	1	1	
	Total	0	3	0	0	0	0	0	0	0	3	3
	0-3	0	1	0	0	0	0	0	0	1	1	
	4-6	1	0	0	0	0	0	0	1	0	1	
	7-14	2	3	0	0	0	0	0	0	2	3	5
	15-18	0	2	0	1	0	2	0	1	0	6	6
	19-27	0	5	0	1	0	0	1	1	1	7	8
Herzegovina-Neretva	28-45	0	25	0	1	0	1	1	1	1	28	29
	Over 46	4	8	0	1	0	0	0	0	4	9	13
	Total	7	44	0	4	0	3	2	3	9	54	63
	0-3	0	0	0	0	0	1	0	1	0	1	
	4-6	3	7	0	0	0	0	1	3	8	11	
	7-14	7	12	3	7	0	0	2	2	12	21	33
	15-18	0	6	4	2	0	3	0	0	4	11	15
West Herzegovina	19-27	0	4	1	1	0	0	0	0	1	5	6
	28-45	1	19	0	2	0	0	0	0	1	21	22
	Over 46	2	9	4	3	0	0	0	0	6	12	18
	Total	13	57	12	15	0	3	3	3	28	78	106
	0-3	0	0	0	0	0	0	0	0	0	0	0
	4-6	0	0	0	0	0	0	0	0	0	0	0
	7-14	0	0	0	0	0	0	0	0	0	0	0
Sarajevo	15-18	0	0	0	0	0	1	2	0	2	1	3
	19-27	0	4	0	1	0	0	0	0	0	5	5
	28-45	3	3	1	4	0	0	0	8	4	15	19
	Over 46	1	4	2	5	0	0	0	0	3	9	12
	Total	4	11	3	10	0	1	2	8	9	30	39
	0-3	0	0	12	15	0	0	19	30	31	45	76
	4-6	0	1	32	30	0	0	28	32	60	63	123
	7-14	17	4	59	41	0	0	50	54	126	101	227
	15-18	16	15	39	59	0	0	39	40	94	114	208

Canton	19-27	18	76	39	63	0	0	8	48	65	189	254
	28-45	5	142	59	117	0	0	7	64	71	323	394
	Over 46	14	90	48	80	0	0	20	42	82	212	294
	Total	70	328	288	405	0	0	171	310	529	1047	1576
Canton 10	0-3	0	0	0	0	0	0	0	0	0	0	0
	4-6	0	0	0	0	0	0	0	0	0	0	0
	7-14	0	0	0	0	0	0	0	0	0	0	0
	15-18	0	0	0	0	0	0	2	0	2	1	3
	19-27	0	4	0	0	0	0	0	0	0	5	5
	28-45	3	3	1	1	0	0	0	8	4	15	19
	Over 46	1	4	2	4	0	0	0	0	3	9	12
	Total	4	11	3	5	0	0	2	8	9	30	39
Grand total	0-3	1	3	13	20	1	0	21	31	36	54	90
	4-6	7	11	35	31	0	1	28	35	70	78	148
	7-14	36	36	72	64	0	10	55	62	163	172	335
	15-18	31	51	52	75	0	11	45	46	128	183	311
	19-27	25	168	43	81	0	2	12	64	80	315	395
	28-45	27	397	67	236	1	5	17	156	112	794	906
	Over 46	53	267	68	195	1	4	38	94	160	560	720
	Total	180	933	350	702	3	33	216	488	749	2156	2905

**Number of reported domestic violence cases in the Federation of Bosnia and Herzegovina
(data of Cantonal Ministries of Internal Affairs)**

2012	2013	2014	2015	2016	2017
1.661	1.669	1.459	1.427 ⁶	-	1.487 ⁷

**Number of submitted reports on committed criminal offences
in the Federation of Bosnia and Herzegovina
(data of Cantonal Ministries of Internal Affairs)**

2012	2013	2014	2015	2016	2017
882	916	992	771 ⁸	-	697 ⁹

Data of Municipal Courts on convicting decisions, perpetrators of criminal offences and injured parties in the Federation of Bosnia and Herzegovina

Criminal offence/ Acts of domestic violence	Injured parties - Victims			
	Women	Girls	Men	Boys
	337	52	55	44
Total	488			

Data of Municipal Courts on convicting decisions, perpetrators of criminal offences and injured parties in the Federation of Bosnia and Herzegovina

Criminal offence/ Acts of domestic	Suspects/Perpetrators			
	Women	Girls	Men	Boys

⁶ Data of the CBC Mol lacking;

⁷ Data of the HNC Mol lacking;

⁸ Data of the CBC Mol lacking;

⁹ Data of the HNC Mol lacking;

violence				
	12	-	412	-
Total		424		

Data of Municipal Courts on convicting decisions, perpetrators of criminal offences and injured parties in the Federation of Bosnia and Herzegovina

Criminal offence/ Acts of domestic violence	Convicting decisions (sanctions pronounced)			
	Women	Girls	Men	Boys
	43	18	281	9
Total	351			

Number of persons placed in Safe Houses in the Federation of Bosnia and Herzegovina

2015	2016	2017
264	257	219

The number of calls to 1265 - SOS phone in the Federation of Bosnia and Herzegovina

2015	2016	2017
914	654	453

In Republika Srpska, amendments and supplements to the Law on Protection of the Child have been made in the past, more specifically, a new Law on the Child Protection of Republika Srpska was adopted in late 2017 and entered into force on 1 January 2018. Also, the Law on Social Protection was amended and supplemented in 2016.

Amendments and supplements to the Law on Protection from Domestic Violence were made in 2015. The main reason for the amendments and supplements to this Law was the need for the Law to be aligned with the provisions of the Law on Misdemeanours in Republika Srpska in the part related to the imposition of new misdemeanour sanctions. The Law has been aligned in the part related to criminal sanctions, while also introducing the possibility of pronouncing imprisonment in the misdemeanour proceedings in a manner that a domestic violence recidivist could alternatively be pronounced a prison sentence of up to 30 days, a perpetrator who repeated the act of violence in the presence of a child could be pronounced a prison sentence of up to 40 days, and a perpetrator of domestic violence who commits an act of violence to the detriment of a child could be sentenced to up to 60 days in prison.

Within the meaning of the Law on Protection from Domestic Violence, a Safe House constitutes a special measure of support to ensure safe accommodation and assistance to victims of domestic violence, implemented by a legal person. Placing victims in safe houses is prescribed by the Law on Protection from Domestic Violence and its by-laws, and so are the standards and procedures for the implementation of this measure. Based on the assessment of the expert team, Centre for Social Work, i.e. the social welfare service in the local community in which the victim has a permanent place of residence, renders a decision on the need to place the victim in a safe house. In Republika Srpska, this support measure is implemented through three safe houses. Safe houses in the Republika Srpska have continuously sheltered victims of domestic violence in the reference period.

Number of victims of domestic violence taken to safe houses in Republika Srpska

Year				Total
2014	47	8	23	78
2015	58	2	16	16
2016	68	4	36	108
2017	112	16	62	190

In Republika Srpska, the Ministry of Family, Youth and Sports is responsible for monitoring the implementation of the Law on Protection from Domestic Violence in Republika Srpska, which also stipulates the obligation of the Ministry to collect and process data on domestic violence in Republika Srpska. Likewise, recording and processing of statistical data on the number of criminal offences with the element of violence against women fall within the competence of the Ministry of the Interior of Republika Srpska, which is also responsible for collecting and processing data on all criminal offences in Republika Srpska.

Within the meaning of the Law on Protection from Domestic Violence, domestic violence shall represent any act of violence of a member of family or family unit, which endangers tranquillity, mental, physical, sexual or economic integrity of another member of family or family unit.

A General Protocol on Action in Cases of Domestic Violence in Republika Srpska agreed upon by the Ministries – parties to secure protection against domestic violence: the Ministry of Family, Youth and Sports, the Ministry of the Interior, the Ministry of Justice, the Ministry of Health and Social Welfare and the Ministry of Education and Culture, provides guidance to acting official persons so as to ensure a systematic, interdisciplinary, professional and comprehensive approach to domestic violence. The General Protocol on Action in Cases of Domestic Violence in Republika Srpska has improved the mechanism for data collection and recording and for reporting on domestic violence, which was established by the Rulebook on the Content of Records and Reports on Domestic Violence. The application of the General Protocol in the daily work of competent bodies is of crucial importance in developing a system of protection against domestic violence. Not only that its application provides the adequate measures in the case of domestic violence, but it also provides prevention through the development of professional competences, a better understanding of the phenomenon of domestic violence, breaking stereotypes and prejudices and building "zero tolerance" for domestic violence and, consequently, for all other types of violence.

Domestic violence against women

In Conclusions (2015), the European Committee of Social Rights receives information on the protection of women from violence given in the previous report.

Question of the Committee: Describe the general legislative framework and indicate any possible measures taken to combat domestic violence against women, relative to the previous reporting period.

In 2016, the Council of Ministers of Bosnia and Herzegovina discussed and adopted Information on Implementation of the Final Evaluation of the Financial Mechanism for the Implementation of the Gender Action Plan of Bosnia and Herzegovina (FIGAP programme). During the five years of implementation the projects focused on the protection from violence against women, on economic empowerment, social and legal protection, etc. The projects were implemented in cooperation with institutions at all levels of authority and with non-governmental organisations.

Over the past period, local action plans have been adopted to protect citizens from the security threats and challenges they face on a daily basis, which include the measures to combat and prevent gender-based

violence in public and private sectors, which is recognised as one of the major security concerns in local communities.

In Bosnia and Herzegovina, implementation of the measures under the Framework Strategy for the Implementation of the Convention on Preventing and Combating Violence against Women and Domestic Violence (2015-2018) continued.

Therefore, Bosnia and Herzegovina has a quality legal, international and domestic framework for preventing and combating violence against women and domestic violence. International legal documents covering this area are contained in the Constitution of Bosnia and Herzegovina and form its integral part. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is of particular importance.

Furthermore, the Entity Constitutions guarantee the prohibition of discrimination on all grounds, and a series of legal documents prohibiting gender-based discrimination and incriminating various forms of violence against women and domestic violence have been adopted. The most important of them is the Law on Prohibition of Discrimination of Bosnia and Herzegovina and the Law on Gender Equality in Bosnia and Herzegovina.

Also, the Entity Family Laws prohibit domestic violence, and the respective Criminal Codes of Bosnia and Herzegovina, both entities and the Brčko District, incriminate domestic violence and provide the basis for prosecuting perpetrators and protecting victims of gender-based violence. The Entity Laws on Protection from Domestic Violence define the protection measures and mechanisms in cases of domestic violence.

In practice, assistance to women-victims of violence and to their children is primarily provided by non-governmental organisations, mostly through safe houses the functioning of which is funded from donations in the amount exceeding 90%. There are nine safe houses with 173 available places on the territory of Bosnia and Herzegovina. On the territory of the Federation of Bosnia and Herzegovina, there are six safe houses with 131 available places for accommodation of victims of domestic violence which operate within non-governmental organisations. There are three safe houses in Republika Srpska, also within non-governmental organisations.

In Republika Srpska, the establishment, operation and financing of safe houses are prescribed by the Law on Protection from Violence. As for the rest of the country, there are currently no standards adopted by the governmental institutions for the establishment, functioning and financing of safe houses, nor are there standards for providing services to victims of violence sheltered in safe houses, i.e. their status has not been solved. Governmental institutions partially provide funds for specific services to women-victims of violence and to their children who are placed in six safe houses.

The protection and treatment of victims of violence in a safe house includes, among other things, full logistical care of women and children, including appropriate professional assistance, through individual and group therapy, counselling, family therapy, occupational therapy, economic empowerment through occupation-specific courses, etc. Within the victims of violence protection and rehabilitation programme, the following treatments are provided: psychotherapy, body therapy, family therapy, partner therapy, social counselling, legal counselling, pedagogical support, medical support, social group, crisis interventions, telephone interventions, legal aid, therapeutic work with partner/perpetrator of violence, administrative case/violence case management, rehabilitation, re-socialization and other specific activities.

In the Federation of Bosnia and Herzegovina, the Law on Protection against Domestic Violence specifies precisely the concept of domestic violence, prescribing an urgent procedure for imposing protective measures, bearing in mind their purpose of protecting victims of violence, prescribing other forms of protection of victims of violence, such as: establishment of the source of funds for safe houses, adoption of the Federation and cantonal programmes of measures for the prevention, protection and fight against domestic violence, the obligation to establish referral mechanisms for the treatment of victims of violence in each local community and the obligation of a multidisciplinary approach to providing protection to victims of violence, including the obligation to keep statistical data on reported cases of violence.

The Federation Ministry of Labour and Social Policy has taken a range of activities to improve and upgrade the system of social and child protection, that is, the protection of victims of domestic violence in the Federation of Bosnia and Herzegovina, as well as the activities related to the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and the Strategy for Preventing and Combating Domestic Violence 2013-2017.

Based on an analysis made in this field on a regular basis since 2012, it is noted that, in the Federation of Bosnia and Herzegovina, different institutions and organisations provide certain types of assistance to women-victims of violence, including domestic violence (e.g. Centres for Social Work, police, health care institutions, NGOs, etc.). By ratifying a number of international documents, the Federation of Bosnia and Herzegovina has committed itself to providing organizational, personnel and technical services that will adequately secure all forms of expert assistance to women against whom violence has been committed.

It is worth noting that the foregoing six safe houses on the territory of the Federation of Bosnia and Herzegovina are located in different areas of the Federation of Bosnia and Herzegovina and their accommodation capacities are uneven. A common problem faced by all safe houses is their unsolved financial status. Safe houses in Sarajevo and Zenica have partially solved funding through the funds allocated from the budgets of cantonal local institutions (60 to 80%), while other safe houses only receive lump sums and unequal funds from the competent cantonal and the Federation, which considerably affects the quality of treatment of victims of violence and their re-socialisation. Safe houses have qualified staff, a multidisciplinary team consisting mainly of social workers, psychotherapists, doctors, nurses, body therapists, lawyers, pedagogues, occupational therapists, etc. Personnel working in safe houses as well as persons placed in safe houses are exposed to the risk of being threatened by those who committed the violence. The building security is in some cases enabled through the video surveillance. The readiness of police officers to secure, in all cases where necessary, the building where victims of violence are placed and to provide adequate assistance to staff employed in safe houses is particularly emphasised.

One of the services of assistance to victims of domestic violence is the SOS telephone line for assistance and support to victims of domestic violence, which is often the fastest way to help victims. Before the establishment of this unique line for the territory of the Federation of Bosnia and Herzegovina, non-governmental organisations within which safe houses operated had their own special telephone lines, which still exist in a certain number of these organisations.

In 2008, at the initiative of the Gender Centre of the Federation of Bosnia and Herzegovina, a Memorandum of Cooperation was signed between the Gender Centre of the Federation of Bosnia and Herzegovina, the Jajce Centre for Social Work and five non-governmental organisations. In this way a unique SOS telephone line was established for the territory of the Federation of Bosnia and Herzegovina. Female operators who completed special training programmes for working with victims of domestic violence work on this line. Calls to the SOS line are secured during 24 hours and are free of charge.

In order to help the victims of domestic violence, a multidisciplinary approach that implies common interventions by various institutions and professions in addressing domestic violence problems tends to be applied. Coordination of multidisciplinary work is regulated through cooperation protocols.

In the Federation of Bosnia and Herzegovina, eight cantonal protocols on mutual cooperation have been signed between cantonal institutions towards providing some forms of assistance to victims of domestic violence. These protocols have been signed by 72% of the municipalities in the Federation of Bosnia and Herzegovina, while a certain number of municipalities also have their local protocols in place. The established mutual cooperation and prescribed procedures for all institutions as to how to act in providing assistance to victims of violence (police, health professionals, social workers, educational institutions, judiciary and non-governmental organisations) guarantee a more adequate protection for every victim of domestic violence, including children.

In local communities that are involved in protocols signed between the competent authorities at cantonal and local levels and non-governmental organisations having safe houses within them, significant results have been achieved in supporting victims of violence, which are also reflected in both regular planning and allocation of funds in the municipal budgets to support the work of safe houses. The funds allocated by individual municipalities range between 600 and 17,000 KM depending on the number of inhabitants in the area of a particular municipality. According to the available data, it is evident that a certain number of other local communities are planning and allocating in their budgets the funds necessary for placement of women-victims of violence in safe houses from the territory of that particular local community in one of the safe houses operating in the Federation of Bosnia and Herzegovina. It is worth noting that non-governmental organisations regularly provide a part of donations both for the establishment of protocols and for economic strengthening of women, as well as for the training of signatories of intervention protocols at cantonal and local levels through donors.

In cantons where there are no safe houses, local community bodies have made safe apartments / reception facilities available to Centres for Social Work for the placement of victims of violence in crisis situations.

Experiences so far have shown that, in order to protect families with children, it is necessary to provide expert assistance to perpetrators of domestic violence as well. Although there is no specialised institution in the Federation of Bosnia and Herzegovina that provides assistance to perpetrators of violence, it is worth noting that a certain number of non-governmental organisations are developing systems to assist perpetrators of violence. Funds for developing these systems (mobile teams, self-help groups, daily treatments, and the like) are provided primarily through donation-funded projects.

Based on the knowledge and experiences of the countries in the region and Bosnia and Herzegovina, comprehensive training is required to be organised for professionals working with perpetrators of domestic violence, to cover prevention issues and the implementation of some of the protective measures. Recognising the need for preventive action aimed at reducing the incidence of domestic violence, a certain number of local communities in the Federation of Bosnia and Herzegovina have adopted the prevention plans. The significance of these plans lies in the fact that the funds for the activities contained in the prevention plans have been secured in the budgets of local communities.

In Republika Srpska, when it comes to public policies and strategic documents aimed at preventing and suppressing gender-based violence and adopted in the reporting period, in addition to the Law on Protection from Domestic Violence, it is important to mention the Strategy for Combating Domestic Violence, the Rulebook on Standards for Establishment of Safe Houses, Rulebook on the Content and the Methods of Maintaining the Register of Safe Houses, the Rulebook on the Method of Assigning Assets to Safe Houses, the Rulebook on the Content of Records and Reports on Domestic Violence, the Rulebook

on the Method and Place of Implementation of the Protective Measure of Mandatory Treatment of Alcohol and Narcotic Drugs Addictions, the Rulebook on the Manner and Place of Implementation of the Protective Measure of Mandatory Psychosocial Treatment, the Rulebook on the Implementation of Emergency and Protective Measures falling within the competence of the Ministry of the Interior of Republika Srpska, and the General Protocol on Action in Cases of Domestic Violence in Republika Srpska.

During the reporting period, significant results were achieved in Republika Srpska in the area of protection of women and family from violence. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter: the Istanbul Convention) is implemented directly in Republika Srpska, and by the Decision of the Republika Srpska Government, the Gender Centre has been defined to be the Coordination Body for the Implementation of, Monitoring of the Implementation of and Reporting to the Government of Republika Srpska on the programmes and measures consistent with the Convention, including cooperation with bodies and organisations in Republika Srpska, Bosnia and Herzegovina and the Council of Europe in connection with this Convention. At the same time, all ministries and republic bodies and organisations were tasked with cooperating with the Gender Centre towards meeting the obligations under the Convention.

- An analysis of actions conducted by the institutions in cases of gender-based murders in Republika Srpska was made and future measures and programmes for preventing gender-based violence in Republika Srpska have been created based on its findings. The first regional conference on femicide (gender-based murders) was organised and the results of the aforementioned analysis were presented at the conference;
- In 2016, capacities in the field of education, police and free legal aid were assessed in Republika Srpska from the aspect of the possibility of applying the Istanbul Convention and recommendations for improvements in these sectors were defined. A methodology with the proposal of indicators for monitoring the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in Republika Srpska was developed. A survey of socio-economic gender inequalities from the perspective of life flows in Republika Srpska was conducted and an analysis of the situation in the field of criminal protection in connection with criminal offences in the field of gender-based violence was made;
- In 2017, based on an analysis of the situation in the area of criminal protection in relation to the criminal offences in the field of gender-based violence which was made in 2016, amendments to the Criminal Code of Republika Srpska were proposed and adopted with a view to aligning with the Istanbul Convention. The amendments concern the regulation of criminal protection in connection with criminal offences of incitement to hatred and violence involving gender, sexual orientation and gender identity. The act of "Public Provocation and Incitement to Violence and Hatred" is incriminated and fines or imprisonment for up to three years have been foreseen for any calling for, provoking or inciting violence or hatred directed towards a particular person or groups because of their national, racial, religious or ethnic affiliation, colour, gender, sex, sexual orientation, disability, gender identity, origin or other characteristics. The law further defines new criminal offences such as sexual harassment, genital mutilation of women, sextortion, etc. In this way, the new Criminal Code of Republika Srpska is the most comprehensive act in Bosnia and Herzegovina regulating the protection of fundamental human rights and freedoms and other basic individual and general values established by the Constitution and international law.

In the field of trafficking in human beings, the new Criminal Code of Republika Srpska, which was adopted in 2017, improved the standards of protection of victims of trafficking in human beings by stipulating the criminal offences of Trafficking in Human Beings, Child Trafficking and Associating for the Purpose of Trafficking in Human Beings and Children. Also, in trafficking in human beings and trafficking in children, it is explicitly stipulated that victims of trafficking in human beings and children

who were forced by the perpetrator of the criminal offence to participate in the commission of another criminal offence will not be prosecuted if such conduct was a direct consequence of their status of a victim of human trafficking. Guidelines for the implementation of the Istanbul Convention at the local level were drafted and protocols on action and cooperation in cases of domestic violence were revised and harmonised with the Istanbul Convention in 11 local communities in Republika Srpska. A curriculum for multisectoral training for the protection parties was developed in accordance with the Istanbul Convention. Beginning the academic year 2018/2019, the curriculum will be applied within the subject of Social Work and Domestic Violence at the Department of Social Work at the Faculty of Political Sciences of the University of Banja Luka. Piloting of the aforementioned curriculum was conducted through the implementation of 4 four-day training sessions involving 94 representatives of local institutions - protection parties from 13 local self-government units from Republika Srpska (Zvornik, Bratunac, Milići, Pale, Sokolac, Istočna Ilidža, Istočno Novo Sarajevo, Istočni Stari Grad, Trnovo, Višegrad, Novo Goražde and Rudo). Four two-day trainings in gender equality was organised with the aim of reducing the impact of gender stereotypes and prejudices on the actions taken by the service providers in institutions - protection parties in cases of gender-based violence, and attended by more than 90 professionals from 13 local self-government units in Republika Srpska.

The Criminal Code of Republika Srpska stipulates that whoever by applying violence, threatening to attack upon one's life or limb, behaving in an impudent or negligent manner, endangers tranquillity, physical integrity or mental health of a member of his family or family unit, thereby causing injury to his or her physical or mental integrity, shall be punished by a fine or by imprisonment for a term not exceeding three years. If the perpetrator, when committing violent acts, threatening to attack upon one's life or limb, acting in an impudent or negligent manner, uses weapons, dangerous tools or other means capable of causing a serious injury to the body or deteriorating health, shall be punished by imprisonment for a term ranging from six months to five years.

In terms of this criminal offence, a family member or member of unit shall be considered to be married or former spouses and their children (mutual and from previous units), common-law and former common-law spouses and their children (mutual and from other previous units), in-laws up to the second degree of kinship, regardless of the fact that the marriage ceased to exist, parents of current and former spouses and common-law partners, relatives joined by full adoption in direct kinship (*linea recta*), regardless of the degree of kinship, and in the *linea colateralis* up to fourth degree of kinship, as well as relatives by incomplete adoption, persons linked by the same relation of guardians, persons who live or have lived in the same household, regardless of their relationship, persons who have a child or whose child is conceived, but who have never lived in the same household.

Under the foregoing provision of the Criminal Code, any form of violence against women with elements of family relations as defined by law is characterized as a criminal offence.

The obligation under Article 16 of the Charter (Domestic Violence) is regulated by Article 109 of the Criminal Code of Republika Srpska (*Official Gazette of Republika Srpska*, No. 64/17). The area of preventing domestic violence as well as support and assistance to victims or protection of victims of domestic violence is completely normatively regulated through the aforementioned two laws and seven bylaws.

The Law on Protection from Domestic Violence of Republika Srpska stipulates the action in cases of domestic violence, from reporting to the pronouncement and execution of punishment: family members, protection parties as well as personnel of educational, social and health institutions and any other citizen, are obliged to report to the police immediately after finding out that domestic violence was committed or that there are grounds for suspicion that domestic violence has been committed. Upon receipt of a report that domestic violence has been committed, the police shall be obliged to immediately notify the Centre for Social Work accordingly, and the Centre shall immediately provide social protection and psychosocial

assistance to the victim, take other measures within their jurisdiction and prepare an official report thereof. A health institution will allow the victim a free medical examination to determine the existence of any harm to physical or psychological integrity. Police shall immediately inform the acting prosecutor about the committed domestic violence and, together with the report, submit evidence collected and relevant information. If the acting prosecutor finds that the act of domestic violence does not have the elements of a criminal offence, the case will be returned to the police for further procedure, in accordance with the law establishing the rules of criminal proceedings. A request for instigation of a misdemeanour procedure for the acts of domestic violence prescribed by the Law on Protection against Domestic Violence may be submitted by: the police, other authorised bodies in accordance with the law which prescribes offences and the injured parties. The misdemeanour division of the basic court having jurisdiction thereof shall act upon the request to instigate a misdemeanour procedure applying the Misdemeanour Law to the Law on Protection against Domestic Violence and, upon completion of the procedure, it shall make a decision in the form of a Ruling.

According to data collected in Republika Srpska, the victims of domestic violence are in most cases women and children. Men and elderly persons are less frequently reported as victims of domestic violence, which confirms that it is still a hidden phenomenon which affects such a large number of families, thus the entire society, that it cannot be ignored.

According to the 2015 records of the Ministry of the Interior of Republika Srpska, the total number of reported cases of domestic violence is 1,089, while in 2016 there were 1,096 reports. In the same period, other protection parties recorded a slight increase in reported cases of domestic violence, with the exception of health institutions and misdemeanour divisions of basic courts. The data of non-governmental organizations dealing with cases of domestic violence and providing protection to victims of domestic violence in safe houses and SOS phones also show an increase, so that during the years 2015 and 2016, a total of 184 persons were placed in safe houses in Republika Srpska, of which number 78 were women and 106 children.

In the course of 2015, 76 victims of domestic violence (31 women and 45 children) were taken to safe houses where they stayed for 4,627 days in total.

During 2016, 108 victims (47 women and 61 children) were taken to safe houses, where they were sheltered for 5,536 days in total.

The number of calls to the SOS line for assistance to victims of domestic violence during the same period was 6,795 calls (3,048 in 2015 and 3,747 in 2016).

Number of criminal offences with an element of violence against women in Republika Srpska during the reference period

Year	Number of convicting decisions for offences related to violence against women
2015	168
2016	142
2017	134

Records of the Republika Srpska Ministry of the Interior (MoI)

No.	Domestic violence	2014	2015	2016	2017
1.	Number of reports received	1.236	1.089	1.096	1.102
2.	Number of reports submitted to the competent Prosecutor's Office	525	353	460	429
3.	Number of perpetrators	1.296	1.157	1.126	1.122
4.	Number of victims	1.467	1.310	1.308	1.316

Records of Centres for Social Work/social welfare services (CSW)

No.	Domestic violence	2014	2015	2016	2017
1.	Number of reports received	1.174	1.247	1.315	1.158
2.	Number of victims	1.396	1.571	1.809	1.402
3.	Number of perpetrators	1.096	1.234	1.303	1.084

Records of Health Institutions (HI)

No.	Domestic violence	2014	2015	2016	2017
1.	Number of victims recorded	291	403	353	364
2.	Number of perpetrators referred to compulsory psychosocial treatment	46	27	24	15
3.	Number of perpetrators referred to compulsory treatment of addiction	22	13	10	11

Records of Educational Institutions (EI)

No.	Domestic violence	2014	2015	2016	2017
1.	Number of recorded cases of violence	48	41	86	66
2.	Number of reports sent to the police	24	19	37	35
3.	Number of victims	47	44	99	54

Records of Basic Courts (BC)

No.	Domestic violence	2014	2015	2016	2017
1.	Number of petitions received	484	1.133	532	553
2.	Number of solved cases	387	1.299	464	420
3.	Number of perpetrators (the accused)	613	739	684	730

The total number of cases of domestic violence listed by protection parties in the period 2014-2019

	2014	2015	2016	2017.	Total 2014-2017
MoI	1.236	1.089	1.096	1.102	4.523
CSW	1.174	1.247	1.315	1.158	4.894
HI	291	403	353	364	1.411
EI	48	41	86	66	241
BC	484	1.133	532	553	2.702

Number of adults reported, accused and convicted for the criminal offence of Domestic Violence or Family Unit Violence in Republika Srpska, 2015-2017

	2015	2016	2017
Reported	475	552	455
Accused	221	197	141
Convicted	210	192	131

Number of minors reported, accused and convicted for the criminal offence of Domestic Violence or Family Unit Violence in Republika Srpska, 2015-2017

	2015	2016	2017
Reported	4	7	7
Accused	-	-	-
Convicted	-	-	-

In the Brčko District, according to the provisions of the Family Law, violent behaviour of spouses or any other family members is not allowed in a family. Within the meaning of the Criminal Code of the Brčko District, violent behaviour shall be any behaviour having the essential elements of a criminal offence of domestic violence.

According to the Law on Social Protection of the Brčko District, an adult against whom a deliberate act was committed to inflict pain, physical or psychological damage which caused the threat to health and physical or psychological integrity of a person shall be deemed to be an abused person.

The Brčko District police and the custodial authority are obliged to provide protection from violent behaviour. All natural and legal persons are obliged to inform the Brčko District police or the Prosecutor's Office immediately after finding out about the violent behaviour.

Professionals with the Brčko District Social Protection Subdivision (social workers, pedagogues and psychologists) are prepared to respond to the Brčko District police's calls in cases of domestic violence and in cases of taking statements from juveniles, during the 24 hours. Together with the police, they visit the family where violence occurred (was reported) and take measures which most often consist of counselling work with the victim of violence and the bully, and the measure of possible relocation of the victim. If necessary, together with the victim of violence, an adequate solution is sought for temporary accommodation with relatives, friends or in a safe house. If a safe house is the only solution, then the victim is placed in any accommodation for such purpose in Bosnia and Herzegovina, with which the Brčko District Social Protection Subdivision has established cooperation, and most often these are safe houses in the neighbouring municipalities. Until now, safe houses have provided their services free of charge, and if this is the only option, the Subdivision accepts to compensate for the accommodation and professional work with victims.

The Brčko District Social Protection Subdivision provides assistance to women-victims of domestic violence and their relatives in the form of accommodation in humanitarian settlements in the Brčko District and, if necessary, grants them one-time financial aid.

Data on the total number of victims in safe houses in the Brčko District area, reference period 2015 - 2017

Data on the total number of victims in safe houses	2015	2016	2017
Number of victims	-	-	2

Data on cases of domestic violence in the Brčko District area, reference period 2015 - 2017

Data on domestic violence cases	2015	2016	2017
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Number of cases of violence	241	80	74
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From 2015 to 2017, 37 cases of criminal offences with elements of criminal violence against women were reported in the Brčko District.

Family Counselling Services

In its Conclusions (2015), the European Committee of Social Rights accepts the information provided by Bosnia and Herzegovina in its previous report on the number and types of institutions that are engaged in family counselling in Bosnia and Herzegovina (centres for social work and non-governmental organizations).

Question of the Committee: Describe the general legislative framework and whether there was any change in legislation relative to the previous report.

In the Federation of Bosnia and Herzegovina, the provision of the Law on Basics of Social Protection, the Protection of Civilian Victims of War and Protection of Families with Children, as outlined in the previous report, did not change and it foresees the provision of social and other professional services as one of the social protection rights. These services include, among other things, counselling work done by institutions in solving family problems.

In addition to Centres for Social Work being the custodial authority, family counselling centres also provide support to families in solving their family circumstances, while the Law on Basics of Social Protection, the Protection of Civilian Victims of War and Protection of Families with Children stipulates that non-governmental organisations may also do that. There are 79 Centres for Social Work in the Federation.

In Republika Srpska, the Law on Social Protection prescribes, *inter alia*, the competence of Centres for Social Work to provide social work services in the process of solving the issues of social protection rights, diagnostic services, an appropriate treatment, counselling, therapeutic services and professional assistance to users, as well as to carry out counselling centre activities related to problems concerning marriage and family, child upbringing, adoption, relationships between parents and children.

The Law on Social Protection defines the right to counselling for citizens. Counselling is a systemic and programmed expert assistance provided by skilled workers through the application of social work methods and other socio-humanistic sciences intended for the assistance to an individual, family members or family as a whole in developing, supplementing, preserving and improving their own social opportunities and in the event of illness, old age, disability, unemployment, deaths of close persons, problems in child upbringing and in relationships between parents and children, problems of child and juvenile risk behaviour, problems of marriage and common-law relationships, marriage, domestic violence, inclusion in everyday life after being institutionalised for a lengthy period, exercising certain social rights, and in other unfavourable social circumstances and crisis.

Also, the Family Law prescribes that the custodial authority provides assistance to parents in solving their social, financial and personal circumstances and relationships, or refers them to an appropriate counselling centre if the interests of children so require. The custodial authority can also determine the permanent supervision over parental rights during which period, through counselling and other appropriate social work methods, it assists parents in exercising parental rights, invites parents to agree

upon exercising the parental rights, pays visits to parents and children, invites parents and children to regular periodic meetings on the premises of the custodial authority, and the like.

Participation of associations representing families

In its Conclusions (2015), the European Committee of Social Rights accepts the information provided in the previous report of Bosnia and Herzegovina.

Question of the Committee: Describe the general legislative framework, whether there has been any change in legislation relative to the previous report, and provide information on the participation of all relevant associations/representatives in drafting the public policies in this field.

In the Federation of Bosnia and Herzegovina, in drafting the public policies related to the area of social protection and protection of families with children, the Ministry of Labour and Social Policy of the Federation of Bosnia and Herzegovina requires inclusion of civil society representatives through membership in working groups (NGOs, citizens' associations, etc.).

In Republika Srpska, the Ministry of Family, Youth and Sports is launching contests for support to projects of associations and organizations that seek to improve the family's position through their work. The Association of families with four and more children of Republika Srpska is one of the associations and organizations whose work is focused on family support, and it has the status of an association of public interest for Republika Srpska. The president of the said Association, being a member of the working group, is involved in drafting a document titled the Proposal of Measures to Improve the Demographic Situation of Republika Srpska. The Council for Children of Republika Srpska acts as a standing, advisory coordinating body of the Republika Srpska Government, being in charge of issues related to the rights of the child. The work of the Council includes, *inter alia*, members of associations and organizations which contribute to the creation and improvement of the conditions for the development of family support, which are funded by the Ministry through competitions. The president of the Association of mentally challenged persons, Gradiška, and the president of the organization, the Children's Educational Centre "Give Us a Chance - Stars," Banja Luka have been appointed as members of the Council.

In the Brčko District, the associations representing families are the associations of citizens that are engaged in satisfying the needs of their members and in improving their status. The associations attach great importance to the issue of improving the attitude of the authorities and the institutions towards the problem for which they are founded.

Non-governmental organisations form a link between the authorities and the citizens. In order to improve the overall relationships, work is being done to improve the legal regulations.

The Department of Professional and Administrative Affairs, which also has a Sub-department of Support to Local Communities and Non-Governmental Organizations in its structure, operates within the Government of the Brčko District.

Mediation services

In its Conclusions (2015), the European Committee of Social Rights accepts the information provided in the previous report of Bosnia and Herzegovina.

Question of the Committee: Describe the general legislative framework, whether there has been any change in legislation relative to the previous report, and provide information on the number of services, how they are deployed in the State and whether their services are free.

It follows from the earlier Report of Bosnia and Herzegovina that, **in the Federation of Bosnia and Herzegovina**, there are 112 elected legal and natural persons authorised to mediate between the spouses before the commencement of the divorce proceedings that operate in all 10 cantons in FBiH free of charge.

The Family Law of the Federation of Bosnia and Herzegovina stipulates that, in order to provide professional assistance and protection of the rights and interests of the child and other family members, in addition to Centres for Social Work as the custodial authority and the court, a person authorised to mediate is also competent to settle disputes between family members, as well as in all other cases of disturbed family relationships.

The mediation request shall be submitted to the authorised person on whose territory the applicant has his or her permanent place of residence or on whose territory the spouses had their last common residence. Exceptionally, spouses can apply for mediation to an authorised person outside their permanent or temporary place of residence (Article 46 of the Law).

In the mediation process, an authorised person shall try to eliminate the causes that have led to disturbance of marital relationships and to reconcile the spouses and, if necessary, to recommend them to visit the counselling centres or other institutions that can give them the required advice.

If the mediation fails, the authorised person will endeavour to have the spouses reach an agreement as to with whom their underage child will live or over whom the parental care will be exercised after his or her coming of age, about his/her personal relationships with a parent with whom he or she will not live, about the child support and other parental care matters.

In Republika Srpska, the mediation services related to family matters are free of charge. In Republika Srpska there are 49 Centres for Social Work and 13 social protection services within the administrative service of the local self-government unit. Counselling centres function in developed municipalities within Centres for Social Work.

In the Brčko District, there are neither changes nor new legal solutions relative to the previous report.

Provision of Family Housing

In its Conclusions (2015), the European Committee on Social Rights recalls that under Article 16 of the Charter, States Parties must promote the provision of an adequate supply of housing for families, take the needs of families into account in housing policies and ensure that existing housing be of an adequate standard and size considering the composition of the family in question, and include essential services (such as heating and electricity).

Question of the Committee: Describe the general legislative framework and whether there was any change in legislation relative to the previous report.

In response to the Committee's question about the information given in the previous report of Bosnia and Herzegovina on the group of law IV about the laws defining the legal protection of users and subtenants, please note that legal protection is regulated by entity laws on contracts, which means that they regulate the provision of funds and assignment of social housing units, particularly to low income individuals, the poor and the marginalized groups.

The respective Laws on Contracts and Torts of the Federation of Bosnia and Herzegovina and Republika Srpska define that a lease agreement shall be concluded between the owner of the apartment as the lessor and the sub-tenant/user of the apartment as the lessee. The cancellation of the lease agreement must be done in writing with at least 30-day notice of cancellation. Disputes related to termination of the lease agreement shall be settled before the court having jurisdiction thereof.

The aforementioned laws define the notion of the lease agreement, as well as the obligations of the lessor and the lessee, the rent payment, cancellation in the case of non-payment of rent, termination of the lease, cancellation of the lease agreement, inheritance of the tenant's rights by his successors in the event of his death and all other lease-related provisions.

Also, the laws specify detailed rules in the content of the lease agreement: the parties to the agreement; time and place of entering into the agreement; details of the apartment being the subject of the lease; lease term; rights and obligations of the parties to the agreement in the use and maintenance of the apartment; the amount of the rent and the manner and terms of payment; conditions and deadlines for termination of the agreement; and persons who will use the apartment.

In the Federation of Bosnia and Herzegovina, the Law on Retention of the Law on Housing Relations of the Federation of Bosnia and Herzegovina stipulates that a subtenant cannot be cancelled a subtenancy contract concluded for an indefinite period of time within a period shorter than 30 days, unless the subtenant him/herself agrees to a shorter period of time. A subtenant who stays in the apartment after the holder of the occupancy right moved out shall be considered to be a person who moved in illegally. Disputes regarding the termination of the sub-tenancy relationship shall be settled before the court having jurisdiction thereof.

Also, the owner of the apartment may terminate the lease agreement, regardless of the legal or contractual term of the contract. The apartment tenant may terminate the contract, regardless of the legal or contractual term of the contract if the owner of the apartment within a reasonable time given by the tenant, which cannot be shorter than 30 days, fails to bring the apartment to the condition in which he/she is obliged to hand it over or to maintain.

The termination of the contract shall be done in writing, with an indicated deadline which cannot be shorter than 30 days, by which time the vacated apartment is to be handed or taken over.

In Republika Srpska, a significant number of young people do not have the housing issue solved, and most often they live with parents or, if they are employed, rent an apartment and the like. There is also a high disproportion between the income of young people and young married couples and the housing prices, which makes availability of apartments to young people more difficult and places them in the category of those who can hardly obtain an apartment without raising loans and having certain state aid mechanisms in place.

Due to the foregoing reasons, young people and young married couples have the possibility to contact the Ministry of Family, Youth and Sports in case they are granted a loan by a commercial bank (from the funds of the Investment-Development Bank of Republika Srpska), with the aim of obtaining a 1% interest rate subsidy to the approved loan. This way of helping young people has been implemented since 2008 and, by the end of 2017, the amount of KM 8,574,819.36 will be spent for that purpose. For the same purpose, the amount of KM 1,600.00,00 has been planned in the 2018 budget.

Disputes related to the cancellation of lease agreements in Republika Srpska

during the reference period

Year	The number of disputes related to the cancellation of lease agreements
2015	76
2016	58
2017	84

Roma Housing

In its Conclusions (2015), the European Committee on Social Rights accepts the information given in the previous report of Bosnia and Herzegovina on Roma housing, particularly considering the fact that Bosnia and Herzegovina is still a country in transition, which is constantly working on solving the Roma housing problems and on the overall improvement of socio-economic status of the Roma population.

Question of the Committee: Provide new information concerning Roma housing, if any, compared to the previous reporting period.

In line with the information given in the previous report of Bosnia and Herzegovina on the implementation of the group IV rights, we hereby inform the Committee that progress has been made in addressing the Roma housing issues, thus continually improving the overall socio-economic status of the Roma population.

Every year the BiH Ministry of Human Rights and Refugees and the Council of Ministers of BiH plan an amount of EUR 1,500,000 in the State budget to address the Roma issues. Of this amount, EUR 1,000,000 is allocated to Roma housing annually.

Granting the funds is made through a Public Invitation to participation in the procedure for filing the Roma Housing Projects, within which the relevant commission (including Roma representatives) makes field visits and identifies priority locations. Municipalities, towns, cantons, entities, domestic and foreign governmental and non-governmental organisations and institutions and donors have the right to participate in the Public Invitation as implementers, in cooperation with the municipality in whose area the project is being implemented. Priority is given to the construction of Roma housing units, reconstruction and improvement of living conditions and infrastructure as well as to the most vulnerable Roma families and Roma homeless people.

The specific data for the reference period are as follows:

- the amount of KM 1,670,000 was allocated in 2015 for Roma housing in Bosnia and Herzegovina, of which 19 residential units were built, 30 residential units were reconstructed and 263 Roma families received improved infrastructure conditions;
- in 2016, the amount of KM 1,000,000.00 was allocated, of which 14 residential units were built, and about 120 Roma families received improved infrastructure conditions;
- in 2017, the amount of KM 1,000,000.00 was allocated. All projects are ongoing, as funds were transferred to local communities in late February 2018.

Thus, from 2009 to 2017, the Ministry for Human Rights and Refugees of Bosnia and Herzegovina allocated KM 21,622,000.00 for solving the Roma problems in the field of employment, housing and health care throughout the country. To date, 782 residential units have been built and reconstructed, and 1017 families have become users of improved infrastructure in 55 local communities. During this period, 688 Roma persons registered at the Employment Institute went through the employment and self-

employment co-financing programme. Funds for Roma health care are used in cooperation with the Public Health Institute and the Department of Health and other services of the Brčko District of BiH.

Progress has also been made in teaching the Roma population on how to exercise the right to health care, in raising awareness of the importance of health care in the Roma community, immunization of Roma children and reproductive health and maternity, in training the Roma non-governmental sector in local communities in this area, and in implementing preventive programmes in Roma communities.

In the Federation of Bosnia and Herzegovina, significant progress has been made, which particularly concerns the introduction of many Roma families into the health care system, totalling 934 people.

Health care is secured for Roma people who do not have permanent or temporary place of residence in the Federation of Bosnia and Herzegovina. For other members of the Roma population, the funds are provided at the cantonal level and, in cantons, there is a different degree of coverage of the Roma population by health insurance. In this connection, attempts are made to identify modalities that could contribute to the change of the practice in the field.

In Republika Srpska, the issue of health insurance for persons over the age of 65, including Roma, has been solved in accordance with the applicable regulations. All Roma people are provided with health care in the same scope and under the same conditions as other citizens of Republika Srpska.

In the Brčko District, direct communication with the NGO (association of citizens – Roma in Action) was established. Public invitations to participation in the procedure for granting funds to the Roma population were transparent and showed on the notice board of the association of citizens Roma in Action, the notice board of the Government of the Brčko District of BiH as well as on the official website of the Government of Brčko District of BiH.

The Brčko District of Bosnia and Herzegovina through the Department of Displaced Persons, Refugees and Housing, reconstructed 21 residential units within the Roma housing programme, and about 30 residential units are expected to be reconstructed in the forthcoming period. Through the IPA programme, a housing unit with a social housing system was built for the Roma population. Completion of the project and moving in took place in the reference period (2017).

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

In its Conclusions (2015), the European Committee on Social Rights the information given in the previous report i.e. the fact that both entities and the Brčko District apply the same regulations when it comes to foreign nationals, has been acknowledged.

Question of the Committee: Describe the general legislative framework and whether there has been any change in legislation relative to the previous report. Describe the conditions for granting permanent residence to aliens and assistance to families.

The Law on Movement and Stay of Aliens and Asylum of Bosnia and Herzegovina stipulates the conditions and a procedure of entry of aliens into Bosnia and Herzegovina, visa and visa-free regime, travel documents for aliens, stay of aliens in BiH, as well as international and temporary protection and measures of removal and placement of aliens under supervision.

International protection is a status that, according to the Law on Movement and Stay of Aliens and Asylum of Bosnia and Herzegovina, is recognized to a refugee or an alien who meets the conditions for subsidiary protection. A request for international protection shall be submitted in person to the Ministry

of Security of Bosnia and Herzegovina at the headquarters, and the applicant shall be registered and issued a document confirming that he has filed an application for international protection. This document is considered to be a residence permit until a binding decision or a final decision is taken. When issuing a document confirming that he has filed a request for international protection, the applicant for international protection shall be seized all travel documents he/she may use to cross the state border of Bosnia and Herzegovina.

The Ministry of Security of Bosnia and Herzegovina shall provide adequate conditions for receiving a foreign national who intends to submit an application for international protection or a foreign national who applies for international protection, in particular with regard to accommodation, nutrition, primary health care and access to the education system. The Ministry also provides the necessary medical or other assistance to persons with special needs.

An alien who has been granted international protection and recognized a refugee status shall acquire the rights and obligations under the provisions of Articles 3 through 34 of the 1951 Convention Relating to the Status of Refugees. An alien who has been granted international protection and who has been recognised the status of subsidiary protection shall acquire the same rights and obligations as an alien with a refugee status, unless otherwise prescribed.

The provisions of the Law on Movement and Stay of Aliens and Asylum of Bosnia and Herzegovina, as well as other laws of Bosnia and Herzegovina and international instruments in force, to which Bosnia and Herzegovina is a party, have precedence over the provisions of the 1951 Convention Relating to the Status of Refugees, if they are more favourable to the aliens to whom the refugee status has been recognized.

An alien with a refugee status has the right to stay in Bosnia and Herzegovina during validity of the international protection, for which purpose he/she shall be issued a residence permit for refugees. As a rule, the refugee status shall also be granted to a person to whom he/she is married or with whom he/she lives in a common-law marriage and to underage children as well as to other nuclear family members who live in the same household in Bosnia and Herzegovina. An alien with a recognized refugee status will be granted the right to work, education, health and social protection under the same conditions as those applicable to the citizens of Bosnia and Herzegovina, and shall have the right to family reunion.

An alien who has been granted a subsidiary protection status shall have the right to stay in Bosnia and Herzegovina for one year. At the request of an alien, the residence permit shall be extended as long as the conditions due to which the subsidiary protection status has been recognized exist, unless otherwise required by the reasons of the public policy, public order and peace or safety in Bosnia and Herzegovina. During the international protection, an alien shall have the right to work and the right to education, health and social protection under the same conditions as those applicable to the citizens of Bosnia and Herzegovina.

The Ministry of Security of Bosnia and Herzegovina, in cooperation with the Ministry of Civil Affairs of Bosnia and Herzegovina, shall issue the papers for refugees and aliens under the subsidiary protection to persons who have been recognised a refugee status or a subsidiary protection status.

The Ministry of Human Rights and Refugees of Bosnia and Herzegovina, in cooperation with the Ministry of Civil Affairs of Bosnia and Herzegovina, shall enable the persons who have been recognised a refugee status or a subsidiary protection status to have access to the right to accommodation, work, education and health and social protection. The Ministry of Human Rights and Refugees of Bosnia and Herzegovina, in cooperation with other ministries, institutions and services, enables persons who have

been recognised a refugee status or the status of subsidiary protection to have access to integration benefits.

Foreign nationals and members of their families, persons under international legal protection who have a residence permit in Republika Srpska, may exercise their rights in accordance with the Law on Social Protection and International Treaties; a person who does not reside in Republika Srpska and who has no residence permit and found himself/herself on the territory of the Republika Srpska may temporarily acquire social security rights under the conditions prescribed by law if this is required due to a particularly difficult life circumstances of that person.

In the previous report of Bosnia and Herzegovina, we informed the Committee of a range of adopted bylaws granting numerous rights to persons under international protection.

Article 17 - Right of children and young persons to social, legal and economic protection

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

1. a. to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;
b. to protect children and young persons against negligence, violence or exploitation;
c. to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;
2. To provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

Article 17, paragraph 1 – Assistance, education and training

In its Conclusions (2015), the European Committee on Social Rights takes note of the information contained in the previous report and concludes that different provisions apply at the state level and at the lower levels of government, i.e. the Federation of Bosnia and Herzegovina, Republika Srpska and the Brčko District.

Question of the Committee: Describe the general legislative framework and whether there was any change in legislation relative to the previous report.

In December 2017, the Council of Ministers of Bosnia and Herzegovina rendered a Decision on the adoption of the Platform for the Development of Preschool Education in Bosnia and Herzegovina for the period 2017-2022. The general purpose of the development of preschool education, as defined in this strategic type document, is to provide the optimum conditions for each child, before starting going to school, to develop and maximize their potential through various forms of high quality, comprehensive, culturally customized and inclusive pre-school upbringing and education services. The specific goals of the development of preschool upbringing and education defined in this document are:

1. Increase the coverage of children by preschool upbringing and education;

2. Ensure the quality preschool upbringing and education;
3. Provide regular funding;
4. Strengthen inclusion; and
5. Sensitize society to the importance of preschool upbringing and education.

In the Federation of Bosnia and Herzegovina, in the period 2015-2017, 6 cantons passed their laws on adult education, namely:

- Tuzla Canton (published in "Official Gazette of Tuzla Canton" No. 9/15);
- Bosnian-Podrinje Canton (published in "Official Gazette of Bosnia-Podrinje Canton Goražde" No. 05/15);
- Central Bosnia Canton (published in "Official Gazette of Central Bosnia Canton" No. 5/17);
- West Herzegovina Canton (published in Official Gazette of West Herzegovina Canton No. 17/15);
- Sarajevo Canton (published in "Official Gazette of Canton Sarajevo" No. 40/15); and
- Canton 10 (the Law was published in "Official Gazette of Herzegovina-Bosnia Canton" No. 1/17).

Two following cantons adopted the foregoing Law previously:

- Una-Sana Canton (the Law was published in "Official Gazette of Una-Sana Canton" No. 10/13); and
- Zenica-Doboj Canton (the Law was published in "Official Gazette of Zenica-Doboj Canton" No. 05/14).

Thus, the total of eight cantons adopted the Law on Adult Education, while Herzegovina-Neretva Canton and Posavina Canton have not adopted it yet.

In Republika Srpska, apart from the Strategy for the Development of Education of Republika Srpska for the period 2016-2021, the following laws apply to this domain:

- *The Law on Preschool Upbringing and Education (2015)* - This Law regulates preschool upbringing and education of children from six months of age up to the primary school, and it is implemented through preschool upbringing and education programmes;
- *The Law on Primary Upbringing and Education (2017)* - This Law regulates the activity of primary upbringing and education as part of a single educational system of Republika Srpska, the rights, obligations, duties and responsibilities of pupils, parents and school staff, curricula, school management, provision of funds, evaluation of the upbringing- educational work quality, supervision over the school work, acknowledgement of certificates, and records and public documents;
- *The Law on Secondary Education and Upbringing (2018)* - this Law regulates the professional activities concerning secondary education and upbringing as part of the uniform education system of Republika Srpska, establishment and termination of functioning of a secondary school, status of pupils, teachers, professional associates and other workers, school management, evaluation of the educational work quality, development of curricula, financing and supervision over the school

- performance, acknowledgment of Certificates, records and public documents, acquisition of qualifications, extra-curricular education and other issues related to secondary education;
- *The Law on Higher Education (2010)* - this Law regulates the principles and objectives of higher education in Republika Srpska, levels of higher education, the establishment, organization and operation of higher education institutions, the provision of quality in the field of higher education, educational activities, rights and obligations of academic staff and students, higher education bodies, the process of recognition of foreign higher education documents, funding of higher education institutions, and other issues of relevance for carrying out the higher education activities;
 - *The Law on Adult Education (2009)* - this Law regulates the organization and structure of adult education. Adult education is part of the uniform education system of Republika Srpska, which provides education, upskilling and training of adults.

In the Brčko District, there was neither any change nor a new legislation relative to the previous reporting period.

Status of the child

In its Conclusions (2015), the European Committee on Social Rights takes note of the information contained in the previous Report submitted by Bosnia and Herzegovina, in particular the referenced provisions of the Entity Family Laws regarding adoption, inheritance and child support.

Question of the Committee: Describe the general legislative framework and whether there was any change in legislation relative to the previous report, with regard to child adoption in particular.

In the Federation of Bosnia and Herzegovina, the Family Law of the Federation of Bosnia and Herzegovina prescribes that a child has the right to know that he/she has been adopted and that adoptive parents are obliged to inform the child that he/she has been adopted up to his seventh year of life or immediately after the adoption if an adopted child is older. It is also prescribed that an adopted adult shall be allowed to review the adoption case file, while an underage adopted child shall be allowed to review the adoption case file only if the custodial authority finds it to be in the interest of the child. The Family Law of the Federation of Bosnia and Herzegovina does not contain the provisions that restrict the adopted adult from having insight into the adoption case file.

The Family Law does not contain the provisions that define the different treatment of children born in marriage and those born out of wedlock on any ground, including a minor child support. The Law prescribes that parents are obliged to support underage children to the full extent of their abilities and capabilities.

The inherited rights of children born out of wedlock are also equal to the rights of children born in marriage.

In Republika Srpska, children's rights to social, legal and economic protection are exercised through the implementation of the Law on Social Protection, the Law on Child Protection, the Family Law, the Law on Protection from Domestic Violence, the Law on the Ombudsman for Children, the Law on Inspections in Republika Srpska, the Law on General Administrative Procedure, the Law on Administrative Disputes, and through the application of bylaws.

The Family Law of Republika Srpska does not specifically prescribe the right of the child to know his or her origin, therefore, it is also not prescribed in which cases it can be restricted. On the other hand, the Law stipulates that the rights and duties of parents and other relatives of the child, and the rights and

duties of children towards their parents and relatives are equal regardless of whether or not children are born in marriage or out of wedlock.

The Law also prescribes that a union of a woman and a man which is not legally regulated - the common-law marriage is equal to marriage in terms of the right to mutual support and other property and legal relations. In this way, children born in marriage and children born out of wedlock are equally protected.

The Inheritance Law of Republika Srpska stipulates that the common-law kinship is equal to marital kinship concerning inheritance, and so is the full adoption to blood kinship. In the case of full adoption, the mutual inheritance rights of the adopted child and his/her offspring with his/her blood relatives shall cease to exist.

In the Brčko District, the Family Law of the Brčko District prescribes that adoption is a special form of family-legal protection for children without parents or without proper parental care, by which parental or kinship relationship is established. Adoption can be full or partial.

The Law also stipulates that the child has the right to know about adoption and that the adoption can only take place if it is in the interest of the adopted child. The full adoption is an unbreakable relationship of kinship, equal to the blood kinship. The adoptive parents shall be entered in the Birth Register as parents of the adopted child. On the other hand, partial adoption does not affect the rights and duties of the adopted child towards his or her parents and other relatives. An adoptive parent of a partially adopted child may limit or exclude the adopted child from the right to inheritance.

As regards the right to mutual support and other property and legal relations, marriage and a common-law marriage are equal, i.e. the status of children born in marriage and those born out of wedlock is completely equal.

Protection of children from ill-treatment and abuse

In its Conclusions (2015), the European Committee on Social Rights takes note of the information contained in the previous Report submitted by Bosnia and Herzegovina, and notes that different levels of government apply different provisions in this field.

Question of the Committee: Describe the general legislative framework and whether there has been any change in legislation relative to the previous report, in particular regarding fostering, child abuse and their institutionalisation.

Data on the number of children placed in other families are not available at the level of Bosnia and Herzegovina. The Law on Fostering in the Federation of Bosnia and Herzegovina was adopted in 2017 and fostering data for the Federation of Bosnia and Herzegovina will be available not earlier than in 2019, for the reference year 2018.

The number of underage social protection beneficiaries placed in institutions in Bosnia and Herzegovina in 2014 totalled 1,864; in 2015, there were 1,431 such minors and in 2016 - 1,263 of them.

Number of children in institutions for children without parental care in Bosnia and Herzegovina

Year	Total	Girls	Boys
2014	760	361	399
2015	997	470	527

2016	970	483	487
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*Since 2015, SOS Children's Villages have also been involved

Number of minors under custody, custody for special cases and adoption in Bosnia and Herzegovina

Year	Custody	Custody for special cases	Adoption
2014	1.158	709	47
2015	1.096	745	43
2016	946	625	50

Number of children in institutions for children without parental care by sex and age groups in Bosnia and Herzegovina

Year	Total	Age of beneficiaries						
		0-2	3-6	7-10	11-14	15-18	Older than 18	
2014	Total	760	47	78	95	183	276	81
	male	399	20	45	49	97	146	42
	female	361	27	33	46	86	130	39
2015	Total	997	65	81	139	206	306	200
	male	527	26	41	67	114	171	108
	female	470	39	40	72	92	135	92
2016	Total	970	62	62	133	209	302	165
	male	487	42	42	69	113	139	78
	female	483	20	20	64	96	163	87

* Since 2015, SOS Children's Villages have also been involved

In the Federation of Bosnia and Herzegovina, the Family Law of the Federation of Bosnia and Herzegovina stipulates that violent behaviour of a spouse and any other family member is forbidden in a family. Violent behaviour implies any disruption of physical or psychological integrity.

All natural persons, organisations and bodies are obliged to notify the custodial authority in case of violation of children's rights, especially in the case of violence, abuse, sexual abuse and neglect of the child. The Custodial Authority is obliged to act ex officio in order to protect the rights and best interests of the child.

The most important framework for the protection of children from violence is laid down in the Criminal Code of the Federation of Bosnia and Herzegovina, which regulates the prohibition of violence against children, including sexual abuse and exploitation, corporal punishment and any other form of humiliating punishment, especially in a family environment. Thus, there is an explicit ban on corporal punishment of children in the Federation of Bosnia and Herzegovina.

The Law on Protection from Domestic Violence of the Federation of Bosnia and Herzegovina regulates the protection from domestic violence, the concept of family and violence, the type and purpose of protective measures against persons who committed the violent acts, the manner and procedure for

imposing protective measures, protection of victims from domestic violence, the interlinkage of all parties dealing with the protection from domestic violence and all other issues that are important for the protection from domestic violence. All domestic violence cases shall be solved under the urgent procedure. Social and health workers, teachers, caregivers, health, educational and other institutions and bodies, as well as non-governmental organisations, are obliged to report violent behaviour against a child to the competent police department, especially if the victim of violence is a minor. The police department shall be obliged to remove the violent person and notify the competent custodial authority accordingly.

The tables below show data on the number of children ignored and neglected in terms of upbringing during the reference period.

CHILDREN IGNORED AND NEGLECTED IN TERMS OF UPBRINGING IN THE FEDERATION OF BiH IN 2015						
Canton	Age structure	Children ignored in terms of upbringing		Children neglected in terms of upbringing		Total
		M	F	M	F	
Una-Sana	0-3	1	2	3	5	4
	4-7	6	8	5	7	11
	8-14	22	20	27	14	49
	15-18	22	13	31	9	53
	Total	51	43	66	35	117
Posavina	0-3	0	0	0	0	0
	4-7	3	3	3	2	6
	8-14	11	6	10	8	21
	15-18	18	7	10	8	28
	Total	32	16	23	18	55
Tuzla	0-3	0	0	0	0	0
	4-7	1	1	0	0	1
	8-14	27	16	25	9	52
	15-18	95	21	149	29	244
	Total	123	38	174	38	297
Zenica-Doboj	0-3	2	0	0	0	2
	4-7	7	6	3	1	10
	8-14	25	15	34	11	59
	15-18	12	16	83	18	95
	Total	46	37	120	30	166
Bosnian-Podrinje	0-3	0	0	0	0	0
	4-7	0	0	0	0	0
	8-14	0	0	0	0	0
	15-18	6	3	6	0	12
	Total	6	3	6	0	12
Central Bosnia	0-3	3	1	7	8	10
	4-7	15	12	22	18	37
	8-14	29	22	29	15	58
	15-18	34	10	12	7	46
	Total	81	45	70	48	151
Herzegovina-Neretva	0-3	3	3	3	5	6
	4-7	8	7	8	9	16
	8-14	7	7	9	11	16
	15-18	12	13	13	10	25
	Total	30	30	33	35	63
West Herzegovina	0-3	0	1	0	0	1
	4-7	0	0	0	0	0
	8-14	6	2	0	0	6
	15-18	9	1	2	3	11
	Total	15	4	2	3	17
	0-3	4	3	1	0	5

Sarajevo Canton	4-7	9	8	1	1	10	9
	8-14	123	82	57	21	180	103
	15-18	237	81	342	57	579	138
	Total	373	174	401	79	774	253
	0-3	0	1	0	0	0	1
Canton 10	4-7	1	3	0	0	1	3
	8-14	9	3	3	0	12	3
	15-18	3	2	4	5	7	7
	Total	13	9	7	5	20	14
	0-3	13	11	14	18	27	29
Grand Total	4-7	50	48	42	38	92	86
	8-14	259	173	194	89	453	262
	15-18	448	167	652	146	1100	313
	Total	770	399	902	291	1672	690

CHILDREN IGNORED AND NEGLECTED IN TERMS OF UPBRINGING IN THE FEDERATION OF BiH IN 2016						
Canton	Age structure	Children ignored in terms of upbringing		Children neglected in terms of upbringing		Total
		M	F	M	F	
Una-Sana	0-3	4	3	1	2	5
	4-7	5	5	7	6	12
	8-14	19	21	12	11	31
	15-18	30	16	27	14	57
	Total	58	45	47	33	105
Posavina	0-3	1	0	0	0	1
	4-7	8	7	8	4	16
	8-14	17	8	18	13	35
	15-18	17	7	13	10	30
	Total	43	22	39	27	82
Tuzla	0-3	0	0	0	0	0
	4-7	1	1	0	0	1
	8-14	27	16	25	9	52
	15-18	95	21	149	29	244
	Total	123	38	174	38	297
Zenica-Doboj	0-3	1	1	1	0	2
	4-7	1	2	2	0	3
	8-14	31	7	28	9	59
	15-18	56	16	65	15	121
	Total	89	26	96	24	185
Bosnian-Podrinje	0-3	1	0	0	0	1
	4-7	1	2	0	1	1
	8-14	6	1	1	2	7
	15-18	2	4	2	0	4
	Total	10	7	3	3	13
Central Bosnia	0-3	3	3	7	8	10
	4-7	21	17	27	22	48
	8-14	32	24	25	11	57
	15-18	21	17	13	10	34
	Total	77	61	72	51	149
Herzegovina-Neretva	0-3	3	3	3	5	6
	4-7	8	7	8	9	16
	8-14	7	7	9	11	16
	15-18	12	13	13	10	25
	Total	30	30	33	35	63
West	0-3	0	1	0	0	1
	4-7	0	0	0	0	0

Herzegovina	8-14	0	1	0	0	0	1
	15-18	3	1	0	0	3	1
	Total	3	3	0	0	3	3
Sarajevo Canton	0-3	1	1	0	0	1	1
	4-7	6	8	6	4	12	12
	8-14	71	45	28	17	99	62
	15-18	147	46	157	33	304	79
	Total	225	100	191	54	416	154
Canton 10	0-3	0	3	0	0	0	3
	4-7	8	0	0	0	8	0
	8-14	21	12	2	2	23	14
	15-18	7	5	6	0	13	5
	Total	36	20	8	2	44	22
Grand Total	0-3	14	15	12	15	26	30
	4-7	59	49	58	46	117	95
	8-14	231	142	148	85	379	227
	15-18	390	146	445	121	835	267
	Total	694	352	663	267	1357	619

CHILDREN IGNORED AND NEGLECTED IN TERMS OF UPBRINGING IN THE FEDERATION OF BiH IN 2017						
Canton	Age structure	Children ignored in terms of upbringing		Children neglected in terms of upbringing		Total
		M	F	M	F	
Una-Sana	0-3	0	0	1	0	1
	4-7	3	1	3	1	6
	8-14	20	20	7	1	27
	15-18	36	6	30	6	66
	Total	59	27	41	8	100
Posavina	0-3	4	2	0	0	4
	4-7	10	4	2	0	12
	8-14	14	5	13	5	27
	15-18	15	2	12	8	27
	Total	43	13	27	13	70
Tuzla	0-3	1	1	0	1	1
	4-7	10	9	5	2	15
	8-14	32	23	26	12	58
	15-18	77	31	72	47	149
	Total	120	64	103	62	223
Zenica-Doboj	0-3	0	0	0	0	0
	4-7	2	3	4	1	6
	8-14	27	12	24	12	51
	15-18	46	13	82	10	128
	Total	75	28	110	23	185
Bosnian-Podrinje	0-3	0	2	0	0	0
	4-7	3	1	0	2	3
	8-14	5	3	3	0	8
	15-18	2	0	0	0	2
	Total	10	6	3	2	13
Central Bosnia	0-3	2	2	6	6	8
	4-7	7	2	6	6	13
	8-14	25	22	17	7	42
	15-18	17	10	33	8	50
	Total	51	36	62	27	113
Herzegovina-Neretva	0-3	6	4	4	6	10
	4-7	5	8	9	8	14
	8-14	5	11	9	11	14

	15-18	5	6	7	6	12	12
	Total	21	29	29	31	50	60
West Herzegovina	0-3	1	2	1	0	2	2
	4-7	1	1	0	0	1	1
	8-14	3	2	0	1	3	3
	15-18	9	3	0	0	9	3
	Total	14	8	1	1	15	9
Sarajevo Canton	0-3	4	3	0	0	4	3
	4-7	6	6	10	7	16	13
	8-14	77	41	20	16	97	57
	15-18	136	58	140	33	276	91
	Total	223	108	170	56	393	164
Canton 10	0-3	1	1	0	0	1	1
	4-7	3	0	1	0	4	0
	8-14	13	6	7	3	20	9
	15-18	8	4	7	0	15	4
	Total	25	11	15	3	40	14
Grand Total	0-3	19	17	12	13	31	30
	4-7	50	35	40	27	90	62
	8-14	221	145	126	68	347	213
	15-18	351	133	383	118	734	251
	Total	641	330	561	226	1202	556

The following table shows the total number of children placed in social welfare institutions per canton during the reference period.

NUMBER OF CHILDREN PLACED IN THE SOCIAL WELFARE INSTITUTIONS			
Canton	Year		
	2015	2016	2017
Una-Sana	89	*	**
Posavina	14	14	13
Tuzla	96	70	145
Zenica-Doboj	142	110	363
Bosnian-Podrinje	15	14	7
Central Bosnia	73	105	105
Herzegovina-Neretva	46	41	36
West Herzegovina	9	9	12
Sarajevo Canton	253	267	267
Canton 10	18	4	4
Total	755	634	952

Note:

* Una-Sana Canton has no classified data for children and adults, the total number of institutionalised beneficiaries is 239;

** Una-Sana Canton has no classified data for children and adults, the total number of institutionalised beneficiaries is 222.

The following table shows the total number of children placed in another family by canton during the reference period.

NUMBER OF CHILDREN PLACED IN FOSTER CARE			
Canton	Year		
	2015	2016	2017
Una-Sana	7	17	*
Posavina	0	4	1
Tuzla	242	137	121
Zenica-Doboj	74	91	86
Bosnian-Podrinje	3	3	1
Central Bosnia	28	17	17

Herzegovina-Neretva	25	17	11
West Herzegovina	5	15	13
Sarajevo Canton	54	46	46
Canton 10	4	2	2
Total	442	349	298

Note:

* Una-Sana Canton has no classified data for children and adults, the total number of children placed in foster care is 33.

The tables below show the number of children under custody and adopted children per canton during the reference period.

REVIEW OF CHILDREN UNDER CUSTODY IN THE FEDERATION OF BIH DURING THE PERIOD 2015-2017			
Canton	Year		
	2015	2016	2017
Una-Sana	168	234	161
Posavina	24	17	12
Tuzla	197	162	170
Zenica-Doboj	151	154	126
Bosnian-Podrinje	18	9	8
Central Bosnia	55	62	23
Herzegovina-Neretva	48	54	45
West Herzegovina	9	7	5
Sarajevo Canton	286	214	199
Canton 10	22	17	13
Total	978	930	762

REVIEW OF ADOPTED CHILDREN IN THE FEDERATION OF BIH DURING THE PERIOD 2015-2017			
Canton	Year		
	2015	2016	2017
Una-Sana	4	8	11
Posavina	-	1	1
Tuzla	6	4	3
Zenica-Doboj	5	6	5
Bosnian-Podrinje	-	-	3
Central Bosnia	2	-	1
Herzegovina-Neretva	1	5	6
West Herzegovina	-	1	-
Sarajevo Canton	6	9	7
Canton 10	-	2	2
Total	24	36	39

The tables below provide an overview of the measures taken towards children ignored and neglected in terms of upbringing by canton, during the period 2015-2017

MEASURES TAKEN TOWARDS IGNORED AND NEGLECTED CHILDREN IN 2015			
Canton	Intensified Supervision	Institution Referral	Other

	Court decision	By parents	By guardian	By another family	By guardian	Educational facility	Educational-Correctional facility	Occupational training facility	Juvenile Disciplinary Centre	Juvenile prison	measures
Una-Sana	31	9	7	0	12	1	0	0	0	0	12
Posavina	24	9	2	0	0	0	0	0	0	0	17
Tuzla	60	31	0	1	20	2	3	0	9	0	45
Zenica-Doboj	53	42	0	0	36	1	0	0	0	3	55
Bosnian-Podrinje	3	0	0	0	0	0	0	0	0	0	3
Central Bosnia	46	33	3	4	17	0	0	0	0	0	0
Herzegovina-Neretva	3	10	0	0	3	1	0	0	0	0	11
West Herzegovina	5	4	0	0	0	0	0	1	0	0	0
Sarajevo Canton	75	13	1	0	34	13	7	0	25	6	2
Canton 10	10	5	0	0	1	0	0	0	0	1	0
Total	310	156	13	5	123	18	10	1	34	10	145

MEASURES TAKEN TOWARDS IGNORED AND NEGLECTED CHILDREN IN 2016											
Canton	Intensified Supervision				Institution Referral						Other measures
	Court decision	By parents	By guardian	By another family	By guardian	Educational facility	Educational-Correctional facility	Occupational training facility	Juvenile Disciplinary Centre	Juvenile prison	
Una-Sana	47	2	0	0	31	0	2	0	0	0	40
Posavina	47	0	0	0	1	0	0	0	0	0	47
Tuzla	731	12	1	2	24	4	1	1	18	1	36
Zenica-Doboj	45	26	0	0	19	0	0	0	0	2	41
Bosnian-Podrinje	50	0	0	0	0	0	0	0	0	0	5
Central Bosnia	14	23	3	1	10	2	1	0	2	0	0
Herzegovina-Neretva	1	7	0	0	1	1	1	0	0	0	6
West Herzegovina	4	4	0	0	0	0	0	2	0	0	2
Sarajevo Canton	69	11	0	0	22	12	4	0	7	6	33
Canton 10	2	4	0	0	1	0	1	0	0	1	0
Total	307	89	4	3	109	19	10	3	27	10	210

MEASURES TAKEN TOWARDS IGNORED AND NEGLECTED CHILDREN IN 2017											
Canton	Intensified Supervision				Institution Referral						Other

	Court decision	By parents	By guardian	By another family	By guardian	Educational facility	Educational-Correctional facility	Occupational training facility	Juvenile Disciplinary Centre	Juvenile prison	measures
Una-Sana	24	4	0	0	17	0	5	0	0	0	11
Posavina	1	2	1	0	4	0	0	0	0	0	9
Tuzla	49	17	2	0	33	10	0	1	22	0	23
Zenica-Doboj	37	8	0	0	21	1	0	0	1	1	25
Bosnian-Podrinje	3	0	0	0	0	0	0	0	0	0	2
Central Bosnia	23	11	0	1	11	0	0	0	0	0	13
Herzegovina-Neretva	7	8	0	0	4	7	2	0	0	0	6
West Herzegovina	2	4	0	0	5	1	0	3	0	0	3
Sarajevo Canton	44	3	0	0	17	9	6	0	3	4	34
Canton 10	1	1	0	0	1	0	1	0	0	0	2
Total	191	58	3	1	113	28	14	4	26	5	128

In Republika Srpska, the Law on Protection from Domestic Violence, although does not explicitly prohibit corporal punishment for educational purposes, defines in detail the violence and forms of violence in which it occurs. The Law prescribes that a violent act involves threatening to inflict a physical injury to a family member or close relative, and educating children in a humiliating manner.

The Family Law of Republika Srpska stipulates that parents and other family members are not allowed to subject a child to humiliating actions, mental and physical punishment or abuse. If parents or a parent with whom the child lives abused the child, or neglected the child, neglected child's education or if the child has experienced the upbringing disorder, the custodial authority may take the child away and entrust the other parent, another person or appropriate institution with taking care of the child if there is no court decision on the child's entrustment.

The Law on Protection from Domestic Violence of the Republika Srpska stipulates that the child is a victim if he/she was present during violence against another member of the family, even though no acts of violence have been committed against him.

In 2012, the Ministry of Health and Social Welfare, the Ministry of the Interior, the Ministry of Education and Culture and the Ministry of Family, Youth and Sports of Republika Srpska signed the Protocol on the Procedure in Case of Violence, Abuse or Neglect of Children, which aims at improving and strengthening mutual cooperation and protecting the child from any form of violence, abuse or neglect. The Protocol entered into force on 1 January 2013. The basic purpose of this Protocol is to promote social care for the child and to protect and provide the necessary assistance in all situations where the child is exposed to any form of violence or abuse, in a manner to ensure timely reaction of competent institutions.

One of the provisions of the Protocol implies keeping records of cases of violence, abuse and neglect by the institutions and facilities responsible for taking care of the child. The referenced records shall be maintained on the prescribed form by the upbringing-educational institutions, centres for social work / social protection services, public security centres / police stations and all of the health care institutions. The Ministry of Family, Youth and Sports is responsible for issuing a "Report on the Application of the Protocol on the Procedure in Case of Violence, Abuse or Neglect of Children" based on the obtained data and submit it to the Government of Republika Srpska for consideration.

Number of children - victims of violence, ill-treatment or neglect in 2014 in Republika Srpska

2014 - 629 children – victims of violence, ill-treatment or neglect		Child's age			
Form of violence	Sex	0-4 years	5-9 years	10-14 years	15-18 years
Physical violence	M	2	11	28	31
	F	3	3	16	24
Emotional violence	M	32	41	49	44
	F	13	34	46	58
Social violence	M	5	9	6	8
	F	5	4	12	18
Sexual violence and child abuse	M	1	-	1	1
	F	-	5	11	8
Electronic violence	M	-	-	1	-
	F	-	-	-	1
Child abuse	M	1	2	4	2
	F	1	1	5	1
Neglect and negligent treatment	M	25	46	38	41
	F	19	46	50	40
Exploitation of children	M	2	2	7	7
	F	-	1	5	4

Number of children - victims of violence, ill-treatment or neglect in 2015 in Republika Srpska

2015 - 637 children – victims of violence, ill-treatment or neglect		Child's age			
Form of violence	Sex	0-4 years	5-9 years	10-14 years	15-18 years
Physical violence	M	2	6	74	53
	F	2	1	23	27
Emotional violence	M	35	40	72	46
	F	36	41	59	49
Social violence	M	-	1	2	3
	F	-	-	-	1
Sexual violence and child abuse	M	-	-	2	1
	F	-	3	10	11
Electronic violence	M	-	-	3	-
	F	-	1	2	3
Child abuse	M	-	-	1	-
	F	-	-	-	1
Neglect and negligent treatment	M	3	16	12	2
	F	2	7	10	11
Exploitation of children	M	-	-	-	-
	F	-	-	-	-

Number of children - victims of violence, ill-treatment or neglect in 2016 in Republika Srpska

2016 - 944 children – victims of violence, ill-treatment or neglect		Child's age			
Form of violence	Sex	0-4 years	5-9 years	10-14 years	15-18 years
Physical violence	M	6	17	63	59
	F	8	21	33	46
Emotional violence	M	36	40	71	37
	F	35	51	53	33

Social violence	M	6	8	11	9
	F	-	3	7	10
Sexual violence and child abuse	M	-	1	8	-
	F	-	2	24	7
Electronic violence	M	-	-	3	-
	F	-	-	5	-
Child abuse	M	-	-	0	-
	F	1	1	-	-
Neglect and negligent treatment	M	25	42	48	24
	F	27	27	32	19
Exploitation of children	M	-	-	-	2
	F	-	-	-	1

Number of children - victims of violence, ill-treatment or neglect in 2017 in Republika Srpska

2017 - 810 children – victims of violence, ill-treatment or neglect		Child's age			
Form of violence	Sex	0-4 years	5-9 years	10-14 years	15-18 years
Physical violence	M	10	7	25	32
	F	10	16	24	20
Emotional violence	M	28	28	33	24
	F	30	33	50	30
Social violence	M	2	11	10	3
	F	6	3	9	5
Sexual violence and child abuse	M	-	3	7	1
	F	3	9	20	12
Electronic violence	M	-	-	-	1
	F	-	1	1	2
Child abuse	M	2	1	1	-
	F	1	7	2	1
Neglect and negligent treatment	M	24	34	31	27
	F	24	35	47	26
Exploitation of children	M	-	-	1	1
	F	-	-	1	2

Number of children in institutions for children without parental care in Republika Srpska during the reference period

	2015	2016	2017
Number of children in institutions for children without parental care	89	96	90

Number of children placed in other families in Republika Srpska during the reference period

	2015	2016	2017
Number of children placed in other families	287	330	344

Number of minor social welfare beneficiaries referred to the institutions in Republika Srpska during the reference period

	2015	2016	2017
Number of minor beneficiaries placed in the institutions	211	250	226

Number of minors under custody, special custody or adoption in Republika Srpska during the reference period ¹⁰

	2015	2016	2017
Number of minors under custody	271	362	494
Number of minors assigned a special case custodian	115	114	176
Number of adopted minors	24	16	4

Number of beneficiaries of the Home for Children and the Youth without parental care by age groups in Republika Srpska during the reference period

Age groups	Up to 3 years	3-10 years	10-15 years	15-18 years	Older than 18
2015	7	15	31	29	7
2016	8	14	33	32	9
2017	7	17	28	32	6

Number of beneficiaries of the Home for Children and the Youth without parental care by sex in Republika Srpska during the reference period

Sex	Male	Female	Total
2015	44	45	89
2016	46	50	96
2017	40	50	90

In the Brčko District, the Family Law of the Brčko District implies that a child in the family has the right to protection from all forms of violence, abuse, neglect and neglect.

Sanctions for neglect or abuse of a child or a minor are stipulated in the Criminal Code of the Brčko District, while the Law on Social Protection of the Brčko District recognises the term of abused children and children in a state of social need as beneficiaries of social protection rights.

Data on violence, neglect and abuse of children in the Brčko District, reference period of 2015 – 2017

Criminal offence	2015 - 2017
Rape	1
Attempted rape	0
Sexual intercourse with a child	2
Sexual coercion	0

¹⁰Official data of the Ministry of Health and Social Welfare of Republika Srpska;

Fornication	1
Exploitation of a child or a minor for pornography	4
Human trafficking	0
Cohabitation with a younger juvenile	0
Neglect or abuse of a child or a minor	1
Child support avoidance	6
TOTAL	15

Children in public care

In its Conclusions (2015), the European Committee on Social Rights adopts the information contained in the previous Report of Bosnia and Herzegovina and concludes that entity laws provide for circumstances in which a parent may be deprived of the right to live with a child, i.e. to parental care.

Question of the Committee: Describe the general legislative framework and whether there has been any change in legislation relative to the previous report, and in particular concerning adoption and placement of a child in an institution or another family if this is in the child's best interest.

The Family Laws of the Entities and the Brčko District of Bosnia and Herzegovina stipulate that at the request of one or both parents or ex officio the custodial authority may decide on the placement of a child and entrust him to another person or institution for the custody and upbringing, if necessary, for the protection of the best interests of the child. Such a decision may be made by the custodial authority without consent of parents if they are absent, prevented or incapable of taking care of the child and have not entrusted him/her to another person who meets the conditions for a custodian to take care of and bring up the child. In the event that such a decision is made without the presence of parents, the accommodation, custody and upbringing of the child may last for up to two months. If after that period the conditions remain unchanged for the child, the custodial authority will immediately make a decision to put the child under custody.

If parents request a decision to be made to cease their custody and to hand over the child, and the custodial authority finds that such a request is not in the child's interest, measures will be taken to protect the rights and best interests of the child.

If the custodial authority fails to take action to protect the rights and best interests of the child within 15 days of the date of filing the parent's request, parents may file a lawsuit for deciding on further child care. In rendering the foregoing decisions, the custodial authority acts in accordance with the provisions of the Law on Administrative Procedure and, in accordance with the provisions of that Law, an appeal may be filed against the decision of the custodial authority as a first instance body. The Federation Ministry of Labour and Social Policy, being the competent second instance body, shall decide on the appeal and an administrative dispute with the competent cantonal court may be instigated against its decision.

The Family Laws also prescribe situations in which a parent may be deprived of the right to live with a child or to provide parental care. Thus, in an out-of-court proceeding, a parent may be deprived of the right to live with a child and the custody and upbringing of a child may be entrusted to another person or institution if the parents or the parent with whom the child lives endanger the child's interest and to a greater extent neglects the raising, upbringing or education of the child or does not prevent another parent

or member of the family to behave in this way towards the child, or if there is a major disorder in the child's upbringing.

The court will give the parent back the right to live with the child when it is in the child's interest. A parent who, by abusing his/her rights or by gross negligence of his/her duties or by abandoning a child or failing to take care of a child with whom he or she does not live, evidently endangers the safety, health or morality of the child or who does not protect the child from the behaviour of another parent or other person shall be deprived of parental care in the out-of-court proceedings.

Abuse of rights is especially present in the cases of bodily and mental violence against a child, sexual exploitation of the child, inducing a child to engage in socially unacceptable behaviour, and other gross violations of the child's rights.

Gross neglect of duties exists especially in cases where a parent does not fulfil the obligation to support the child for longer than three months, does not abide by earlier measures to protect the child's rights and interests, does not prevent a child from enjoying alcoholic beverages, drugs and other narcotic substances as well as a minor younger than 16 from late-night going out.

A notification of violation of the child's rights, in particular of violence against, abuse, sexual abuse and neglect of the child, shall be submitted to the custodial authority without delay by all bodies, organisations and natural persons.

Prior to taking the measures, the custodial authority will interview the minor about the circumstances relevant to the decision if the minor is capable of understanding what it is all about. The opinion of the minor will be particularly taken into account and respected in the case of taking a measure to separate the child from parents.

The custodial authority will warn parents of their failures in taking care of the child and help them with eliminating such failures and assist them in settling their social, material and personal opportunities and relationships and if the child's interest so demands, the custodial authority will refer the parents to the appropriate counselling centre.

A parent who has been deprived of the right to live with the child may also be deprived of the parental care if, during a period of one year, he/she failed to exercise his/her obligations and rights which were not withdrawn by the pronouncement of this measure and to create the conditions for this right to be reinstated. Parental care can also be withdrawn from a parent who does not create the conditions for maintaining personal relationships and immediate contacts of the child with the other parent or who precludes or prevents their maintenance. Parental care will be reinstated by the court's decision once the reasons for which it was withdrawn cease to exist.

An appeal may be filed against the court's decision by which a parent has been deprived of the right to live with a minor, i.e. to provide parental care. The first instance court is obliged to submit the appeal with the files to the second instance court (competent cantonal court) without delay, and the latter shall be obliged to make a decision within 15 days from the date of receipt of the appeal.

The right to placement with another family shall be held by a person who, under the terms of this Law, has the right to be placed in the institution.

In selecting another family, the relevant service will be particularly guided by the needs of the beneficiaries, personal characteristics of the beneficiaries and members of the family in which they are to be placed, the housing and other capacities of the family.

The beneficiary cannot be placed in another family in which one of the family members has been deprived of parental rights or business capacity, in which the family relationships are disrupted, in which some of the family members manifests socially unacceptable behaviour, and in a family in which, due to illness of a family member, health of the beneficiary and the purpose of accommodation would be endangered.

Minors are most often placed in kinship care (if they have such families) and in other families - foster families, based on a Decision on Placement.

A foster parent shall be obliged to take care of the child's personality, in particular of the child's health, education and preparation for an independent life and work. The family in which the child is placed cannot take, without the consent of the parent, adoptive parent or custodial authority, important measures regarding the child's personality and, in particular, it cannot hand the child over to another person for custody and care, interrupt the child's schooling, change the type of school, decide on the choice or performance of occupational activities and the conclusion of employment contracts.

A foster parent shall be entitled to a compensation for supporting the beneficiary, which is paid from the funds allocated for exercising the social security rights.

If a child does not live with either both or one parent, the child's legal right is to regularly maintain personal relationships and direct contact with the parent he or she does not live with. The child has the right to maintain personal relationships and direct contacts with his/her grandfather and grandmother. Maintaining personal relationships and direct contacts of a child with a parent may be limited or prohibited only to protect the child's interests.

Accordingly, a child placed in another family or institution has the right to maintain personal relationships with his or her parents and/or grandparents if this is not contrary to his/her interests as determined by the court in accordance with the legal provisions.

Centre for Social Work decides on the placement in an institution and, for the purpose of taking care of and protecting the interests of a minor, it is obliged to monitor the way in which the child is treated in the institution.

When it comes to adoption, it can be full or partial. Within partial adoption, the kinship relationships shall be established between the adopted child and the adoptive parents and their offspring, including the rights and duties that, by law, exist between parents and children unless otherwise provided by law. Partial adoption does not affect the rights and duties of the adopted child towards his or her parents and other relatives.

Within full adoption, the kinship relationships shall be established between the adoptive parents and their offspring and the adopted child, as if they were blood relatives. Only a child up to five years of age who has no living parents or whose parents are unknown, that is, who abandoned the child and whose place of residence is unknown for more than a year, or who expressed their consent before the competent authority to have their child fully adopted, can be fully adopted. With full adoption, all mutual rights and duties between the adopted child and his/her blood relatives shall cease to exist.

There are no restrictions for fully or partially adopted children to know about their origin.

For the adoption to be valid, it is necessary that the adoptive parents and the adopted child's parents, that is, the adopted child's caregivers give their consent before the competent custodial authority. Adoption of an underage person older than 10 years requires his consent. Adoption must be in the interest of the adopted child.

Only a person at least 18 years older than the adopted child can be an adoptive parent. Married couples can jointly adopt the same child. A child can also be adopted by only one of them, with the consent of the other spouse. One cannot adopt a lineal relative, or a brother or a sister. A guardian cannot adopt his or her protégé until the custodial authority relieves him/her of the duties of the guardian. A person whose parental rights have been terminated, a person whose business capacity is abolished or limited, a person who does not provide sufficient guarantees that he/she will raise and educate the adopted child so as to become a useful member of the community, a person who is mentally ill or feeble-minded or who is suffering from other illness that may endanger the health or life of the adopted child, cannot adopt a child. A person whose spouse suffers from any of the foregoing circumstances cannot adopt a child either.

With regard to inheritance, common-law kinship equates to marital kinship, and the kinship of the full adoption to the blood kinship. In the case of full adoption, the mutual inheritance rights of the adopted child and his/her offspring with his blood relatives shall cease to exist.

There is no restriction to the inheritance right in children born in marriage or out of wedlock. As the Family Laws equate the marriage and common-law communities, so are the rights of children born in marriage and out of wedlock are equalised as well.

In the Federation of Bosnia and Herzegovina, in the procedure for exercising the right to social protection and also in rendering a decision on the placement of a minor in an institution or another family, the provisions of the Law on Administrative Procedure shall apply, therefore, an appeal against the decision rendered in such proceedings may be filed in accordance with the provisions of that Law. The appeal shall be decided on by the cantonal ministry responsible for the field of social protection, as a second instance body.

An administrative dispute against the decisions of the second-instance bodies can be instigated before the competent cantonal court in the Federation of Bosnia and Herzegovina according to the place of residence of the respondent.

The Rulebook on Standards regarding the space, equipment and required professional and other workers in social welfare institutions in the Federation of Bosnia and Herzegovina has defined minimum standards of services in social welfare institutions that can be expanded by cantonal regulations. The said Rulebook stipulates that the capacity of an institution for children without parental care may not exceed 40 places.

Also, in order to develop a social protection system which will have the capacity to respond optimally to the needs of children to live in their biological families as well as to the needs of children separated from their parents to obtain the protection which is aligned with the best interests of the child, a "Policy Document on the Protection of Children Without Parental Care and Family at Risk of Separation in the Federation of Bosnia and Herzegovina 2006-2016" and the accompanying Action Plan which clearly defines the objectives, activities, actors, indicators, sources of funding and budget projection of necessary funds have been developed to improve the protection of children without parental care families at risk. The foregoing document contains the following priority areas:

1. Monitoring of Children and Families at Risk of Separation;
2. Family Support Services;
3. Development and strengthening of family-based care/ custody, adoption and foster care;
4. Transformation of institutional care of children.

In Republika Srpska, Centres for Social Work decide on the realization of social protection rights, including, among other things, the right to placement in an institution or with the other family.

The Law on Social Protection stipulates that the provisions of the Law on General Administrative Procedure shall be applied in the procedure of exercising the rights under this Law, and that the Ministry responsible for social protection shall decide on the appeal from the decision of the first-instance body. The Law on General Administrative Procedure stipulates that a party shall be entitled to file an appeal against the decision taken in the first instance procedure. It can only be prescribed by law that in certain administrative matters an appeal shall not be allowed but only if the party's rights and legal interests and the protection of legality have otherwise been guaranteed.

The Family Law stipulates that a person who wishes to adopt a child may file an appeal against the decision rejecting a request for adoption with a second instance body responsible for social policy matters. An appeal may only be filed against a decision granting the adoption in the case of deception, fraud or coercion, in which case filing an appeal is not limited by a deadline.

An administrative dispute may be instigated against the decision of the second-instance body.

In the Brčko District, the social protection rights shall be exercised through the Brčko District Social Protection Sub-department. At the request of the party or its legal representative or ex officio authorized persons of the Social Protection Sub-department, the procedure for exercising the rights shall be instigated in accordance with the Law on Social Protection of the Brčko District.

The provisions of the Law on Administrative Procedure of the Brčko District of Bosnia and Herzegovina shall apply in the procedure for exercising social protection rights. A party dissatisfied with the first-instance decision may lodge an appeal with the Appellate Commission of the Brčko District within 15 days.

Persons dissatisfied with the final decision can instigate an administrative dispute before the Brčko District Basic Court. The proceedings before the court are governed by the Law on Administrative Disputes of the Brčko District.

The proceedings before the court shall be instigated after the administrative procedure has been completed and only with regard to the administrative procedure final decision. A party may also instigate an administrative dispute if, within the administrative procedure, the second-instance body has not rendered a decision on the appeal of the party against the first instance decision within 30 days and if it also fails to render a decision within a further period of 7 days upon written request. In such a case the party has the right to instigate an administrative dispute as if its appeal was rejected.

Number of children placed in institutions for children without parental care in the Brčko District, reference period 2015 - 2017

Children without parental care in institutions	2015	2016	2017
Number of children	8	7	6

The number of children accommodated in another family in the Brčko District reference period 2015 - 2017

Placement with other families	2015	2016	2017
Number of children	35	33	33

Number of underage beneficiaries of social protection referred to institutions in the Brčko District, reference period 2015 - 2017

Placement in institutions for minor	2015	2016	2017

beneficiaries of social protection			
Number of beneficiaries	1	1	1

**Number of minors under custody, special custody and adoption in the Brčko District,
reference period 2015 - 2017**

Number of minors	2015	2016	2017
Custody			13
Custody for special cases			18
Adoption			-

Number of users of homes for children and youth without parental care by sex and age groups in the Brčko District, reference period 2015 - 2017

2015

Homes for children and youth without parental care	0-10		11-18		19-22	
	m	f	m	f	m	f
Number of children		1	3	2	1	1
TOTAL	1		5		2	

2016

Homes for children and youth without parental care	0-10		11-18		19-22	
	m	f	m	f	m	f
Number of children			2	2	2	1
TOTAL				4		3

2017

Homes for children and youth without parental care	0-10		11-18		19-22	
	m	f	m	f	m	f
Number of				2	3	1

children						
TOTAL			2			4

Juvenile delinquents

In its Conclusions (2015), the European Committee on Social Rights takes note of the information contained in the previous Report of Bosnia and Herzegovina and observes that the existing legislation in Bosnia and Herzegovina is in line with international legal standards in the area of juvenile justice.

Question of the Committee: Please describe the general legislative framework and whether there was any change in legislation relative to the previous report on juvenile imprisonment and educational measures for juvenile offenders.

According to the Law on Execution of Criminal Sanctions, Detention and Other Measures of Bosnia and Herzegovina, execution of juvenile imprisonment and educational measures fall within the competence of the Entities, considering that the foregoing measures are to be implemented based on the place of residence of the juvenile. In this connection, the regulations of Bosnia and Herzegovina do not contain detailed provisions on juveniles, instead, they only include a few general norms that, with regard to the enforcement of sanctions, refer to the legislation and institutions under the competence of the Entities, such as the provisions on education, sporting opportunities for persons serving juvenile imprisonment, and the provisions on leave that may be granted to persons serving juvenile imprisonment twice a year, provided that they cannot last longer than 20 days each, and to persons who have not turned 23 years of age.

The foregoing Law especially define the obligation to separate the placement of minors from that of adults and such placement may be provided either in a special facility or in a separate department of the Correctional Facility.

The Criminal Procedure Code of Bosnia and Herzegovina defines the proceedings against a juvenile in detention who is detained separate from adult detainees.

The Ministry of Justice of Bosnia and Herzegovina has adopted the Rulebook on Physical Culture for Juveniles Serving Juvenile Imprisonment or Being Imposed on Correctional Facility Educational Measures in the Correctional Facilities of Bosnia and Herzegovina. At the Entity level, the Rulebooks on Criteria for the Referral of Sentenced Persons to Serve the Prison Sentence have been adopted.

Data on the number of convicted juvenile offenders per group of criminal offences in BiH

	2014	2015	2016
Total	313	176	153
Life and limb	45	20	25
Human and civil freedoms and rights	1	4	3
Human health	11	8	9
Marriage, family, youth	5	5	0
Sexual freedoms and morality	6	6	4

Economy, operations and security of payment transactions	0	0	0
Property	183	109	83
Environment, agriculture and natural resources	5	0	1
General security of people and property	3	1	0
Safety of public transport	6	2	2
Judiciary	6	2	1
Public order and legal transactions	35	17	20
Bribing official and other responsible functions	0	0	0
Electronic data processing system	3	0	0
Other offences	4	2	5

In the Federation of Bosnia and Herzegovina, juvenile imprisonment is executed in a Juvenile Correctional Facility with its headquarters in Orašje, and in the Tuzla Penitentiary Institution in a special juvenile division.

Apart from the Criminal Code of the Federation of Bosnia and Herzegovina and the Law on Protection from Domestic Violence, this field has been regulated in most part by the Law on Protection and Treatment of Children and Minors of the Federation of BiH, based on which the Rulebook on the Application of Educational Recommendations, the Rulebook on the Execution of Educational Measures of Special Obligations and the Rulebook on the Disciplinary Responsibility of Juveniles in the Execution of the Facility Educational Measures and Juvenile Imprisonment have been adopted.

The system of criminal sanctions against juveniles or children in conflict with the law consists of:

1. Educational measures;
2. Juvenile imprisonment; and
3. Security measures.

It is common for juvenile perpetrators of criminal offences to be imposed on criminal sanctions consisting of educational measures, and these are the only types of sanctions against younger juveniles. Apart from this measure, a sanction of juvenile imprisonment may also be imposed on older juveniles if the legal requirements for such sanction have been satisfied and if it is considered that the imposition of an educational measure will not achieve the purpose of the criminal sanction. In addition to these criminal sanctions, and only along with an educational measure or a sentence to juvenile imprisonment, security measures may also be imposed on juveniles.

When it comes to educational measures, they are divided to lenient and strict measures. Thus, lenient measures are primarily considered to be the measures of warning and guidance and intensified

supervision, while the most severe measures are the correctional facility ones. Such division of educational measures corresponds to and demands the application of the principle of gradualness, i.e. the gradual application according to which a more lenient educational measure shall always be applied first if it can achieve the purpose (educational goal) of the educational measure, and only then a more severe educational measure or juvenile imprisonment shall be pronounced. Educational measures and juvenile imprisonment in character are compulsory measures by all means and their application does not depend on the will of the juvenile. The purpose of juvenile imprisonment is certainly to exert a greater influence on a juvenile criminal offender in order not to commit criminal offences in the future (special prevention) but also to influence other juveniles not to commit criminal offences (general prevention).

In accordance with the obligations stipulated in the Law on Protection and Treatment of Children and Minors of the Federation of Bosnia and Herzegovina, activities are performed on a regular basis to secure professional development and training of official persons working in the field of juvenile delinquency and criminal protection of children, that is, training of police officers, social workers, mediators, attorneys and those employed with correctional facilities, to enable their advanced training or specialisation in dealing with juvenile offenders, as well as in dealing with children and juveniles as injured parties in criminal proceedings.

In Republika Srpska, there is a juvenile correctional facility with a capacity of 40 persons and a juvenile prison facility for the execution of juvenile prison sentences within the East Sarajevo Correctional Facility with a capacity of 40 persons, which is built in accordance with the latest European standards.

This field is regulated by the Law on Protection and Treatment of Children and Juveniles in Criminal Procedure, on the basis of which the following bylaws have also been drafted: the Rulebook on the Application of Educational Recommendations; the Rulebook on the Execution of the Educational Measure of Special Obligations; the Rulebook on Disciplinary Responsibility of Minors in the Execution of the Facility Educational Measures and Juvenile Imprisonment and the Education Programme, and the Rulebook on the Application of the Police Warning Measure.

Number of convicted juvenile offenders per group of criminal offences in Republika Srpska,2015-2017

Groups of criminal offences	2015	2016	2017
TOTAL	48	62	42
Life and limb	6	11	7
Civil freedoms and rights	1	2	3
Sexual integrity	2	1	2
Marriage and family	-	-	1
Human health	1	3	1
Property	32	35	22
Judiciary	1	-	-
Public order and peace	3	8	2
Safety of public traffic	2	1	4
Environment	-	1	-

Number of persons received to serve the juvenile imprisonment sentence in Republika Srpska during the reference period

Year	Number of persons received to serve the juvenile imprisonment sentence
2015	-
2016	1 person, rape (3 years)
2017	1 person, homicide (5 years)

In the Brčko District of Bosnia and Herzegovina, this field has been regulated by the Law on Protection and Treatment of Children and Juveniles in Criminal Procedure in the Brčko District, which prescribes the conditions, manner and length of detention of juveniles, the execution of the facility educational measures and a sentence of juvenile imprisonment, which are fully in line with European standards.

This Law is a lex specialis and fully complies with the criminal legislation of Bosnia and Herzegovina relating to juveniles.

Number of convicted juvenile offenders per group of criminal offences in the Brčko District, reference period 2015 – 2017

2015

The statistics of the duration of the cases by area of responsibility, legal basis and the year of instigation	
* Parameters with which the report was initiated	
Court	Basic Court of the Brčko District of BiH
Division	All Divisions
Section	All Sections
Legal field	All legal fields
Judge	All judges
Start time	01/01/2015
End time	31/12/2015
Type of case	KM-Criminal cases - juveniles
Stage type	KM-First instance criminal proceedings for juveniles
Legal basis – protective objects	All protective objects
Legal basis - groups	All groups of legal bases
Legal basis	All legal bases
Year of case start	All years
Completion method - groups	All methods of completion
Completion method	All methods of completion

BASIC COURT OF THE BRČKO DISTRICT OF BIH

Year of the case	Persons - solved	Total duration (days)	Number of solved cases	Average (days)

instigation				
	37	4686	36	
130				
CRIMINAL	37	4686	36	130
(BD 169/1/) Serious bodily injury	2	49	2	25
2014	1	39	1	39
2015	1	10	1	10
(BD 170/1/) Minor bodily injury	2	67	2	34
2014	2	67	2	34
(BD 200/4/) Rape	2	85	2	43
2015	2	85	2	43
(BD 232/1/) Illicit production and marketing of narcotic drugs	3	61	3	20
2015	3	61	3	20
(BD 280/1/) Thievery	3	75	3	25
2014	1	23	1	23
2015	2	52	2	26
(BD 281/1/) Grand larceny	15	1110	14	79
2013	1	704	1	704
2014	1	53	1	53
2015	13	353	12	29
(BD 283/2/) Robbery	2	50	2	25
2015	2	50	2	25
(BD 317/1/) Causing general danger	1	3051	1	****
2007	1	3051	1	3051
(BD 317/4/) Causing general danger	2	31	2	16

2015	2	31	2	16
(BD 356/2/) Violent behaviour	3	99	3	33
2014	1	35	1	35
2015	2	64	2	32
(BD 365/1/) Illicit Possession of Weapons or Explosive Substances	2	8	2	4
2015	2	8	2	4

37	4686	36
130		

2016

The statistics of the duration of the cases by area of responsibility, legal basis and the year of instigation	
* Parameters with which the report was initiated	
Court	Basic Court of the Brčko District of BiH
Division	All Divisions
Section	All Sections
Legal field	All legal fields
Judge	All judges
Start time	01/01/2016
End time	31/12/2016
Type of case	KM-Criminal cases - juveniles
Stage type	KM-First instance criminal proceedings for juveniles
Legal basis – protective objects	All protective objects
Legal basis - groups	All groups of legal bases
Legal basis	All legal bases
Year of case start	All years
Completion method - groups	All methods of completion
Completion method	All methods of completion

BASIC COURT OF THE BRČKO DISTRICT OF BIH

Year of the case instigation	Persons - solved	Total duration (days)	Number of solved cases	Average (days)
33	18	595	18	
CRIMINAL	18	595	18	33
(BD 169/6/) Serious bodily injury	2	33	2	17
2016	2	33	2	17
(BD 232/1/) Illicit production and marketing of narcotic drugs	6	135	6	23
2016	6	135	6	23
(BD 280/1/) Thievery	2	61	2	31
2016	2	61	2	31
(BD 281/1/) Grand larceny	2	24	2	120
2015	1	239	1	239
2016	1	1	1	1
(BD 232/1/) Damage to someone else's property	3	59	3	20
2016	3	59	3	20
(BD 290/1/) Blackmailing	3	67	3	22
2016	3	67	3	22

33	18	595	18
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2017

The statistics of the duration of the cases by area of responsibility, legal basis and the year of instigation	
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* Parameters with which the report was initiated	
Court	Basic Court of the Brčko District of BiH
Division	All Divisions
Section	All Sections
Legal field	All legal fields
Judge	All judges
Start time	01/01/2017
End time	31/12/2017
Type of case	KM-Criminal cases - juveniles
Stage type	KM-First instance criminal proceedings for juveniles
Legal basis – protective objects	All protective objects
Legal basis - groups	All groups of legal bases
Legal basis	All legal bases
Year of case start	All years
Completion method - groups	All methods of completion
Completion method	All methods of completion

Year of the case instigation	Persons - solved	Total duration (days)	Number of solved cases	Average (days)
41	17	649	16	
CRIMINAL	17	649	16	41
(BD 170/1/) Minor bodily injury	4	82	4	21
2017	4	82	4	21
(BD 280/1/) Thievery	5	287	4	72
2017	5	287	4	72
(BD 281/1/) Grand larceny	2	77	2	39
2017	2	77	2	39
(BD 283/1/) Robbery	2	32	2	16
2017	2	32	2	16
(BD 232/1/)				

Concealment	4	171	4	43
2017	4	171	4	43

17	649	16
41		

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

In its Conclusions (2015), the European Committee on Social Rights takes note of the information contained in the Report submitted by Bosnia and Herzegovina and notes that different provisions are applied at state level and entity levels of government (FBiH, Republika Srpska and the Brčko District BiH). The Committee takes note of the information that social inclusion in schools has been improved through the application of inclusion indexes as self-assessment tools, as well as information that categories, identification procedures, planning and ways of work, training and professional development are more closely regulated by entity and cantonal regulations.

Question of the Committee: Please describe the general legislative framework and whether there has been any change in legislation relative to the previous report. Specify the number of children with special needs attending mainstream schools.

The relevant framework law governing this area is the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina, which states that primary education is compulsory for all children, that compulsory education is free of charge and that primary education is provided free of charge to all children.

This Law stipulates that during the period of compulsory education, the competent authorities shall take all necessary measures to enable the pupils to have free access to and to participate in education, in particular with regard to securing access to free textbooks, manuals and other didactic materials.

Compulsory education begins in the calendar year in which the child reaches six years of age until 1 April, and lasts for an uninterrupted period of not less than eight years. The competent education authorities and schools in Bosnia and Herzegovina were obliged, not later than June 2004, to create all the necessary conditions for the normal start of nine-year primary education.

Within the meaning of this Law, a child shall be any person up to eighteen years of age. Secondary education is available to all, in line with the primary school performance, personal interest and abilities. Secondary education in public institutions is free of charge in accordance with the law.

During the compulsory education, the competent authorities shall take all necessary measures to make sure that pupils have free access to and participate in education, in particular with regard to providing access to free textbooks, manuals and other didactic materials. Children and young people with special educational needs receive education in the mainstream schools and according to curricula tailored to their individual needs. An individual programme, tailored to their abilities and capabilities, shall be created for each pupil, with the mandatory determination of defectology and speech impairment status. Children and young people with severe disabilities and developmental difficulties can be educated in part or in whole in special educational institutions if it is impossible to provide adequate education in mainstream schools.

All laws in Entities, Cantons and the Brčko District of Bosnia and Herzegovina, as well as other relevant regulations in the field of education, should be aligned with the provisions of the FASR, at the latest within six months after the entry into force of this Law.

During the period 2015 - 2017, there were no amendments to the Framework Law, nor have they been planned in the near future.

In the Federation of Bosnia and Herzegovina, according to statistics of the Federation Institute for Statistics, there were 304 children with special needs in preschool institutions in the pedagogical year 2015/16, 285 children with special needs in preschool institutions in the pedagogical year 2016/17 and 340 children with special needs in pre-school institutions in pedagogical year 2017/18.

According to data of the Federation Institute for Statistics, in the Federation of Bosnia and Herzegovina, there were 2397 pupils with special needs included in mainstream primary education in the school year 2015/16, 2086 pupils with special needs included in mainstream teaching process in the school year 2016/17 and 2510 pupils with special needs included in mainstream teaching process in school year 2017/18.

Bulletins of the Federation Institute for Statistics do not contain data on the number of pupils with special needs included in the mainstream secondary teaching process for the reference period. In secondary schools in the Federation of BiH, there were 280 pupils with special needs in the school year 2015/16, 257 pupils in the school year 2016/17 and 255 pupils in the school year 2017/18.

In Republika Srpska, the Law on Primary Education was adopted in 2017 to regulate the primary education activities as part of the uniform educational system of Republika Srpska, the rights, obligations, duties and responsibilities of pupils, parents and school staff, curricula, school management, provision of funds, evaluation of the quality of educational activities, supervision over the school functioning, recognition of Certificates, and records and public documents.

The Law prescribes that primary education is an activity of general social interest, that it lasts nine years and that it is compulsory and free of charge for all children between the ages of six and 15.

The Law on Secondary Education of Republika Srpska was adopted in 2018 and it regulates the secondary education activities as part of the uniform educational system of Republika Srpska, establishment and termination of secondary education, the status of pupils, teachers, professional associates and other workers, school management, evaluation of the quality of educational work, development of curricula, financing and supervision over the school functioning, recognition of Certificates, and records and public documents, acquisition of qualifications, extra-curricular education and other issues related to secondary education.

It also stipulates that secondary education is an activity of general social interest and that it is accessible to everyone under equal conditions, in accordance with this Law and the abilities of an individual. Secondary education is not mandatory.

Number of children with special needs in preschool institutions in Republika Srpska during the reference period

Year	Number of children
2015	157
2016	193
2017	201

Number of pupils with special needs included in the mainstream teaching process - primary education in Republika Srpska during the reference period

Year	Number of children
2015	1323
2016	1307
2017	1319

Number of pupils with special needs included in the mainstream teaching process - secondary education in Republika Srpska during the reference period

Year	Number of children
2015	373
2016	387
2017	381

Data on education of Roma children in Republika Srpska during the reference period

Year	Number of children
2015	108
2016	290
2017	371

Relevant data and statistics on the number of pupils enrolled in mainstream schools and schools for children with special needs in Republika Srpska during the reference period

Mainstream primary schools

Year	Number of children
2015	93670
2016	92312
2017	90995

Pupils with special needs – primary schools

Year	Number of children
2015	394
2016	371
2017	375

Mainstream secondary schools

Year	Number of children
2015	42089

2016	41136
2017	39831

Pupils with special needs – secondary schools

Year	Number of children
2015	118
2016	137
2017	125

Number of mainstream primary school pupils who discontinued education in Republika Srpska during the school year within the reference period (by year)

Year	Number of children
2015	143
2016	90
2017	50

Number of mainstream secondary school pupils who discontinued education in Republika Srpska during the school year within the reference period (by year)

Year	Number of children
2015	276
2016	306
2017	312

Note: The statement by the Ministry of Education and Culture - the term "children with special needs" is not consistent with the Convention on the Rights of Persons with Disabilities.

Integration of children with disabilities into mainstream education

In its Conclusions (2015), the European Committee on Social Rights notes that Bosnia and Herzegovina has not yet ratified Article 15, paragraph 1, of the Charter relating to the measures required for guidance and professional training for persons with disabilities through specialised public and private bodies.

Question of the Committee: Describe the general legislative framework, whether there was any change in legislation relative to the previous report, and whether there is legislation explicitly protecting persons with disabilities from discrimination in education and training, i.e. have measures been taken to facilitate the integration of children with disability into mainstream education.

There are no special laws in Bosnia and Herzegovina that explicitly protect persons with disabilities from discrimination in education and training, however, laws on education at all levels of organization in Bosnia and Herzegovina and the Law on Prohibition of Discrimination in Bosnia and Herzegovina prohibit discrimination on the ground, including disability, and guarantee to every child the same right of

access, equal opportunity to participate in appropriate education and enjoyment of equal treatment without discrimination.

Social inclusion in schools is enhanced through the applied Inclusion Index as a self-assessment tool.

The categories, process of identification, planning and manner of work, profile, training and professional development of professional staff for working with children and young people with special needs and other issues are more closely regulated by entity, cantonal and BD regulations, in accordance with the principles and standards established by the foregoing laws.

The Framework Law on Primary and Secondary Education in Bosnia and Herzegovina stipulates that teachers, pedagogues, psychologists, teachers for special education, speech therapists and school directors are covered by compulsory training, advanced training and verification programmes so as to acquire new knowledge, advanced skills and professional development.

Such programmes shall be established by educational authorities in the entity, cantons and the Brčko District, in accordance with the principles and standards defined by this Law.

According to the applicable laws regulating this area, inclusion implies a comprehensive inclusion of people with psycho-physical developmental disorders, persons with learning disabilities and generally persons facing obstacles to social inclusion into the educational system and everyday life.

Every child enjoys the equal right and equal opportunities in primary education without discrimination on any ground.

A school may organise classes for pupils with psycho-physical developmental disorders in the event that inclusion of such pupils into the mainstream classes cannot be achieved - classes for special education.

Not more than two pupils with psycho-physical developmental disorders may be included into a mainstream class. One pupil with psycho-physical developmental disorders shall reduce the number of pupils in the mainstream class by two compared to the optimum number of pupils, while two pupils with psycho-physical development disorders shall reduce the number of pupils in the mainstream class by six compared to the optimum number of pupils.

A combined class of two grades involving pupils with psycho-physical developmental disorders can have a maximum of 14 pupils.

A combined class of three grades involving pupils with disabilities can have up to ten pupils.

A child with minor mental and physical disabilities shall enrol into a mainstream class, providing that a special expert assistance shall be ensured for such a child within an observation period that cannot be shorter than six months.

Expert assistance within the observation period shall be provided by a teacher for special education-speech therapist and a pedagogical-psychological school service. In schools where there is no teacher for special education- speech therapist, expert assistance shall be provided by the pedagogical-psychological school service and, to the greatest extent possible, other experts shall also be involved.

Children with moderate to severe mental retardation, autistic children and children with multiple disorders shall receive descriptive marks.

Children with psycho-physical developmental disorders shall acquire primary education in mainstream schools and under the curricula tailored to their needs.

Number of children with special needs in preschool institutions at the beginning of the school year in Bosnia and Herzegovina

School year	Sex	Number
2013/2014	Total	469
	Female	164
2014/2015	Total	590
	Female	215

2015/2016	Total Female	488 172
2016/2017	Total Female	490 171

Number of pupils with special needs included in mainstream teaching process - primary education in Bosnia and Herzegovina

School year	Sex	Number
2013/2014	Total Female	3028 1148
2014/2015	Total Female	3364 1267
2015/2016	Total Female	3803 1408
2016/2017	Total Female	3484 1246

Number of pupils with special needs included in mainstream teaching process – secondary education in Bosnia and Herzegovina

School year	Sex	Number
2013/2014	Total Female	656 320
2014/2015	Total Female	661 248
2015/2016	Total Female	841 347
2016/2017	Total Female	869 362

Pupils enrolled in mainstream schools and schools for children with special needs at the beginning of the school year in Bosnia and Herzegovina - primary schools

	Total	Total classes			Pupils	
		Total	Non-combined	Combined	Total	Female
2014/2015	Total	15.344	13.414	1.930	296.819	144.456
	Mainstream primary schools	15.140	13.297	1.843	295.783	144.106
2015/2016	Primary schools for children with special needs	204	117	87	1.036	350
	Total	15.217	13.245	1.972	291.342	141.454
2016/2017	Mainstream primary schools	15.022	13.148	1.874	290.412	141.138
	Primary schools for children with special needs	195	97	98	930	316
	Total	15.076	13.081	1.995	287.729	139.479
	Mainstream primary schools	14.889	12.992	1.897	286.754	139.154

	Primary schools for children with special needs	187	89	98	975	325
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Pupils enrolled in mainstream schools and schools for children with special needs at the beginning of the school year in Bosnia and Herzegovina - secondary schools

		Number of Classes	Pupils	
			Total	Female
	Total	6.117	143.881	71.786
2014/2015	Gymnasium	1.545	37.132	23.330
	Technical schools	3.109	77.388	39.048
	Art schools	121	1.291	779
	Religious Schools	81	2.222	1.116
	Vocational schools	1.188	25.463	7.375
	Secondary schools for children with special needs	73	385	138
	Total	5.850	133.228	66.520
2015/2016	Gymnasium	1.455	33.321	20.897
	Technical schools	2.973	72.109	36.546
	Art schools	102	1.216	745
	Religious Schools	80	2.189	1.119
	Vocational schools	1.166	23.995	7.058
	Secondary schools for children with special needs	74	398	155
	Total	5.774	126.824	63.592
2016/2017	Gymnasium	1.377	30.615	19.236
	Technical schools	2.969	68.743	35.435
	Art schools	100	1.203	749
	Religious Schools	73	2.227	1.128
	Vocational schools	1.183	23.642	6.896
	Secondary schools for children with special needs	72	394	148
	Total	5.774	126.824	63.592

In the Federation of Bosnia and Herzegovina, there are individual and adjusted curricula for children with special needs. These curricula are developed in cooperation of teachers and mobile teams consisting of experts in certain areas (pedagogues, psychologists, teachers for special education, work therapists, etc.).

Newly-built schools adhere to building standards, while old schools are renovated wherever possible. A special problem concerns outpost schools in rural areas.

Pedagogical standards and norms stipulate that schools with a large number of pupils must have pedagogues and psychologists. Seminars, round tables and other forms of training are organised for teachers.

In Republika Srpska, the Law on Preschool Upbringing and Education stipulates that preschool upbringing and education takes place in accordance with ratified international conventions and that social protection institutions in which children of preschool age are permanently provided for and other institutions implementing preschool upbringing and education programmes, perform activities to secure

equal access to education for every preschool child. Upbringing-educational work in nursery or kindergarten groups is performed by caregivers and teachers for special education for children with developmental disorders included into the mainstream age groups and for children placed in developmental groups. Caregivers working with children with developmental disorders receive expert assistance from a teacher for special education, depending on the type of disorder. The educational group attended by a child with developmental disorders may have an associate to the caregiver.

The Law stipulates that in preschool institutions the following shall be used: comprehensive development programmes, specialised programmes, intervention, compensatory, rehabilitation programmes, programmes for strengthening the parental knowledge and skills in upbringing children and programmes for children before starting to go to school unless they are covered by some form of preschool education. When enrolling in preschool institutions for children with special needs, the institution is obliged to initiate the process of creating an individualised educational programme, and in the educational group attended by such a child, a caregiver shall be assisted by an inclusion assistant. The deadline for making the first individualised educational programme is at least three months after the enrolment.

An optimum educational group cannot include more than one child with developmental disorders, except in preschool institutions with fewer number of educational groups compared to the number of enrolled children with developmental disorders, in which case there may be two children with developmental disorders, however, the number of children in the group shall then be reduced by three.

Upbringing-educational work in nurseries or kindergartens is performed by caregivers and teachers for special education for children with developmental disorders included into the mainstream age groups and for children placed in developmental groups.

The educational group attended by a child with special needs shall have an inclusion assistant.

The activities of a caregiver associate can be performed by persons with completed four-year secondary education at least, or by students of the faculty for education of teachers and medical faculty within student practice or on a voluntary basis.

Within the Preschool Upbringing and Education Centre of Banja Luka, there is a preschool institution for working with children with developmental disorders as well.

The Law on Primary Education of Republika Srpska also regulates the rights of pupils with special educational needs:

- 1) gifted and talented pupils;
- 2) pupils with disabilities (visually impaired pupils; hearing impaired pupils; pupils with speech and voice communication disorders, pupils with physical disabilities and chronic illnesses, intellectually impaired pupils, pupils with psychological disorders and illnesses, pupils with multiple disorders);
- 3) pupils with learning disabilities, behavioural problems and emotional problems; and
- 4) pupils with disorders caused by upbringing, social, economic and cultural factors.

Pupils with disabilities are educated in mainstream schools (inclusion) or in primary schools for children with disabilities. In Republika Srpska, there are four centres for education and upbringing of children with disabilities. Since the school year 2010/2011, the Ministry of Education and Culture of Republika Srpska have been financing assistants primarily for pupils with autism and, in individual cases, assistants for pupils with severe disabilities. Four assistants were funded in that school year, while in the school year 2017/2018, 205 assistants were financed. In the school years 2010/2011 and 2017/2018, the respective amounts of BAM 23,200 and BAM 733,960 were allocated for that purpose and was.

The Law on Secondary Education also regulates the issue of education of pupils with developmental disorders:

1. visually impaired pupils;

2. hearing impaired pupils;
3. pupils with speech and voice communication disorders;
4. pupils with physical disabilities and chronic illnesses;
5. intellectually impaired pupils;
6. pupils with psychological disorders and illnesses;
7. pupils with multiple disorders.

These pupils are educated in mainstream schools, and a secondary school for children with disabilities may be established for their education, upbringing, habilitation and rehabilitation.

Each school in Republika Srpska may address the Republika Srpska Educational Institute, which is part of the Ministry of Education and Culture of Republika Srpska, seeking advice and training of teachers and professional associates for assistance in education of pupils with special needs.

In the Brčko District, the Law on Primary and Secondary Education of the Brčko District regulates the enrolment, identification process, the way of education and rehabilitation of children with psychophysical developmental disorders. This Law prohibits any form of discrimination in education of the aforementioned pupils and secures education for all pupils under the equal conditions, with the application of the principles and norms established by this Law.

In the Brčko District area, primary and secondary schools are attended by pupils with special needs – special classes have been organised in two primary schools for pupils with moderate intellectual disability, while pupils with mild intellectual disability are integrated into mainstream classes and inclusion teaching process. The teaching process for this group of pupils is realized through adjusted curricula matching the pupils' capacities, abilities, and interests.

After completing primary education, pupils enrol in secondary vocational schools for some less demanding professions, in accordance with their abilities and interests.

School expert teams closely monitor this category of pupils and, considering their constant communication with teachers, they have the opportunity to exchange views and to propose new solutions, individually treating each pupil with learning disabilities and facing obstacles in participation.

In the Brčko District, in order for the school to be physically accessible to children with disabilities, school buildings have properly designed access routes. One of the schools has an elevator thus making the rooms on the upper floor also accessible to children with disabilities, while in other schools the classroom layout is adjusted to the needs of these children.

The Brčko District educational system employs teachers for special education in various fields (oligofrenologists, surdoaudiologist, speech therapists, typhlopedagogue) who, jointly with pedagogues, psychologists, social workers and social pedagogues form professional teams that work with these pupils, also providing assistance and support to parents and teachers of these pupils.

Curricula designed for children with psycho-physical developmental disorders are developed by teachers in cooperation with professional teams which include the appropriate expert associates.

The Brčko District is involved in state-level reform processes where harmonisation of laws, common core, educational institution development strategy, qualification framework, external secondary school graduation exam takes place.

**Number of children with special needs in preschool institutions in the Brčko District,
reference period 2015-2017**

Children with	School year	School year
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special needs in preschool institutions	2015/2016				2016/2017			
Sex	M		F		M		F	
Number of children	2		-		2		-	

Number of pupils with special needs included in mainstream teaching process - primary education in the Brčko District, reference period 2015 - 2017

School year 2015/2016

Grade	I		II		III		IV		V		VI		VII		VIII		IX	
Sex	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Number of pupils	9	5	4	7	10	11	6	12	11	5	12	8	14	7	4	9	9	5
Total	148																	

School year 2016/2017

Grade	I		II		III		IV		V		VI		VII		VIII		IX	
Sex	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Number of pupils	7	2	2	9	1	1	1	1	1	1	1	7	1	1	1	8	7	5
Total	192																	

Number of pupils with special needs included in mainstream teaching process - secondary education in the Brčko District, reference period 2015 - 2017

Pupils with special needs included in mainstream teaching process - secondary education	2015/2016				2016/2017				2017/2018			
Number of pupils with special needs	52				43				27			

Number of pupils enrolled in mainstream schools and schools for children with special needs in the Brčko District, reference period 2015 - 2017

School year 2015/2016

Grad	I	II	III	IV	V	VI	VII	VIII	IX
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Gender	Males		Females		Males		Females		Males		Females		Males		Females		Males	
Sex	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
No. of pupils	394	328	375	365	353	349	322	306	321	308	314	345	326	345	333	330	337	365
Total	6145																	

School year 2016/2017

Grade	I		II		III		IV		V		VI		VII		VIII		IX	
Sex	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
No. of pupils	327	384	362	374	373	368	331	308	340	333	325	300	329	350	334	337	333	342
Total	5984																	

There are no schools for children with special needs in the Brčko District. Pupils are included in the inclusive form of education, while pupils with more severe psycho-physical disabilities attend the teaching process in special classes within a mainstream school. There are four such classes.

		School year 2015/2016				School year 2016/2017			
Sex		M		F		M		F	
Number of children		9		7		11		7	
TOTAL		16				18			

Secondary education attainment

In its Conclusions (2015), the European Committee on Social Rights takes note of the information contained in the previous report and concludes that secondary education in the Federation of Bosnia and Herzegovina and the Brčko District is not mandatory, while in Republika Srpska it is mandatory.

Question of the Committee: Describe the general legislative framework and indicate whether there was any change in legislation relative to the previous report.

In the Federation of Bosnia and Herzegovina, the Federation Ministry of Education and Science, in cooperation with the competent cantonal ministries of education, considers the possibility of introducing compulsory secondary education to last at least two years. This measure has already been introduced by Sarajevo Canton in school year 2010/2011 and Bosnian-Podrinje Canton in school year 2012/2013. In its Law on Secondary Education adopted in 2012, Una-Sana Canton stipulates compulsory two-year secondary education for all pupils up to the age of 18, based on which they will acquire I and II degree qualifications. The implementation of this statutory provision will be gradual and by occupation because of the need to draw up curricula for I and II degree occupations and to introduce new occupations of I and II degree of complexity into the nomenclature of occupations. The implementation of two-year education for all occupations will start the next school year.

In Republika Srpska, the enrolment rate in secondary schools is 97% (almost 100% - as if secondary education is compulsory).

Secondary education in the Republika Srpska is part of a uniform education system and an activity of general social interest, which encompasses different types and forms of education, which, after completing primary school, provides the knowledge and skills necessary for working in the professional field and for further education of an individual.

Depending on the type of school curriculum, schools can be established and registered as:

- 1) gymnasium;
- 2) art school;
- 3) four-year vocational technical school;
- 4) three-year vocational school;
- 5) two-year vocational school;
- 6) five-year religious school of five years duration;
- 7) school for pupils with special needs.

In the Brčko District, the acquisition of secondary education is regulated by the Law on Primary and Secondary Education of the Brčko District, according to which secondary education is not compulsory, but the rate of enrolment in secondary schools is almost 100% because, based on the Law, pupils are provided with free transportation if their place of residence is more than 3 km away from school and, on the basis of regular secondary school attendance, pupils i.e. their parents exercise the social protection rights.

Number of mainstream primary school pupils who discontinued their education in the Brčko District during school year, reference period 2015-2017

School year 2015/2016

Grade	I		II		III		IV		V		VI		VII		VIII		IX	
Sex	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
No. of pupils	2	0	3	1	-	2	2	3	2	1	2	0	0	1	0	0	0	0
Total	19																	

School year 2016/2017

Grade	I		II		III		IV		V		VI		VII		VIII		IX	
Sex	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F

No. of pupils	4	3	3	3	1	1	2	3	2	2	-	2	2	-	2	-	2	1
Total	33																	

The number of mainstream secondary school pupils who discontinued their education in the Brčko District during school year within the reference period 2015 - 2017

Mainstream secondary school pupils who discontinued their education during the school year	2015/2016	2016/2017	2017/2018
Number of pupils	86	79	86

Roma education

In its Conclusions (2015), the European Committee on Social Rights recalls that States have strict obligations to secure equal access to education to all children. In this regard, special attention should be paid to vulnerable groups such as children from minority groups, asylum seekers, refugee children, children in hospital, children in care, pregnant teenagers, children deprived of their liberty, etc.

Question of the Committee: Describe the general legislative framework, whether there was any change in legislation relative to the previous report, and provide general information on Roma education during the reference period.

In line with the recommendations and proposals agreed upon at the 16th session of the International Steering Committee of the Roma Inclusion Decade programme, the Revised Action Plan of Bosnia and Herzegovina on the Roma Educational Needs (*Official Gazette of BiH*, No. 5/11) was adopted. The Federation Ministry of Education and Science is to give its prior consent to the text of the Report on the Implementation of the Action Plan, and the Council of Ministers of Bosnia and Herzegovina is to adopt it.

The document outlined four objectives and 48 measures to make sure that this marginalized group of children has equal access to quality education and be able to acquire the necessary knowledge for better integration into society. The goals are, as follows:

1. Ensuring that children belonging to the Roma national minority are included in a compulsory primary education system;
2. Encouraging the Roma population to continue secondary and tertiary education, as well as initial occupational training;
3. Preservation and promotion of Roma language, culture and history;
4. Building systemic solutions to lead to satisfying the educational needs of Roma.

An expert team for monitoring the implementation of the Revised Action Plan has been set up and it operates in the Roma-populated areas. The analysis of records has shown that there are currently 16,771 Roma or 4,308 households in Bosnia and Herzegovina.

In the Federation of Bosnia and Herzegovina, a considerable number of Roma live in the following six cantons:

- in Central Bosnia Canton - 1.716 Roma;

- in Herzegovina - Neretva Canton 488;
- in Sarajevo Canton, 2.593;
- in Tuzla Canton 3,917;
- in Una-Sana Canton 737; and
- in Zenica - Doboj Canton.

According to the 2013 census, the number of Roma in Republika Srpska is 1.974, and in the Brčko District 825. The actual number of Roma or Roma children will be known through the publication of the BiH 2013 census data. These figures on the number of Roma children are necessary in reaching a conclusion on the percentage of Roma inclusion in compulsory primary education or the percentage of Roma children not included in the compulsory primary education system in Bosnia and Herzegovina.

According to the available data, the number of Roma children included in seven Day Centres in seven municipalities is 271. However, not a single Day Centre has been open to provide services to young women and mothers of Roma ethnicity. However, a significant contribution to overcoming this problem has been partly provided by Day Centres for children involved in life and/or work on the street and children at such risk, acting within the scope of the NGO activities of the Federation of BiH (ZDC, HNC, USC and TC.¹¹) and Republika Srpska (Banja Luka and Bijeljina). Through educational, advisory and informative activities, Roma parents are helped with developing and strengthening parental competences related to the protection and improvement of child health at the earliest age, as well as with using all parental potentials in their pre-school upbringing and education (care, nurturing and nourishment; child right protection, family and out-of-family upbringing and encouragement of child development, upbringing of the child, child managing and functioning in special life situations, prevention of violence against children, etc.).

In school year 2015/2016, 44 Roma children (26 M and 18 F) aged up to 5 years were included in kindergartens, on the territory of 9 municipalities in BiH. Additional 37 children have been included in kindergartens on the territory of 3 municipalities in BiH, who have been provided with free services.

This data on the inclusion of Roma children in kindergartens show progress compared to the previous school year when 12 Roma children up to 5 years (all 12 in Tuzla Canton) were included in kindergartens, but not a single child was granted a free stay. 12 Roma children (all 12 in Bijeljina) were included in the kindergartens and the Town provided a free stay for all 12 of them.

Over the past period, about 100 info-gatherings and thematic lecturing for parents in Roma communities were held in average to provide information about the need and importance of inclusion of children in pre-school upbringing and education (101 organized by 12 non-governmental organizations and only three were organised by the competent authorities).

In the previous school year, 90 children were included in mandatory pre-school upbringing and education in the year before starting going to school, and 186 children were covered by pre-school programmes. Three projects were implemented to include children in preschool programmes.

Data on children to be included in pre-school programmes were provided by 12 Centres for Social Work and 4 Roma associations.

¹¹ In the Federation, there are five Day Centres for children involved in street life and/or work or who are at risk of becoming such children: in Tuzla, Sarajevo, Zenica, Bihać and Mostar. Centres operate within NGOs, except in Sarajevo, which is integrated within the Disciplinary Centre for Juveniles. Working with preschool Roma children and their parents is one of their key programme activities aimed at developing and improving the cognitive and language skills of the child, balanced social and emotional development, and their preparedness for successful education and life. There are two Daily Centres, in Banja Luka and Bijeljina, on the territory of Republika Srpska;

For the inclusion of children in pre-school programmes, funds were secured in the amount of BAM 404,343.00 (the competent authorities provided BAM 297,249.00 + BAM 107,094.00 provided by UNICEF).

In order to strengthen the teachers' abilities and skills for working with Roma children in the school year 2015/2016, 212 teachers and 11 Roma assistants were trained. When it comes to continuous education of teaching staff, parents and all children about stereotypes and discrimination in education towards Roma and their overcoming, this activity was conducted through 48 trainings which covered 817 teachers, 1,237 children and 534 parents, while educators were school pedagogues, professionals from pedagogical institutes, and a certain number of them came through the NGO projects.

The special upbringing-educational institutions included 19 Roma children (10 male + 9 female).

The total number of Roma children included in regular primary education in the school year 2015/2016 was 1,842 pupils (1,031 male + 811 female pupils).

This data on the inclusion of Roma children in regular primary education shows a decrease in the number compared to the previous school year, which could reasonably be connected with possible migration of the Roma population going abroad.

(In the school year 2014/2015, 2,051 pupils were included (1,194 male + 907 female).

In the school year 2015/2016, 291 children enrolled in the first grade (155 male + 136 female)

(In the school year 2014/2015, 286 children enrolled in the first grade (173 male + 113 female)

It was noted that, in the school year 2015/2016:

136 Roma children repeated the class

145 Roma children dropped out of compulsory primary education

151 Roma children completed primary education (82 male + 69 female)

(In the school year 2014/2015: 61 Roma children repeated the class, 127 Roma children dropped out of compulsory primary education, and 243 Roma children completed primary education (125 male + 118 female).

Considering the presented data, it is important to note that the relevant Ministries of Education did not provide data on the number of Roma children, classified by grades, which did not successfully pass the class in the previous school year (2014/2015), which is the reason for repeating the class in the reporting year. Also, the relevant Ministries of Education did not analyse the reasons for dropping out of compulsory primary education of Roma children.

The number of Roma children who completed primary education in the reporting year corresponds to the number of Roma children enrolled in the 9th grade in the previous school year, therefore, it can be concluded that Roma children in the final class of primary school did not repeat the class.

In the school year 2015/2016, 64 Roma pupils enrolled in secondary school. In the reporting school year, 112 pupils were included in secondary education. According to the submitted data, secondary education was completed by 38 Roma children. Comparing this data with that in the previous school year (69 Roma pupils enrolled, 108 pupils were included in secondary education and 43 of them successfully completed secondary education), it can be concluded that this trend of enrolment in secondary schools as well as completion of secondary education is in most part similar to the situation in the previous school year.

As education is the path leading to breaking the vicious cycle of social exclusion, responsibility for failure in education no longer lies with the child or his parents, but with the social and educational context that has not sufficiently corrected the inequalities of the initial conditions for children starting their educational path. Considering the marginalised socio - economic status of members of the Roma population, one can understand the inadequacy of the initial conditions for Roma children to enter the world of education which is characterised by low educational level of their parents, financial poverty,

poor living conditions, often a large number of family members, involvement of children in work on the street, the non-acceptance and non-understanding by the majority of the population, etc. These are only a few of the aggravating circumstances specific to the Roma population, since they are the most vulnerable national minority throughout Europe and it can be said without any doubt that Roma fall under the category of socially excluded people.

An overview of Roma children involved in the system of primary, secondary and tertiary education in BiH, 2010 - 2017:

Roma children in education in BiH	School year ¹² 2010/2011	School year ¹³ 2011/2012	School year ¹⁴ 2012/2013	School year ¹⁵ 2013/2014	School year ¹⁶ 2014/2015	School year ¹⁷ 2015/2016	School year ¹⁸ 2016/2017
Included in primary education	2.770	3.024	1.248	2.078	2.051	1.842	1.917
Completed primary education	-	-	28	88	243	151	190
Included in secondary education	143	243	137	92	108	112	169
Completed secondary education	-	-	30	29	43	38	53
Enrolled in higher education institutions	-	17	10	8	5	7	4*

*Data on students enrolled in the academic year 2016/2017 are incomplete, because according to data of the Roma "Euro-Rom" association, on the territory of Tuzla Canton alone, three students enrolled in higher education institutions.

According to the 2013 census in BiH, the number of persons who declared themselves as Roma was 12.583 (6.511 M and 6.072 F).

In Republika Srpska, the Roma are by far the second national minority (following the Ukrainians). There are 1974 of them (1012 men and 962 women) and they have the right to education under the same conditions as everyone else.

The Republika Srpska Ministry of Education and Culture has not received any complaints about discrimination and marginalization of Roma in the education system of Republika Srpska. In general, in Republika Srpska, Roma attend the mainstream classes, not segregating or special ones, as is the case in some countries. The Ministry of Education and Culture of Republika Srpska is making efforts to include

¹² Data provided by reporting units were insufficient to draft the First RAP implementation report and were not harmonised with the foreseen data collection methodology, consequently, a report to ensure monitoring of the RAP implementation by indicators could not be produced.

¹³ The first report was made on the basis of data submitted by all 8 reporting units: 6 Cantonal Ministries of Education of FBiH, RS Ministry of Education and District Department of Education.

¹⁴ The report was made on the basis of the data submitted by 5 reporting units: 3 Cantonal Ministries of Education of FBiH (data were not submitted by the Ministries of Education of Sarajevo Canton, Una-Sana Canton and Central Bosnia Canton), RS Ministry of Education and the District Department of Education.

¹⁵ The report was made on the basis of data submitted by 7 reporting units: 5 Cantonal Ministries of Education of FBiH (data were not submitted by the Ministry of Education of Central Bosnia Canton), RS Ministry of Education and the District Department of Education.

¹⁶ The report was made on the basis of data submitted by all 8 reporting units: 6 Cantonal Ministries of Education of FBiH, RS Ministry of Education and the District Department of Education

¹⁷ The report was made on the basis of data submitted by all 8 reporting units: 6 Cantonal Ministries of Education of FBiH, RS Ministry of Education and the District Department of Education

¹⁸ The report was made on the basis of data submitted by all 8 reporting units: 6 Cantonal Ministries of Education of FBiH, RS Ministry of Education and the District Department of Education

as many Roma children as possible in its educational system. All Roma children receive free textbooks and have free transportation if they live more than four kilometres away from school. Local communities provide them with scholarships. Teachers undergo training in order to strengthen their ability and skills to work with Roma children. For the purpose of continuous education of parents and all children in primary schools, in order to raise awareness of human rights and the rights of the child, workshops and lecturing are organised – on a regular basis within the Children's Week and through homeroom classes.

In primary schools of Republika Srpska 378 Roma pupils enrolled in the school year 2018/2019. Republika Srpska has no problem with Roma children dropping out of school - that number is insignificant. The Ministry of Education and Culture of Republika Srpska has also adopted the Rulebook on Upbringing and Education of National Minority Children according to which Roma children can enrol in the first grade of primary school even if they do not have complete documents. The exact number of Roma children in secondary schools and at the universities is unknown, because nobody is obliged to declare their ethnicity according to the Constitution. The number of enrolments in schools also depends on the engagement of Roma associations. The problem is that they are quite fragmented. Where the Roma associations work well, the results are visible – there are no unenrolled children and dropping out of school (Banja Luka, Bijeljina, Prnjavor, Prijedor).

The competent education authorities take various stimulating measures to increase regular school attendance of Roma children, such as: interviews with parents and pupils, free sandwiches, assistance in obtaining the textbooks and school supplies, free transportation, humanitarian aid in clothes, food, hygienic supplies, heating fuel, help and support in learning, increased cooperation with Centres for Social Work through family support, pedagogical workshops for parents, pedagogical-psychological work with pupils, cultural affirmation, inclusion in project activities, in particular: work programmes, counselling talks, family visits by a professional team, winter ski school, professional orientation programmes, inclusion of Roma mediators in the teaching process, inclusion in extracurricular projects and activities.

In the school year 2015/2016, the Romani language as an optional subject was not introduced in any school in BiH, nor were there alternatives offered for the study of the Romani language, and there was no selection of persons who wished to provide vocational training to the Roma language teachers in order to complete this kind of education.

According to data submitted by the competent Ministries of Education, $\frac{1}{4}$ of pupils or 494 of pupils included in primary education speak the Romani language.

No activities have been taken to develop expert reference books on the Roma history, culture and language. School reference books for studying the Romani language in schools with a large number of Roma children have not been provided. The relevant ministries did not make a manual for teaching staff to learn about the Roma tradition, culture and customs.

In Herzegovina-Neretva Canton, nine schools have promoted the Roma culture and history as an extracurricular activity and the Ministry of Education of Una-Sana Canton has been promoting the Roma culture and history through radio programmes, school radio and photography exhibition.

In Zenica Doboj Canton, the non-governmental organization "Leda Development Association" has been active and Roma mediators employed within the project "Inclusion and Education of Roma" were obliged during instructive teaching on a weekly basis and together with homeroom teachers to teach children the Romani language, while the association "Be My Friend" from Sarajevo produced a manual for teaching staff to learn about the Roma tradition, culture and customs.

In September 2018, the Framework Action Plan of Bosnia and Herzegovina was adopted, reflecting the actual competencies of the State and the lower levels of authority when it comes to education policy, and taking into account the recommendations regarding the preservation of the Roma language, culture and history.

V. ABBREVIATIONS

BIH – Bosnia and Herzegovina
FBIH – Federation of Bosnia and Herzegovina
RS - Republika Srpska
BD BiH – the Brčko District of Bosnia and Herzegovina
ESC/R/ - European Social Charter /revised/
ECSR – European Committee of Social Rights
ILO – International Labour Organisation
KM – Convertible Mark

VI. CONCLUSION

The draft of the Ninth Report on the Application of the European Social Charter/Revised/ for BiH for Group IV / Children, Families and Migrants / and Articles 7, 8, 16 and 17, has been prepared by the Intersectoral Working Group consisting of experts appointed by the following institutions, according to the Decision on the Establishment of the Intersectoral Working Group for the Development of the Report, number: 01-37-1-3843-79/16 dated 8 March 2018, rendered by the Minister of Human Rights and Refugees:

1. Amela Hasić, Ministry of Human Rights and Refugees of BiH;
2. Ajla Nanić, Ministry of Human Rights and Refugees of BiH;
3. Branislava Crnčević Čulić, Agency for Gender Equality of BiH;
4. Mirela Riković Koldžo, Ministry of Justice of BiH;
5. Sanela Fočo, Ministry of Civil Affairs of BiH;
6. Aida Eskić Pihljak, Agency for Statistics of BiH;
7. Sanin Prašović, Ministry of Security of BiH;
8. Toni Čuljak, Federation Ministry of Labour and Social Policy;
9. Hidajet Halilović, Federation Ministry of Justice;
10. Marina Bera, Federation Ministry of Health;
11. Nadija Bandić, Federation Ministry of Education and Science;
12. Rajko Kličković, Ministry of Labour and War Veterans and Disabled People's Protection of Republika Srpska;
13. Bosiljka Bošnjak, Ministry of Family, Youth and Sports of Republika Srpska;
14. Zorica Garača, Ministry of Education and Culture of Republika Srpska;
15. Ljiljana Vasić, Ministry of Health and Social Protection of Republika Srpska;
16. Neda Blagojević, Ministry of Justice of Republika Srpska;
17. Rajko Vranješ, Republika Srpska Institute of Statistics;
18. Tijana Arambašić Živanović, Centre for Gender Equality of the Government of Republika Srpska;
19. Edisa Bajraktarević, Department of Health and Other Services of the Government of the Brčko District of BiH;
20. Marina Pančić, Department of Health and Other Services of the Government of the Brčko District of BiH.

The Ministry of Human Rights and Refugees of Bosnia and Herzegovina, in order to fulfil the obligation of Bosnia and Herzegovina as an international entity submitting a report on the application of the European Social Charter / Revised, proposes that the Council of Ministers of Bosnia and Herzegovina, following consideration of the referenced draft Report, renders the following:

C O N C L U S I O N S

1. The Ninth Report of Bosnia and Herzegovina on the Application of the European Social Charter / Revised / belonging to the fourth thematic group / children, families and migrants/, "Art. 7, 8, 16 and 17", covering the reference period January 2015 - December 2017, is adopted;
2. The Ministry of Human Rights and Refugees is hereby tasked with submitting the Ninth Report of Bosnia and Herzegovina on the Application of the European Social Charter / Revised / belonging to the fourth thematic group / children, families and migrants/, "Art. 7, 8, 16 and 17", covering the reference period January 2015 - December 2017, through the Ministry of Foreign Affairs of BiH, to the Secretary General of the Council of Europe in Strasbourg and to the respective Associations of Employers and Trade Unions in Bosnia and Herzegovina, pursuant to Articles 21 and 23 of the European Social Charter, upon its adoption at the session of the Council of Ministers of Bosnia and Herzegovina.