



**BOSNIA AND HERZEGOVINA**  
**MINISTRY OF HUMAN RIGHTS AND REFUGEES**

**ANNEX 2:**  
**ANSWERS BY BOSNIA AND HERZEGOVINA AUTHORITIES TO ADDITIONAL**  
**QUESTIONS OF THE 2016 CONCLUSIONS OF THE EUROPEAN COMMITTEE**  
**ON SOCIAL RIGHTS**

**GROUP I: EMPLOYMENT, TRAINING AND EQUAL OPPORTUNITIES**  
**ARTICLES 1, 9 AND 20**

**REFERENCE PERIOD:**  
**JANUARY 2015 – DECEMBER 2018**

**SARAJEVO, DECEMBER 2019**

## **I. APPLICATION OF THE RATIFIED ESC/R/ PROVISIONS IN BOSNIA AND HERZEGOVINA**

### **Article 1 – Right to work**

#### **Article 1, paragraph 1- Policy of full employment**

##### **1. Provide information on the targeting and monitoring of the labour market measures, and whether the employment policies in place are monitored and how their effectiveness is evaluated?**

In the Federation of Bosnia and Herzegovina, in the reference period, the FBiH Employment Institute, in cooperation with the cantonal employment services, implemented an active employment policy through employment and self-employment programmes tailored to the needs of the labour market, as envisaged by the annual programmes and financial plans of the FBiH Employment Institute. The programmes, which were implemented within the framework of active labour market policy measures aimed at reducing unemployment, covered different categories of unemployed persons (young people, women, long-term unemployed, as well as other hard-to-employ categories). More detailed information regarding the implementation of the employment programmes of the FBiH Employment Institute and their implementation, as well as of the annual programmes carried out independently by the employment services is available at the FBiH Employment Institute.

In addition to the programmes funded by the FBiH Employment Institute and cantonal services, the Roma employment and self-employment programmes were also implemented during the reference period, and they were partly financed from the FBiH budget. The funds for the implementation of these programmes have been allocated to the FBiH Employment Institute with the aim of stimulating employers to employ Roma for training, and creating the conditions that are more conducive to their employment and self-employment with the view of facilitating economic and social integration of this minority group of unemployed. In 2015 and 2016, a total of BAM 90,000.00 was provided for the implementation of the mentioned programmes through the FBiH budget, while in 2017, this amount was BAM 10,000.00. In 2018, no allocations were made in the FBiH budget for the implementation of this programme.

To measure the results and effects of active labour market policy measures, the FBiH Employment Institute has introduced a mechanism for monitoring and evaluation against pre-set indicators, relying on its own resources

Also, with a view to implementing the Strategy for Strengthening the Mediation Function in Public Employment Services, there are ongoing efforts to build capacities of the cantonal employment services, focusing on more effective integration of unemployed persons into the labour market, active job seekers, employment counselling.

A new Rulebook on employment records was adopted at the end of August 2018, which, inter alia, provides for employment records in the BiH Federation, the procedure and deadlines for registration of unemployed persons, the types of employment records and other matters pertaining to record-keeping.

The aforementioned Rulebook provides for basic and special records in the field of employment. Special records contain information on unemployed persons actively seeking work, but not benefiting from counselling services; on the beneficiaries of unemployment benefits, on the beneficiaries of financial and incentive measures under the active employment policy; on persons undergoing occupational skills training without being offered a job, persons undergoing retraining, career orientation, training and job preparation; on aliens, asylum seekers and persons under

international protection who are either employed or are seeking employment in the BiH Federation; on other unemployed persons in specific situations.<sup>1</sup>

In the reference period (2015-2018), the FBiH Employment Institute implemented measures and activities to enhance employment and social protection of unemployed persons, as well as to create prerequisites for enhancing labour force competitiveness in the labour market, stimulating labour demand, as well as gaining confidence of and establishing successful cooperation with the labour market partners.

After fulfilling the obligations related to the financial and social security of unemployed persons, and taking into account the priorities established by law, the available financial resources are channelled into the active labour market programmes.

Active employment policy measures were mainly focused on:

- stimulating employment with a known employer,
- self-employment– registering the business,
- training, occupational training and professional development,
- preparing the unemployed for the labour market.

Active labour market policy programmes and measures are primarily implemented in cooperation with the cantonal employment services. The allocations to the cantons are made in proportion to the number of registered unemployed persons. Also, the projects co-financed by other institutions and organisations aimed at simulating vocational training and employment of unemployed persons were implemented in the reference period.<sup>2</sup>

Tables 28-31 show programmes and active employment policy measures implemented by the cantonal employment services in cooperation with the FBiH Employment Institute in the reference period (Annex 1).

In Republika Srpska, employment policy, in accordance with the Law on Employment Mediation and Unemployment Rights, is set forth in the planning and development documents of Republika Srpska. These documents are the RS Economic Reform Programme and the RS2016-2020 Employment Strategy. The RS 2016-2020 Employment Strategy is one of the core documents outlining the key activities and active labour market policy measures undertaken in the labour market by the RS Employment Institute. The Employment Strategy outlines the main strategic goals for the four-year period, as well as the resultant operational tasks the purpose of which is to help achieving the strategic goals. On the basis of the key tasks set out in the Strategy, the RS Government determines the Employment Action Plan (for each year separately), while the RS Employment Institute adopts the RS Employment Programme (operational plan) that outlines specific tasks within the framework of the active labour market policy measures, projects, the amounts of funding, key goals and tasks, expected results and timeline for realisation.

The Employment Strategy sets forth two key strategic goals: 1. increase employability and economic activity of the population in Republika Srpska, and 2. retain existing and create new jobs in Republika Srpska.

The focus is on stimulating employment and implementing measures aimed at reducing the unemployment duration and continuously improving competitiveness, improving the quality of work and increasing overall productivity.

The Employment Strategy specifically foresees the increase in employment among the most vulnerable groups of unemployed persons: young people, children of war veterans, disabled war veterans and other persons with disabilities, demobilized veterans, national minorities, women and persons aged over 50 years.

In the reporting period January 2015- December 2018, annual employment projects were implemented.

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<sup>1</sup> FBiH Ministry of Labour and Social Policy

<sup>2</sup> FBiH Employment Institute

Table 32 shows the projects of the RS Employment Institute for the reference period with the groups targeted by the projects being specified, as well as the number of employed persons, the funds allocated and the effects achieved (Annex 1).<sup>3</sup>

In the Brcko District of Bosnia and Herzegovina, the Brcko District Employment Institute implemented measures and activities within the scope of its remit to enhance employment and social protection of unemployed persons, as well as to create prerequisites for enhancing labour force competitiveness in the labour market, stimulating labour demand, as well as gaining confidence of and establishing successful cooperation with the labour market partners.

After fulfilling the obligations related to the material and social security of unemployed persons, and taking into account the priorities established by law, the Employment Institute channelled the available financial resources into the active labour market programmes, which facilitated the employment of a certain number of persons registered as unemployed with the Employment Institute and their integration into the labour market.

As in the previous period, all activities of the Employment Institute within the framework of the active labour market policy have been aimed at stimulating the labour force demand and supporting the unemployed including through enhancing their employability (improving knowledge and skills, which results in their faster integration into the labour market), stimulating their self-employment, as well as at providing relevant information to the unemployed and employers. A large number of activities was focused on building a successful cooperation with various labour market stakeholders so as to provide vocational training and enable employment of unemployed persons.

Table 37 shows the employment programmes of the BD Employment Institute in the reference period (Annex 1).

When it comes to unemployed persons, the Law on Employment and Unemployment Rights and the Rulebook on conditions and manner of exercising the right to payment of contributions for pension and disability insurance for unemployed persons stipulates that the unemployed persons registered with the Employment Institute, who meet the statutory requirements, may be paid pension contributions for up to three years of missing years of service until reaching the age of eligibility for an old-age pension. Table 35 shows the numerical data on the beneficiaries of the right to purchase missing years of service in the Brcko District of BiH in the reference period (Annex 1).

Persons whose employment has been terminated without their request, consent or fault and who have at least eight months of continuous insurance in the last 12 months, or 12 months with interruptions in the last 18 months, are entitled to financial compensation, provided that their employment has not been terminated at their request or through their fault or with their consent, and that the employer has paid unemployment benefits for all employees for at least the minimum period of insurance coverage. Table 33 shows the administrative unemployment rate in the Brcko District of BiH in the reference period, and Table 34 shows the numerical data on beneficiaries of the right to financial benefits in the Brcko District BiH in the reference period (Annex 1).

The obligation of the Employment Institute to reimburse the costs of medical examination to unemployed persons registered with the Employment Institute is based on Article 58 paragraph 2. Applying this provision of the Law, in 2015, the Employment Institute reimbursed the costs of medical examination on the basis of submitted claims that is decisions issued thereunder for 10 persons in the amount of BAM 1,000, in 2016 for 14 persons in the amount of BAM 1,477.00, in 2017 for 9 persons in the amount of BAM 900 and in 2018 for 13 persons in the amount of BAM

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<sup>3</sup> RS Employment Institute

1,300, where the planned amount was BAM 2,000. Table 36 shows the active labour market measures implemented in the Brcko District of BiH in the reference period (Annex 1).<sup>4</sup>

**2. Provide information on labour market policy measures specifically designed to support specific groups or communities, such as: young people who have not yet entered the labour market, persons and communities in the areas with high unemployment, including migrants and refugees.**

In the Federation of Bosnia and Herzegovina, given the high unemployment rate and extremely high allocations for passive measures, primarily health insurance, the FBiH public employment services are not able to cover all specific groups of unemployed persons. In the reference period, among other things, the Programme for Self-Employment in Agriculture (2015) was implemented through which the registration of agricultural activities and self-employment mainly in rural areas was co-financed. The Programme itself was specific in terms of duration of co-financing, which was 36 months. The Programme for Employment and Self-Employment of Roma, as a particularly vulnerable group, is implemented annually. Also, for all employment co-financing programmes in the reference period, through which a part of compulsory contributions and / or part of the net wage is co-financed, depending on the individual measure, the basic co-financing amount for all measures, without cumulative adding, is increased by 10% for the following categories of unemployed persons:

- persons with disabilities, as well as working-age persons with mild and moderate retardation (proof - certificate of the Institute for Medical Expertise),
- members of fallen soldiers' families (proof - Veterans and Disability Services Office (BIZ) certificate or other relevant proof),
- unemployed demobilized veterans (proof - relevant documentation),
- children of unemployed demobilized veterans (proof - BIZ certificate),
- children and spouses of persons with disability rating of 60% or more (proof - certificate of the municipality),
- members of the household in which no member is in employment (proof - certificate of the municipality and certificate of the employment bureau),
- Roma (proof - certified affiliation declaration declaring as belonging to Roma national minority),
- single parents, guardians and foster parents and their children (proof - certificate of the social welfare centre),
- parents of a child with special needs and parents of critically ill children (proof - certificate of the social welfare centre, other relevant documentation),
- victims of violence: civilian victims of war, victims of domestic violence, etc. (proof - certificate of social welfare centre, MIA, court, and safe house),
- treated addicts (proof - certificate of a specialized medical institution, certificate of a commune),
- Former residents of a residential care facility for children without parental care (proof - certificate of a residential care facility, certificate of social welfare centre).

Tables 28-31 describe all programmes and measures of active labour market policy implemented in the BiH Federation from 2015 to the end of 2018 (Annex 1).<sup>5</sup>

In Republika Srpska particular support is lent to the most vulnerable groups with a focus on incentives for employment of Roma and specific target groups in the real sector, notably rural women, women victims of violence and persons missing from one to three years of service to become eligible for retirement. Tables 38 and 39 show numerical indicators of the Roma

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<sup>4</sup> BD Employment Institute

<sup>5</sup> FBiH Employment Institute

Employment Support Project and the Programme supporting the employment of specific target groups in the RS real sector in the reference period (Annex 1).<sup>6</sup>

### **Article 1, paragraph 2- Freely undertaken work**

#### **3. Provide information on the number and nature of cases dealing with discrimination in employment, with specific indications on their outcome and compensation granted to victims.**

As stated in the Annual Report on results of the activities of the Institution of Human Rights Ombudsman of BiH, the highest number of complaints in the last year (about 60) referred to mobbing, as a specific form of discrimination in the workplace, followed by 11 complaints of discrimination on grounds of national or social origin, 9 complaints based on membership in a trade union or other association, 7 complaints of discrimination based on age, 6 complaints of discrimination based on religion and 5 complaints of discrimination based on ethnicity.

However, a significant number of citizens decide not to initiate proceedings before a competent institution or seek judicial protection for fear from losing job, therefore, the data of the Human Rights Ombudsman of Bosnia and Herzegovina does not reflect the real situation in the society.<sup>7</sup>

#### **4. Provide information on the amount of compensation to be granted in the case of discrimination litigation, and whether there is a statutory ceiling on the amount of compensation granted in discrimination cases.**

In the Federation of Bosnia and Herzegovina, the Labour Law does not stipulate the amount of compensation to be granted in case of discrimination, and the said Law stipulates that in cases of discrimination within the meaning of this Law, an employee or a person seeking employment may seek protection from the employer within 15 days of learning about discrimination. If the employer does not comply with this request within 15 days of the filing of the request, the employee may, within further 30 days, file a lawsuit with the competent court. If the court finds that the complaint is well founded, the employer will provide and ensure the rights that have been denied and compensate for the loss caused by discrimination. Therefore, the Labour Law envisages right to damages, but not the amount. The amount of compensation is determined on a case by case basis in the litigation before the competent court.

In Republika Srpska, the Labour Law stipulates that a person seeking employment, as well as an employee, may bring the case against the employer before the competent court seeking rights and damages in accordance with the law. In the event of a dispute, the employer has the burden of proving non-discrimination or that its actions were in compliance with the law, if the person seeking employment, or the person employed, demonstrates facts giving rise to a reasonable suspicion that the employer acted contrary to the law. The amount of compensation is awarded on a case by case basis.<sup>8</sup>

In the Brcko District of Bosnia and Herzegovina, so far no cases involving employment discrimination have been found by the labour inspection. The search in the database kept by the Basic Court for the period 1 January 2015 -31 December 2018 showed one litigation case involving discrimination in the area of "Employment, Labour and Working Conditions -

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<sup>6</sup> RS Employment Institute

<sup>7</sup> BiH Gender Equality Agency

<sup>8</sup> RS Ministry of Labour and Protection of Veterans and People with Disabilities

Compensation", but the lawsuit was withdrawn and the case was archived in 2015. There were no other discrimination cases in the observed period.<sup>9</sup>

**5. Provide information on how the exceptions from direct and non-direct discrimination have been interpreted when it comes to employment (given that there based on the earlier BiH reports it has been found that there is a wide-ranging list of exceptions to the principle of equal treatment laid out in the BiH Law on the Prohibition of Discrimination)**

In the BiH Federation, the Law on Employment Mediation and Unemployment Rights contains a stipulation that no person may be disadvantaged by virtue of this law because of their race, colour, gender, language, religion, political or other opinion, national or social origin, financial status, birth or any other circumstances, membership or non-membership in a political party, or membership or non-membership in a trade union, or physical and mental disabilities. Also, the same law, in its penal provisions, stipulates fines for both legal and natural persons in breach of the provision prohibiting discrimination, and any person believing to be discriminated against within the meaning of this law may seek compensation before a competent court.<sup>10</sup>

In Republika Srpska, the Labour Law stipulates that differentiation on the basis of nature of employment and the conditions under which the work is performed is not considered discrimination, including granting special protection to certain categories of workers in accordance with this Law, the collective agreement or the employment contract. Therefore, the Labour Law provides for special protection to certain categories of persons, such as pregnant women, postpartal women, minors, where, in connection with the above, making a difference in the nature of employment and in the conditions under which it is performed is not considered discrimination.<sup>11</sup>

In the Brcko District of Bosnia and Herzegovina, labour inspections have so far not encountered either direct or indirect discrimination when it comes to employment.<sup>12</sup>

**6. The Committee asks for information on the level of compensation and whether there is a ceiling on the amount of compensation granted in discrimination cases?**

The Ministry of Human Rights and Refugees of Bosnia and Herzegovina does not know what is the number of discrimination cases before the courts or the Human Rights Ombudsman of Bosnia and Herzegovina. The compensation for discrimination, including discriminatory dismissal, is determined to be proportional to the loss of the victim and a sufficient penalty for the employer.

In order to collect data on discrimination cases, the BiH Ministry of Human Rights and Refugees has adopted the Rulebook on the manner of collecting data on discrimination cases in Bosnia and Herzegovina<sup>13</sup>, based on which the activities towards developing an appropriate IT solution for collecting data on discrimination cases have been launched.

The prerequisite for establishing a Central Database of Discrimination Offences is the obligation of the competent institutions in Bosnia and Herzegovina (legislative, executive and judicial) to keep up-to-date records on all reported cases of discrimination and submit the collected data to the BiH Ministry of Human Rights and Refugees, which is required to draw reports on

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<sup>9</sup> BD Government

<sup>10</sup> FBiH Ministry of Labour and Social Policy

<sup>11</sup> RS Ministry of Labour and Protection of Veterans and People with Disabilities

<sup>12</sup> BD Government

<sup>13</sup> Official Gazette of BiH, 27/13

discrimination cases for the BiH Council of Ministers and the BiH Parliamentary Assembly pursuant to Article 8 of the Law on Prohibition of Discrimination in BiH.

The failure by the competent institutions in BiH to keep records in the manner prescribed by the Law is one of the reasons making the data collection difficult, and that is also why the central database on discrimination cases has not yet been established. The software solutions that have been developed to date are designed to facilitate the collection, processing and sharing of data on discrimination cases across the country and among all relevant institutions.

The fact that the competent institutions in BiH are not collecting data on discrimination cases in a uniform fashion make the insight into the collected data and their comparative analysis difficult.<sup>14</sup>

**7. The Committee requested information as to whether the Law on the Prohibition of Discrimination of Bosnia and Herzegovina takes precedence or prevails over the laws at Entity and District level?**

The Law on Prohibition of Discrimination in Bosnia and Herzegovina has been adopted at the state level and it sets the framework for implementation of equal rights and opportunities for all persons in BiH. This Law applies to actions of all public bodies at the level of the state, entity, canton and BD, municipal institutions and bodies, and legal persons with public authorities, as well as to the action of all legal and natural persons, in all spheres of life.

The Law on Prohibition of Discrimination in Bosnia and Herzegovina stipulates that all laws and delegated legislation in Bosnia and Herzegovina at all levels will be harmonised with this Law, and that this Law will apply in the event of discrepancies between other laws and this Law in proceedings under this Law.

The Law on Prohibition of Discrimination in Bosnia and Herzegovina also provides that all laws and delegated legislation will be harmonised with this Law within one year of its entry into force.

**8. The Committee asks whether age, disability and sexual orientation are prohibited grounds of discrimination at all levels?**

In agreement with the answer to the previous question, we report that, in addition to the existing grounds of discrimination, the Law on Amendments to the Law on Prohibition of Discrimination in Bosnia and Herzegovina from 2016 has added age and disability. Therefore, discrimination on the aforementioned grounds is prohibited in the whole territory of Bosnia and Herzegovina given that the Law on Prohibition of Discrimination is adopted at the state level.

**9. The Committee notes that there is a wide-ranging list of exceptions to the principle of equal treatment laid out in the Law on the Prohibition of Discrimination, which potentially go beyond genuine occupational requirements, and asks for any case law/interpretation on these exceptions, and asks for information on the number of discrimination cases before the courts at all levels and the number of cases brought before the Human Rights Ombudsman in BiH.**

In agreement with the answer to question 6, we report that the BiH Ministry of Human Rights and Refugees is undertaking a number of activities to establish a central database of discrimination

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<sup>14</sup> This activity was implemented in 2016/2017 within the framework of the IPA project entitled "Support to Social Services Providers and Enhancement of Monitoring Capacities", with the aim of strengthening the system for monitoring access to rights by vulnerable groups, as well as building the capacities of the MHRR and other institutions involved in improving the protection of vulnerable groups and promotion of human rights in Bosnia and Herzegovina.



cases. User data for work in the database will be assigned to all competent institutions in Bosnia and Herzegovina that deal with discrimination cases. In this way, all data on discrimination cases will be registered in one place - in a single database, thereby providing a better overview and more data on these cases.

#### **10. Provide information on employment situation of persons with disabilities in the reference period.**

In the Federation of Bosnia and Herzegovina, the Parliament of the Federation of Bosnia and Herzegovina, on the basis of the Law on Professional Rehabilitation, Training and Employment of Persons with Disabilities, established the Fund for Professional Rehabilitation and Employment of Persons with Disabilities of the FBiH as a public institution in the field of social protection. The Fund provides support for employment and vocational rehabilitation of persons with disabilities in FBiH through:

- payment of cash benefits for taxes and contributions paid and wage subsidies for persons with disabilities;
- allocation and payment of financial incentives for new employment of persons with disabilities;
- financing and co-financing of vocational rehabilitation, development programme and employment sustainability programme for persons with disabilities.

The Fund has been actively pursuing a number of measures and activities that involve immediate financial support to persons with disabilities so as to enable their retraining, additional training, vocational training, job sustainability and career advancement.

In the reference period January 2015 - December 2018, the Fund employed 2958 persons with disabilities through public calls for employment of persons with disabilities and allocation and payment of financial incentives and corporate development programmes.

When it comes to raising awareness and ensuring the effective implementation of non-discrimination principle in employing persons with disabilities, the Fund has been actively pursuing a number of measures and activities that promote employment equality.

There were 85 public presentations, roundtables and conferences held across BiH Federation in the reference period between January 2015 - December 2018, aiming to promote equal opportunities and outcomes in employment for persons with disabilities, the right to work and vocational rehabilitation.<sup>15</sup>

In Republika Srpska, the Fund for the Professional Rehabilitation and Employment of Disabled Persons do not have data on the employment status of persons with disabilities in Republika Srpska for the reference period due to the fact that there are many economic entities in the Republika Srpska which do not comply with their obligation prescribed by the Law on Vocational Rehabilitation, Training and Employment of Persons with Disabilities.

In the period 1 January 2015-31 December 2018, the Fund allocated its own funds for employment, self-employment and economic support for 465 disabled persons, under specific conditions prescribed by the Law.<sup>16</sup>

#### **11. The Committee asked whether non-nationals have full access to employment, and in particular whether there are posts in the public sector which are reserved to nationals only and if so what is the justification for these restrictions?**

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<sup>15</sup> FBiH Fund for the Vocational Rehabilitation and Employment of Persons with Disabilities

<sup>16</sup> RS Fund for the Vocational Rehabilitation and Employment of Persons with Disabilities

In Bosnia and Herzegovina, applicable legislation does not differentiate between aliens and migrant workers from EU countries. In order for an alien, that is a migrant worker from an EU country, and members of their families, to be granted protection without discrimination in terms of employment, wages or working conditions under the Law on the Prohibition of Discrimination in Bosnia and Herzegovina, the conditions prescribed in the Law on Aliens in Bosnia and Herzegovina and in the regulations of the entity employment agencies governing the conditions, manner and procedure for issuing a work permit must be satisfied.

As regards the entry and stay of third-country nationals for a purpose of highly qualified employment, the Law on Aliens in Bosnia and Herzegovina stipulates that temporary residence for the purpose of highly qualified employment may be granted to an alien on condition that the application for the said employment was preceded by a vacancy announced by an employer intending to hire an alien; that the employer has advertised the job in at least three daily newspapers available throughout the territory of BiH with a 30-day application deadline and that it was simultaneously submitted to the BiH Labour and Employment Agency, which made the vacancy available to all employment institutions in BiH; that no citizen of Bosnia and Herzegovina applying for the announced vacancy met the requirements for the post and that the vacant post advertised requires higher education qualification and work experience of at least five years acquired upon completed formal higher education.

Temporary stay is enabled by means of issued residence permit in Bosnia and Herzegovina called the Blue Card with a two-year validity period. If the employment contract or other relevant contract is concluded for a period shorter than two years, the Blue Card is issued for the period of validity of that contract with additional three months, though its validity may not exceed two years. The Blue Card may be extended under the conditions governing its issuance.

Employer is responsible for submitting the request for issuance of a Blue Card to the Service for Foreigners' Affairs with the Ministry of Security of Bosnia and Herzegovina. If abroad, the request shall be submitted to the Service through the diplomatic missions and consular posts of Bosnia and Herzegovina, while those found in the BiH territory are to be submitted to the territorially competent unit of the Service determined by the employer's seat offices. Prior to the issuance of a decision, the Service shall ex officio check with the BiH Labour and Employment Agency if all the requirements are met and whether there is a vacant post for the issuance of a Blue Card. If an alien has resided for the last five years in BiH as a Blue Card holder under the Law, the permanent residence permit will indicate his/her former possession of the Blue Card. An alien who has been granted permanent residence in Bosnia and Herzegovina as a former Blue Card holder will be cancelled permanent residence if he/she is found not to be residing in Bosnia and Herzegovina for more than two years.

The above Law also regulates the temporary residence of seasonal workers. Temporary residence may be granted to a foreign seasonal worker to conduct activities dependant on the passing of seasons, under a service contract concluded directly between an alien and an employer from BiH for a period of 90 to 180 days within 12 months. Upon expiry of the stated time limit, the alien is required to leave BiH.

Temporary residence on this ground may be extended under the same conditions considered when initial residence was approved, having in mind that the total period of temporary residence with extensions does not exceed six months within the period of 12 months. Temporary residence may be granted to an alien who fulfils the following conditions:

- a) possesses a work permit;
- b) possesses a service contract or a binding job offer to be employed as a seasonal worker in BiH with specified: place and type of work, duration of employment, salary, working hours (per week or month), amount of paid leave (if any), date of commencement of employment, and other working conditions;

- c) evidence that the employer would assume responsibility for the alien during his/her stay in BiH, which includes the costs for subsistence, accommodation, food, health insurance and return, as well as that the accommodation costs would not be automatically deducted from his/her salary.

Permanent residence will not be granted if the alien resided in Bosnia and Herzegovina on this ground. In addition to the general reasons prescribed by the Law, application for approval and/or extension of temporary residence on the grounds of seasonal employment will be refused if the employer is in the procedure of liquidation or has been liquidated or does not perform business activities or has been penalized for undeclared work or illegal employment.

The Law on Aliens also regulates the annual quota of work permits. Work permit quota is a number of work permits available in BiH during the course of one year for seasonal workers for defined and differentiated activities, which may vary from 90 to 180 days in a year. Temporary residence for the purpose of redeployment within the legal entity may be granted to an alien who arrives to BiH as a manager, an expert or an intern, having submitted:

- a) evidence that the host legal entity and a legal entity with business based abroad belong to the same legal entity or group of legal entities;
- b) evidence of employment within the same legal entity or group of legal entities for a uninterrupted period of at least 12 months immediately prior to the date of redeployment within the legal entity if referred to a manager or an expert, or six months when referring to an intern;
- c) employment contract;
- d) employer's attestation providing the following information: duration of the deployment, address of the legal entity, that the alien will assume the position of a manager, expert or intern, salary and other conditions of employment, that the alien would be in position to be transferred back to the legal entity that belongs to the same legal entity or group of legal entities in a foreign country upon completion of his/her tasks;
- e) evidence of relevant professional qualifications and experience;
- f) evidence on solvency of the host legal entity;
- g) evidence that host legal entity assumes responsibility for the alien during his/her stay in BiH, which includes the means of subsistence, accommodation, food, health insurance and return.

Temporary residence for the purpose of redeployment within the legal entity is granted for a period not exceeding one year and may be extended under the same conditions applied for granting the stay.

Application for permanent residence of an alien will be refused if he/she has been residing in Bosnia and Herzegovina on grounds of redeployment within the legal entity.

When it comes to employment in the civil service, that is, in the institutions of Bosnia and Herzegovina, the Law on Civil Service in the Institutions of BiH stipulates as one of the general requirements for appointment of a civil servant "that he/she is a citizen of Bosnia and Herzegovina". Therefore, only the citizens of Bosnia and Herzegovina may be employed in the civil service.

In the Federation of Bosnia and Herzegovina, the Law on Employment of Foreign Nationals ("Official Gazette of the Federation of Bosnia and Herzegovina" No. 111/12) governs, among other things, the conditions, manner and procedure of employment of foreign nationals and stateless persons in the Federation of Bosnia and Herzegovina.

Employment, within the meaning of this Law, is considered to be employment on the basis of a fixed-term employment contract, as well as employment based on a service contract.

Under the same law, foreign nationals employed by domestic legal and natural persons enjoy the same rights, obligations and responsibilities as the nationals of FBiH under the labour and

employment regulations, collective agreements and rulebook on employment, unless otherwise provided in international agreements.

In addition to the general conditions laid down in the law, the collective agreement and the rulebook on employment, to conclude the contract under this law, a foreign national must possess a work permit.

A work permit for concluding an employment contract or a service contracts with a foreigner is issued at the request of the employer who intends to employ him/her by the cantonal employment service that covers the seat of the employer with the approval of the FBiH Employment Institute.

The cantonal employment service which has issued the work permit is required to, without delay, submit one copy of the work permit to the competent Foreigners' Affairs Service of the Ministry of Security of Bosnia and Herzegovina.

Work permit is the basis for concluding an employment contract or service contract. The maximum validity of the work permit is one year.

Based on the quota of work permits determined for the BiH Federation, and upon the request of the employer, a decision granting a work permit for concluding an employment contract or service contracts is issued by the competent cantonal employment service.

The FBiH Ministry of Labour and Social Policy decides on appeals lodged against decisions on the work permit.

A foreigner may not begin work in the BiH Federation on the basis of a work permit before being granted temporary residence.

The cantonal employment service cannot issue a work permit to a foreigner if there is an unemployed person who meets the requirements under the request for work permit registered in the employment office in charge of the seat of the employer, except in case of the unemployed person's refusing the job.

Public sector employment is governed by specific laws that are *lex specialis* in relation to the FBiH Law on Employment of Foreign Nationals, consequently this Ministry is not competent to answer questions regarding restrictions on foreign nationals' access to certain public or private jobs or posts in the public sector that are reserved exclusively for nationals of Bosnia and Herzegovina.<sup>17</sup>

The employment of a foreign national in Bosnia and Herzegovina may, as stated above, be with a work permit, but it can also be employment without a work permit, subject to approval by the BiH Foreigners' Affairs Service, as specified in the above mentioned regulations.

The Entity employment institutes do not have information regarding employment of foreign nationals that is subject to approval by the BiH Foreigners' Affairs Service, nor that falls under their respective scope of powers.<sup>18</sup>

In Republika Srpska, the Law on Employment Mediation and Unemployment Rights stipulates that no person may be discriminated against on grounds of race, colour, gender, language, religion, political or other opinion or conviction, ethnicity or social origin, property, membership or non-membership in a trade union or political party, physical and mental condition, if the conditions of employment so permits, or any other circumstances in conflict with the equality of citizens before the law, both nationals and migrant workers from the EU.

The RS Labour Law protects employees and persons seeking employment from both direct and non-direct discrimination on grounds of birth, language, race, colour, ethnicity, religion or any other personal characteristic.

Discrimination within the meaning of the said Law is prohibited in relation to the conditions of employment and the selection of candidates for a particular job; working conditions and all

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<sup>17</sup> FBiH Ministry of Labour and Social Policy

<sup>18</sup> FBiH Employment Institute

employment rights; education, training and professional development; promotion at work; and termination of employment contract. The provisions of employment contracts that are discriminatory on any of the listed grounds are null and void.

Given that the Labour Law stipulates that a foreign national and a stateless person may be employed in accordance with this law and other relevant law, the provisions on the prohibition of direct and non-direct discrimination on the above grounds also apply to EU migrant workers.

A person not holding BiH citizenship must meet the general requirements established by law, terms and conditions of certain collective agreements and by-laws of the employer.

In addition to the general requirements established by law, a foreigner must meet one specific requirement and that is to have a work permit for the conclusion of employment contract issued by the RS Employment Bureau.

The RS Law on Employment of Foreign Nationals and Stateless Persons sets forth special conditions, as well as the procedure and manner for employment of foreign nationals and stateless persons in Republika Srpska.

A work permit is a permit for paid work by a foreigner. Based on the quota of work permits determined for Republika Srpska, and upon the request of the employer intending to employ a foreign national, a decision granting a work permit for concluding an employment contract or service contracts is issued by the competent branch office of the Employment Institute in charge of the seat of the employer.

The annual quota of work permits for Republika Srpska is determined by the Employment Institute, with the approval of the Government of Republika Srpska. Work permits under the annual quota are issued first for the extension of work permits already issued and then for new employment. On the basis of the work permit issued, the work permit holder requests a residence permit from the competent authority for foreigner's affairs, which authorizes the foreign national to reside legally in Bosnia and Herzegovina in the period indicated in the permit.

The Labour Law of the Republika Srpska stipulates that a foreign national or stateless person may be employed under the conditions laid down by that law and other relevant law.<sup>19</sup>

In Brcko District of Bosnia and Herzegovina, employment of foreign nationals and stateless persons is governed by the Law on Employment of Foreign Nationals in the Brcko District of BiH. Also, the Labour Law of Brcko District prohibits discrimination in employment, among other things, on grounds of ethnicity, birth or other circumstances regarding employment, training, promotion, conditions of employment, termination of employment contract or other matters arising from employment. In the event of a violation, the person whose rights are allegedly violated may bring an action for violation of the right before a competent court. If the plaintiff, by way of relevant evidence, demonstrates the existence of any activity prohibited under this law, the defendant is required to prove that such a differentiation was not made on the basis of discrimination, and if the court finds that the plaintiff's allegations are well-founded, the court will make such decision as it deems necessary to ensure compliance with this law.

The BD Law on Employment and Unemployment Rights prohibits discrimination in employment on grounds of race, colour, gender, language, religion, political or other opinion or conviction, ethnic or social origin, property, membership or non-membership in a trade union or political party, physical and mental condition if the conditions of employment so permits, or any other circumstances in conflict with the equality of citizens before the law, both nationals and migrant workers from the EU.

In addition to the general requirements established by law, foreign nationals and stateless persons must meet one specific requirement and that is to have a work permit for the conclusion of employment contract issued by the BD Employment Institute.

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<sup>19</sup> RS Employment Institute

A work permit for concluding an employment contract with a foreign national, at the request of the employer intending to employ him/her, is issued by the BD Employment Institute in charge of the employer's seat, based on the quota of work permits determined by the BiH Council of Ministers. The Employment Institute cannot issue a work permit if there is an unemployed person who meets the requirements under the request for work permit registered in the employment office in charge of the seat of the employer, except in the case of the unemployed person's refusing the job. The Employment Institute will issue a work permit to foreign investors or founders of a company or a company with its headquarters in the Brcko District of BiH, regardless of whether there are persons on the unemployment register who meet the conditions required by the application for a work permit. Certain categories of foreign nationals specified in the Law are exempt from the obligation to obtain a work permit.

A work permit is issued for a specific job and for a certain type of work and cannot be issued for a period longer than one year. Based on the work permit issued, the Foreigners' Affairs Service issues residence permit to a foreign national.

Foreign nationals with a permanent residence permit in BiH, foreign nationals with granted international protection in BiH and foreign nationals with granted temporary protection have the right to work in the Brcko District of BiH, the same as its citizens, without the obligation to obtain work permit.<sup>20</sup>

**12. The Committee asks whether there are any types of restrictions at the state level, entity level and BD for foreign nationals to access certain public or private jobs such as the requirement of being a national of Bosnia and Herzegovina and which are those categories of jobs/positions?**

In line with the answer to the previous question, employment in the civil service that is in the public sector in Bosnia and Herzegovina is reserved exclusively for citizens of Bosnia and Herzegovina, in accordance with state and entity regulations. The aforementioned provision is in place in both Entities and in the Brcko District of Bosnia and Herzegovina, in the Federation of Bosnia and Herzegovina in the FBiH Law on Civil Service (the law is *lex specialis* in relation to the FBiH Law on Employment of Foreign Nationals), in the RS in the Law on Civil Servants of Republika Srpska, and in the Brcko District of Bosnia and Herzegovina in the Law on Civil Service in the Bodies of Public Administration of the Brcko District of Bosnia and Herzegovina.

**13. Provide information on measures that are being taken to raise awareness and ensure effective implementation of non-discrimination in employment in all parts of the country, and on any concrete positive measures/actions taken or envisaged to promote equality in employment and to combat all forms of discrimination in employment.**

No person in Bosnia and Herzegovina may be disadvantaged because of their race, colour, sex, language, religion, political or other opinion, national or social origin, wealth, birth or any other circumstances, membership or non-membership in a political party, or membership or non-membership in a union, or physical and mental disabilities. Also, the Law on Mediation in Employment and Social Security of Unemployed Persons, in its penal provisions, stipulates misdemeanour fines for both legal entities and responsible persons in legal entities contravening the provisions on non-discrimination, and any person believing to be discriminated against may seek compensation before a competent court. The FBiH Labour Law stipulates that employer may be required to provide protection, and if the employer does not comply with that request, the worker may file a lawsuit with a competent court and if the court finds that the complaint is well

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<sup>20</sup> BD Employment Institute

founded, the employer will provide and ensure the rights that have been denied and compensate for the loss caused by discrimination.

In both Entities and in the Brcko District of Bosnia and Herzegovina, the competent authorities responsible for enforcement of the anti-discrimination legislation in employment are labour inspections and competent courts, with which discriminated persons may seek protection.

**14. Provide up-to-date information on prisoners' social protection—covering employment injury, unemployment, health care and old age pension.**

At the level of Bosnia and Herzegovina, the Law on Enforcement of Criminal Sanctions, Detention and Other Measures stipulates that medical care for detainees and prisoners will be provided by the healthcare service at the Institute for Enforcement of Criminal Sanctions, Detention and Other Measures. There is a maternity ward and adequate rooms for children in the female ward to allow adequate conditions for contacts of prisoners or detainees with their children.

In the Federation of Bosnia and Herzegovina and in the Brcko District of Bosnia and Herzegovina, labour laws provide that the employment contract of the employee who has been sentenced to a prison term exceeding three months will be terminated on the day the prison sentence commences to run.

In Republika Srpska, the labour law stipulates that the employment will be terminated on the day the prison sentence that is a restraining, a correction or a protective order commences to run regardless of the will of the employee concerned or of the will of the employer if the employee is sentenced to an unconditional imprisonment or if there is a restraining, a correction or a protective order imposed against the employee for a period exceeding six months.

In general, all rights of unemployed persons registered with the Entity and Brcko District employment institutes are terminated with the commencement of a prison sentence or of a restraining, correction or protective order exceeding three months.

While serving a prison sentence or being subject to a restraining, correction or protective order not exceeding three months, the unemployment rights are suspended, but after the expiry of the aforementioned measures, the rights are restored.

**15. Provide relevant information including on legislation adopted to combat forced labour in the domestic environment.**

There were no forced labour cases registered by the competent labour inspections in the reference period.

**16. When it comes to education or training of professional military personnel, provide information on the conditions under which contracts are offered, the minimum period they must spend in service after training, what is the average duration of military education or training and what is the percentage of those attending them.**

One of the general requirements for admission to military service under the Law on Service in the Armed Forces of Bosnia and Herzegovina is a successful completion of basic military training. In addition to the general requirements, the Minister of Defence issues regulations that more closely prescribe specific requirements, including admission to professional military service and basic military training.

Under the same law, a citizen of Bosnia and Herzegovina may be admitted to professional military service to perform specific duties and for a fixed period. Admission to the service is contract-based, and the service runs from the day of assuming the duty. The person is admitted to professional military service on the basis of the contract that determines rank, military

occupational specialty, regiment, duration of service, obligation to serve in the reserve force and other rights and obligations during the military service. The contract of admission to professional military service is a fixed-term contract, the duration of which is regulated by the contract. A soldier with a minimum three-year secondary education is admitted to the Armed Forces in the rank of a soldier. A non-commissioned officer with four year secondary education, or with a college degree - 6<sup>th</sup>degree, is admitted to the Armed Forces in the starting rank of an NCO assigned to him/her upon completion of military or civilian schooling. Exceptionally, an NCO may be admitted to service on the recommendation of his / her commander, based on his / her performance as soldier. An officer holding university degree - 7<sup>th</sup>degree, that is Bologna 1st cycle degree, is admitted to the Armed Forces in the starting rank of an officer that is assigned to him/her upon completion of a military academy or upon graduation and completion of basic officer training. Exceptionally, upon the recommendation of the commander and on the basis of his/her performance as soldier or non-commissioned officer, an officer may, under certain conditions, be admitted upon completion of basic officer training. Cadets and military scholarship holders who have completed their secondary and university education, as well as professional military personnel sent for further education and training, are required to spend in service a period which is twice as long as the period in education or training, unless their contract stipulates otherwise. The exception are cadets graduating from flight school as pilots, who are required to serve for a period of ten years from the date of graduation unless the contract stipulates a longer period. Candidates on basic training who have successfully completed training for soldiers are required to spend at least one contract in service and candidates for non-commissioned officers and officers at least two contracts.

Education of cadets lasts on average 4 to 5 years, while education of professional military personnel is at the command and operational-strategic level, and it lasts on average about one year. Currently, 0.35% of service members of the Armed Forces of Bosnia and Herzegovina are abroad for courses longer than six months. There are currently 184 cadets at the military academies outside Bosnia and Herzegovina.

Detailed provisions on education and training of professional military personnel are laid down in the Rulebook on education and training in the Ministry of Defence and in the Armed Forces of Bosnia and Herzegovina, as well as in the Rulebook on education of cadets and military scholarship holders.

**17. Considering that the Law on Mediation in Employment and Social Security of Unemployed Persons in the Federation of Bosnia and Herzegovina provides that the entitlements of unemployed persons under this law shall cease if they refuse the offer of an appropriate job without good reason, provide information on the rules and procedures governing the examination of rejections of applications for unemployment benefit and the extent of this phenomenon.**

The Law on Mediation in Employment and Social Security of Unemployed Persons in the Federation of Bosnia and Herzegovina provides that the rights of unemployed persons under this law shall, inter alia, cease if: they refuse the offer of an appropriate job without good reason; one of the conditions from Article 3b of the law has been met. Pursuant to Article 3b.the unemployed person shall be struck of the unemployment register if, among other things, they reject appropriate job offers. The legislator has taken this approach to encourage unemployed persons to take advantage of every employment opportunity offered to them and hence reduce unemployment. Also, anyone who feels that they have been discriminated against under this law may seek compensation before a competent court. In general, the unemployment rights are decided by the competent employment service.<sup>21</sup>

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<sup>21</sup> FBiH Ministry of Labour and Social Policy



Furthermore, the law stipulates that an unemployed person shall not be entitled to financial compensation: 1. when he / she consciously contributed to the termination of employment, and 2. when it is determined that he / she voluntarily left the job. The following reasons are considered justified reasons for voluntary termination of employment when, given all the circumstances, the unemployed person has no other option but to terminate employment: 1. sexual or other abuse; 2. discrimination within the meaning of the Labour Law; 3. working conditions that endanger health or safety; 4. the employer contravening the law; and 5. pressure exerted by the employer on the employee because of the employee membership in a union or other employee organisation.

Pursuant to the Law, the FBiH Employment Institute decides, in the second instance, on appeals filed against decisions of the cantonal employment services on unemployment rights.

In the reference period, 2,626 appeals were filed against first instance decisions and 2,371 cases were disposed of.

In 2015, there were 762 appeals filed against first instance decisions. With pending appeals carried forward from 2014 (99), there were 861 cases pending. The number of cases disposed of was 793, as follows: 430 appeals were rejected, 45 appeals were upheld and the cases were adjudicated in second instance administrative procedure, 222 appeals were rejected and the cases were returned to a first instance authority for retrial and decision, and 96 appeals were decided otherwise under the Law on Administrative Procedure (rejected, referred to another authority, decided at first instance). Sixty-eight cases remained pending. There were 117 administrative disputes brought before the cantonal courts.

In 2016, there were 540 appeals against first instance decisions. With pending complaints carried forward from 2015 (68), there were 608 cases pending. The number of cases disposed of was 558, as follows: 340 appeals were rejected, 21 appeals were upheld and the cases were adjudicated in second instance administrative procedure, 142 appeals were upheld and the cases returned to a first instance authority for retrial and decision, and 55 appeals were decided otherwise under the Law on Administrative Procedure (rejected, referred to another authority, decided at first instance). Fifty-five cases remained pending. There were 33 administrative disputes brought before the cantonal courts.

In 2017, there were 495 appeals against first instance decisions. With pending complaints carried forward from 2016 (50), there were 545 cases pending. The number of cases disposed of was 488, as follows: 282 appeals were rejected, 19 appeals were upheld and the cases were adjudicated in second instance administrative procedure, 160 appeals were upheld and the cases returned to a first instance authority for retrial and decision, and 27 appeals were decided otherwise under the Law on Administrative Procedure (rejected, referred to another authority, decided at first instance). Fifty-seven cases remained pending. There were 33 administrative disputes brought before the cantonal courts.

In 2018, there were 555 appeals against first instance decisions. With pending complaints carried forward from 2017 (57), there were 612 cases pending. The number of cases disposed of was 532, as follows: 272 appeals were rejected, 40 appeals were upheld and the cases were adjudicated in second instance administrative procedure, 157 appeals were upheld and the cases returned to a first instance authority for retrial and decision, and 6 appeals were decided otherwise under the Law on Administrative Procedure (rejected, referred to another authority, decided at first instance). Eighty cases remained pending. There were 30 administrative disputes brought before the cantonal courts.<sup>22</sup>

## **18. Provide information on measures taken by the state to ensure that employers give due consideration to workers' private lives in the organisation of work and that all**

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<sup>22</sup> FBiH Employment Institute

**interferences are prohibited and where necessary sanctioned (the right to be protected against interference with the right to privacy)**

Under the Entity labour laws and the Labour Law of the Brcko District of BiH, when concluding an employment contract, the employer may not ask the employee questions that are not directly related to the nature of the employment. The employer may not ask the applicant questions about family or marital status and family plans, or request documents and other evidence that are not of directly relevant for the performance of tasks that are the basis for employment. Thus, the right to the protection of employees' privacy rights is clearly stipulated, that is the prohibition of interference by the employer into employees' private lives. It is also important to note that the employer may not ask for a pregnancy test as condition for employment.

Employee personal data may not be collected, processed, used or disclosed to third parties, except as required by law or as necessary for the exercise of rights and obligations arising from employment.

**Article 1, paragraph 3- Free placement services**

**19. Provide information as to whether basic placement services that is the registration of job-seekers and notification of vacancies throughout the whole territory of Bosnia and Herzegovina are provided free of charge for both employees and employers.**

In the Federation of Bosnia and Herzegovina, the Law on Mediation and Social Security of Unemployed Persons stipulates that employment mediation includes all actions and measures taken in accordance with the Law for the purpose of linking an unemployed person seeking employment, as well as an employed person seeking a job change, with an employer who is looking for an employee for hiring. It also stipulates that the employment mediation services are provided free of charge.<sup>23</sup>

In Republika Srpska, all services provided by the Employment Institute to employers and unemployed persons are free of charge. To exercise their rights, unemployed persons register with the organisational unit of the Employment Institute that is in charge of their place of residence, they exercise the right to information on conditions and opportunities for employment, vacancies, mediation in employment, counselling, vocational training, preparation for employment and other unemployment benefits in accordance with the Law. Services for employers are also free of charge. All job vacancies shared by employers are advertised on the notice board and the Employment Institute website, and if the employer so requires, by other means of mass communication. The Employment Institute publishes vacancies once a week in one of the dailies.<sup>24</sup>

In the Brcko District of Bosnia and Herzegovina, employment services are provided by the Employment Institute of the Brcko District of BiH. The Employment Institute is founded by the Brcko District of BiH, under the Law on Employment and Unemployment Rights. The Employment Institute is a legal entity with a status of public service of general interest for Brcko District. The registration with the register of unemployed persons kept by the Employment Institute of Brcko District of BiH, as well as all entitlements arising from unemployment are free of charge.

Employers from all over Bosnia and Herzegovina can use the job advertising services for free.<sup>25</sup>

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<sup>23</sup> FBiH Ministry of Labour and Social Policy

<sup>24</sup> RS Employment Institute

<sup>25</sup> BD Employment Institute

## **20. Provide information on the co-ordination of employment services different levels (State, entity and cantonal levels in FBiH).**

At the national level, the Agency for Labour and Employment of Bosnia and Herzegovina is, among other things, responsible for cooperation with competent agencies, institutions and international organisations in the field of employment. Under the coordination of the BiH Ministry of Civil Affairs, BiH fulfils international obligations assumed in the field of employment in cooperation with the competent Entity and Brcko Distric employment institutes. The Agency monitors the implementation of international standards and policies in the field of employment and participates in their implementation in cooperation with the Entity and Brcko District employment institutes. The Agency also initiates the conclusion of international agreements in the field of employment and participates in negotiations for their conclusion and monitors their implementation in cooperation with the Entity and Brcko District employment institutes. The Agency also has a coordinating role in activities in national and international employment projects of interest to BiH and cooperates with the Entity and Brcko District employment institutes in their implementation; collects foreign and domestic requests and information on supply and demand of domestic and foreign workforce and in cooperation with the Entity and Brcko District employment institutes realizes them within the scope of their competencies and the opportunities that are available at the BiH labour market; monitors, analyses and explores economic, social and other trends, employment and unemployment trends, and their mutual influences in cooperation with the Entity and Brcko District employment institutes based on which the necessary measures and activities for promotion of employment are proposed; initiates necessary activities with the Entity and Brcko District employment institutes to jointly and in cooperation with employers, trade unions, educational institutions and other associations organize and implement vocational education and training programmes with a view to increasing employment and enhancing other forms of active employment policy; coordinates the employment of BiH citizens abroad within the scope of its legal competencies and in cooperation with the Entity and Brcko District employment institutes; conducts necessary analyses and compiles reports and documents in the field of employment, prepares drafts, proposals and working documents to be adopted by the BiH authorities upon request of the BiH Council of Ministers and BiH line ministries, in cooperation with the Entity and Brcko District employment institutes as necessary; proposes to the BiH Council of Ministers a long-term, medium-term and annual plan on guidelines for labour market policies and active employment measures in BiH, together with the Entity and Brcko District employment institutes, through BiH line ministries; in cooperation with the Entity and Brcko District employment institutes, gives the BiH line ministries opinions and proposals for employment of foreign nationals in BiH (quotas); in co-operation with the Entity and Brcko District employment institutes, provides the necessary data in the field of unemployment, in particular those related to the fulfilment of international obligations; submits its regular annual reports and annual work programmes to the BiH Council of Ministers; conducts training of its personnel to meet the requirements and challenges in relation international obligations and integration processes, and initiates the same activities with the Entity and Brcko District employment institutes.<sup>26</sup>

In the Federation of Bosnia and Herzegovina, the FBiH Employment Institute and ten cantonal employment services operate in the field of employment. When it comes to coordination, the FBiH Employment Institute is responsible for monitoring and coordinating the work of employment services in implementing the policies and measures that are in place in the field of employment and social security of unemployed persons. The Government of the BiH Federation approves the statute and work programme of the FBiH Employment Institute. Once a month, and

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<sup>26</sup> BiH Agency for Labour and Employment

more often if necessary, the FBiH Employment Institute organises the meeting of directors of public employment services of the BiH Federation. When it comes to cooperation at the lower organisational levels of the FBiH Employment Institute and services, communication usually takes place on a daily basis, depending on the sector / department.<sup>27</sup>

In Republika Srpska, there are organisational units formed within the Employment Institute to carry out its functions and related and interrelated tasks (functional principle), as well as to carry out these tasks throughout its territory (territorial principle). There is a central office set up in the seat of the Institute, while branches (7 branches) and bureaus (59 bureaus) are organised at the regional and local levels, respectively.

When it comes to horizontal integration, to overcome differences in the social security system, in 2012, an Agreement was signed between the FBiH Employment Institute, the RS Employment Institute and the Brcko District Employment Institute on the exercise of rights to unemployment benefits, which greatly improved the cooperation of the three institutes and has facilitated the exercise of rights for the unemployed.

**21. Provide information on the operation of private employment agencies, information on the number of employment services staff in relation to the number of job seekers, and the respective market shares of public and private services.**

In the Federation of Bosnia and Herzegovina, the Decree on Private Employment Agencies stipulates that employment mediation within the meaning of this Decree includes all actions and measures taken to link an unemployed person seeking employment, as well as an employed person seeking a job change, with an employer who is looking for an employee to conclude an employment contract with. The activities performed by private agencies include: employment mediation; advising and informing the employer and the unemployed about employment opportunities; organising training and education for unemployed persons; providing career guidance, informing and advising professional staff and development of career guidance methods. Advertising supply and demand through the daily newspapers, electronic media and the internet is not to be considered employment mediation.

Licenses are issued and revoked by the FBiH Ministry of Labour and Social Policy. The decree provides that any legal person registered as a company may perform activities of mediation in employment as a private agency. The Ministry issues the license for performing the activities referred to in Article 3 of the Decree to a registered company which, among other things, has at least two employees, one of whom has a university degree - 7<sup>th</sup> degree or completed at least the first cycle of higher education in accordance with the Framework Law on Higher Education in Bosnia and Herzegovina. Following issuance of a permit under this Decree, the Ministry enters the private agency into the Register of Private Agencies with the registration number and date of registration. The privately owned licensed agency is required to immediately notify the Ministry of any change regarding the fulfilment of the conditions for issuing the license, and at the end of each calendar year, that is by January 15 at the latest, submit to the Ministry the documentation on the fulfilment of personnel-related, technical, organisational and other conditions from articles 6, 7, 9 and 10 of the Decree, as well as the performance report referred to in Article 3 of the Decree. For the work done, private agencies can only charge the employer. The prices of services must be determined by a separate act to be issued by a private agency.

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<sup>27</sup> FBiH Ministry of Labour and Social Policy

A private agency is required to, within five days from the date of employment of the person benefiting from mediation services, notify the relevant cantonal employment service of that in order that the person employed be struck off the unemployment register.

Administrative and other supervision over the legality of work of private agencies is carried out in accordance with the Law on Mediation in Employment and Social Security of Unemployed Persons.

When it comes to this Decree and its application, the supervision over the legality of the work of private agencies is exercised by the Ministry. Inspection of the implementation of this Regulation is carried out by the Labour Inspection.

During the previous calendar year, the FBiH Ministry of Labour and Social Policy undertook activities related to supervision over the legality of work of private agencies for mediation in employment. The Decree amending the Decree on Private Employment Agencies that entered into force on 12 May 2018, envisaged a certain type of audit of all licences issued to private agencies for mediation in employment. Following the audit, only 5 (five) privately owned agencies are currently licensed for mediation in employment.<sup>28</sup>

In Republika Srpska, the activities related to employment mediation, career counselling and training and preparation for employment may be performed by legal entities registered as companies as well as by natural persons as entrepreneurs satisfying the requirements for these activities. The Rulebook on the requirement to be satisfied by legal and natural persons engaged in employment mediation stipulates that the agencies determine the conditions under which they operate of which they are required to notify both employers and unemployed persons seeking their services, and the prices of services must be determined in advance by a special act that brought by the agency.

Agencies may not charge the unemployed persons for the services provided, but they can charge an employed person when they mediate in a change of employment.

There are currently 18 agencies registered in Republika Srpska, but the Ministry does not have information on the number of employees in those agencies. The Rulebook on the requirement to be satisfied by legal and natural persons engaged in employment mediation stipulates that each agency must have at least one employed person who fulfils specific requirements as laid down by the Rulebook. Considering that there are 18 agencies engaged in employment mediation in the register of the Ministry of Labour and Protection of Veterans and People with Disabilities, it is obvious that at least 18 persons are employed in employment agencies. In the reference period from January 2015 to December 2018, 8 more agencies engaged in employment mediation were registered.<sup>29</sup>

In the Brcko District of Bosnia and Herzegovina, employment agencies are entered in the court register, in accordance with the law, with a previously obtained licence issued by the Head of the Department for Professional and Administrative Affairs, which is granted subject to fulfilment of the requirements for employment mediation by the agency. The requirements for employment mediation are set out by the Head of the Department for Professional and Administrative Affairs. The Department issues the licence to the agency on the basis of a written request, accompanied by a proof of eligibility for receiving the licence. The agency pays a licence fee, the amount of which is determined by the Government of the Brcko District. The collected fees are invested in active employment measures.<sup>30</sup>

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<sup>28</sup> FBiH Ministry of Labour and Social Policy

<sup>29</sup> RS Ministry of Labour and Protection of Veterans and People with Disabilities

<sup>30</sup> BD Employment Institute

## **22. Provide information on the number of job seekers registered with employment services in the reference period**

When it comes to country-wide information, table 40 shows numerical data on unemployment by gender and qualification level in Bosnia and Herzegovina in the reference period (Annex 1).<sup>31</sup>

In the Federation of Bosnia and Herzegovina, in 2015, the average number of registered unemployed was 390,204, in 2016, 377,853, in 2017, 357,971, while in 2018, there were an average of 335,610 registered unemployed persons. Compared to 2015, the average number of unemployed persons decreased by 54,594 (13.99%).

Tables 41 and 42 show numerical data of registered unemployed persons in the Federation of Bosnia and Herzegovina in the reference period (Annex 1).<sup>32</sup>

In Republika Srpska, the trend of a gradual decline in the number of unemployed registered with the Employment Institute of Republika Srpska from previous years continued into 2018 as well. When comparing the number of unemployed persons as of 31 December 2018 with the same period in 2015, when 135,585 unemployed persons were registered, this number is lower by 39,580 persons or 29.2%. The average monthly value of the number of unemployed in 2018 was 105,793, which is 14,263 or 11.9% less than in the previous year. If we look at the four-year period (2015-2018), the annual average of the number of unemployed decreased by 24.1%.

An analysis of the educational structure of the unemployed - active offer, in a four-year period, indicates a percentage decrease among the lower levels of education in the total number of unemployed, and an increase among those with secondary and university education.

In 2018, the share of secondary education in the total number of unemployed persons was 31.39%, which is 2.05 percentage points higher than in 2015 (29.34%), while the share of higher education in comparison with 2015 is higher by 0.95 percentage points.

Also, the analysis of the qualification structure in a four-year period indicates that of the 96,005 unemployed persons, the most numerous are those with completed three-year vocational school - skilled worker 31,620 and those with completed four-year secondary education 30,139, which is a constant feature when it comes to educational structure of unemployed persons. The female unemployment showed a slight upward trend in the total number of unemployed persons, and this trend continued in 2018 as well. Their rate ranged from 48.48% in 2015 to 51.19% in 2018.

Unemployment figures in the reference period in Republika Srpska are shown in Table 43, while tables 44 and 45 show information on the educational structure of unemployed persons in Republika Srpska in the reference period (Annex 1).<sup>33</sup>

In the Brcko District of Bosnia and Herzegovina, the records kept by the Employment Institute of Brcko District are presented by qualification structure for the reference period contained in Table 46 (Annex 1).<sup>34</sup>

## **23. Provide information on the annual placement rate, i.e. placements made by the employment services as a share of notified vacancies for all levels of government.**

In the Federation of Bosnia and Herzegovina, in 2015, the average monthly number of people struck off the employment records was 6,383, while the monthly average in 2018 was 8,115 people who found employment during the month, which is an increase by 27 % in 2018 compared

<sup>31</sup> BiH Agency for Labour and Employment

<sup>32</sup> FBiH Employment Institute

<sup>33</sup> RS Employment Institute

<sup>34</sup> BD Employment Institute

to 2015. Tables 47 and 48 provide a monthly summary of number of persons who were struck off the unemployment records in the BiH Federation as they found employment in the reference period (Annex 1).

In the last three years, there has been an increase in number of jobs advertised on the basis of placement requests or job ads submitted to employment services. In 2018, 45,466 jobs were advertised, while in 2016 this number was 30,050, which is an increase by 33.90%. Table 49 shows the number of advertised jobs and job placement through the cantonal employment services in BiH Federation in the reference period (Annex 1). The 2015 data is not presented because it was recorded using different methodology.<sup>35</sup>

In Republika Srpska, Table 50 shows a comparative overview of employees registered with the Employment Institute of Republika Srpska by level of qualification in the reference period (Annex 1).

The analysis of employment by level of qualification shows that of the total number of those employed from the register of the Employment Institute, 34.1% had four-year secondary education (14,775) and 31.8% had three-year secondary education (13,796), and these categories were also the most numerous on the register. Of the total number of those employed in 2018, 8,377 or 19.3% were those with 7<sup>th</sup> degree.

Observed in the four-year period, there was a downward trend in the number of those employed with lower levels of education, while the share of those with secondary and university degrees was increasing. The number of university graduates employed in 2018 was 8,377, which is 1,845 more than in 2015, or 28.

Tables 51-53 show employment data for Republika Srpska in the reference period disaggregated by activity (Annex 1).<sup>36</sup>

In the four-year period from 2015 to 2018, there were no significant changes in the total number of employed persons from the register by activity.

Analysing the employment by sector in 2018, 86.8% of the total number of those employed were employed in the real sector. Processing industry employs 9,260 people or 21.4%, other community, social and personal services sector employs 10,098 persons or 23.3%, wholesale and retail, vehicles repair and personal and household goods 6,968 persons or 16.1%, hotels and restaurants 3,504 persons or 8.1%, civil engineering 3,135 persons or 7.2%, agriculture, hunting and forestry 950 persons or 2.2%, transport, storage and communications 1,212 persons or 2.8%, real estate business, renting and business services 812 persons or 1.9%, gas, electricity and water supply 584 persons or 1.4%, financial intermediation 377 persons or 0.9%, and mining 471 persons or 1.1%. The remaining 13.2% are employed by employers financed from the budget as follows: education 2,809 persons or 6.5%, health and social care 1,573 persons or 3.6%, public administration and defence - compulsory social security 1,357 persons or 3.1%.

In the Brcko District of Bosnia and Herzegovina, the number of unemployed persons struck off the unemployment record of the Employment Institute of Brcko District of Bosnia and Herzegovina in the reference period is shown in Table 54 (Annex 1).<sup>37</sup>

## **24. Provide information on administrative and financial capacities for implementation of active labour market measures from the perspective of the Entity governments and public employment services**

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<sup>35</sup> FBiH Employment Institute

<sup>36</sup> RS Employment Institute

<sup>37</sup> BD Employment Institute

In the Federation of Bosnia and Herzegovina, no answer was provided by the competent institutions of FBiH until the submission of the Report to the European Committee of Social Rights.

In Republika Srpska, data on financial allocations for active labour market measures in the reference period are shown in Table 55 (Annex 1).<sup>38</sup>

In Brcko District of Bosnia and Herzegovina, the Work Plan and the Financial Plan of the BD Employment Institute envisage the funds for implementation of active employment measures. The Classification of Posts foresees the positions that are filled with employees who are directly implementing these measures. The BD Government also participates in the implementation of certain programmes by funding them through a grant from the District budget.<sup>39</sup>

**25. Provide information on whether the Advisory Committee of the FBiH Employment Institute has been formed, given that the previous report indicated that two representatives of trade unions and employers were selected as members of the Management Board of the Advisory Committee.**

The FBiH Law on Mediation in Employment and Social Security of Unemployed Persons stipulates that the bodies of the FBiH Employment Institute are the Management Board and the Director. The Management Board has seven members.

However, the Law stipulates that the FBiH Employment Institute shall have an Advisory Committee formed by the Management Board of the FBiH Employment Institute, consisting of seven members as follows: trade unions and employers shall have two representatives each, and the FBiH Ministry of Labour and Social Policy, the FBiH Employment Institute and the FBiH Chamber of Commerce one representative each.

The purpose of the committee is to comply with the ILO Convention No. 88 Concerning the Organization of the Employment Service from 1948, which provides for the establishment of one or more advisory committees in order to ensure the cooperation of representatives of employers and workers in the organisation and operation of the employment service.

Please note that the Advisory Committee of the FBiH Employment Institute has not been formed to date, despite the activities of the Institute towards establishing it.<sup>40</sup> The Economic and Social Council of the BiH Federation, being the competent body, has not nominated the representatives of employers and trade unions.

**Article 1, paragraph 4- Vocational guidance, training and rehabilitation**

**26. Provide information whether the law provides for equal access of foreign nationals, lawfully resident or working regularly in the country, to vocational guidance and training in all parts of BiH**

In the Federation of Bosnia and Herzegovina the Law on Employment of Foreign Nationals stipulates that foreign employees have the same rights, obligations and responsibilities as employees of FBiH, in accordance with the relevant legislation, regulations and collective agreements, unless otherwise provided by international agreements;

Also, the Law on Mediation in Employment and Social Security of Unemployed Persons stipulates that no person may be disadvantaged by virtue of this law because of their race, colour, gender, language, religion, political or other opinion, national or social origin, financial status,

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<sup>38</sup> RS Employment Institute

<sup>39</sup> BD Employment Institute

<sup>40</sup> FBiH Ministry of Labour and Social Policy



birth or any other circumstances, membership or non-membership in a political party, or membership or non-membership in a trade union, or physical and mental disabilities.<sup>41</sup>

In Republika Srpska, the Law on Secondary Education stipulates that foreign nationals and stateless persons are entitled to primary and secondary education in accordance with the conventions and agreements concluded with other countries or international organisations.<sup>42</sup>

The RS Law on Mediation in Employment and Unemployment Rights governs employment mediation, public works employment, unemployment insurance, tasks and method of financing employment services, rights of unemployed persons and conditions for the exercise of these rights and other issues of relevance for organised employment in Republika Srpska. These rights are also exercised by foreign nationals and stateless persons under the conditions stipulated by the above Law and the Law on Employment of Foreign Nationals and Stateless Persons.<sup>43</sup>

In Brcko District of Bosnia and Herzegovina, in accordance with the by-laws of the Employment Institute, foreign nationals or stateless persons may register as unemployed provided that they are granted a permanent or temporary residence permit. In this way, the foreign citizen registered as unemployed has the right to receive from the Employment Institute information about the job opportunities and conditions for employment, to benefit from mediation in employment, career counselling and vocational training and preparation for employment, as well as the right to financial benefits under the conditions stipulated by the BD Law on Employment and Unemployment Rights.<sup>44</sup>

**27. Provide information whether continuing vocational training is available both for employed and unemployed workers, as well as all relevant and updated information as to the number of beneficiaries of such training in the reference period.**

When it comes to civil servants training at the level of Bosnia and Herzegovina, it is available and planned by the training programmes of the Civil Service Agency of Bosnia and Herzegovina on an annual basis.

In the Federation of Bosnia and Herzegovina, the Law on Mediation in Employment and Social Security of Unemployed Persons stipulates that vocational guidance of the unemployed and other persons in their choice of occupation, vocational training of the unemployed and retraining of redundant employees, stimulating job creation and other employment incentive measures, is in the scope of employment services and regulated by the cantonal regulation.

The FBiH Employment Institute assists in the implementation of vocational guidance, training and retraining programmes for unemployed persons and their re-employment in suitable jobs. Relevant information on the number of beneficiaries of vocational training services is available at the FBiH Employment Institute.<sup>45</sup>

In proportion to the resources available for active measures, vocational training is provided to the unemployed through training programmes and projects with a known employer, as well as other types of training. The aim of these programmes and measures is primarily to ensure employment after training, but also to build skills for greater competitiveness in an open labour market.

In 2015, 1,927 unemployed persons attended various types of training, in 2016, 1,945 persons, 1,441 persons in 2017, while in 2018, 1,314 unemployed persons were included in training programmes and projects. All the training courses that the unemployed attended were funded and

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<sup>41</sup> FBiH Ministry of Labour and Social Policy

<sup>42</sup> RS Ministry of Education and Culture

<sup>43</sup> RS Employment Institute

<sup>44</sup> BD Employment Institute

<sup>45</sup> FBiH Ministry of Labour and Social Policy

co-financed by the public employment services of the Federation of Bosnia and Herzegovina. In line with the reform processes, the staff of the public employment services are receiving training.<sup>46</sup>

In Republika Srpska, access to vocational education in Republika Srpska is governed by the Law on Secondary Education. Secondary technical and secondary vocational schools provide three- and four- year education, in which students are trained in 13 professions and 102 occupations. In these schools, curricula involve modular learning based on learning outcomes. Secondary education is available to all under equal conditions in accordance with this law and the individual's abilities.

The RS Law on Adult Education governs the organisation and structure of adult education. Adult education is part of a uniform education system of Republika Srpska, which provides education, occupational training and professional development for adults. Adult education can be: formal, non-formal and informal. Adult formal education programmes include, but are not limited to, secondary education programmes.

The general interest in adult education is determined by the RS Adult Education Plan, adopted by the Government of the Republika Srpska for a period of one year, at the proposal of the Institute for Adult Education. In the preparation of the Adult Education Plan, the Institute is required to obtain the opinion of the Employment Institute, the Chamber of Commerce of Republika Srpska, the Employers' Association, local self-government bodies and competent ministries. Table 56 shows statistics on adult education in the Republika Srpska in the reference period (Annex 1).<sup>47</sup>

Within the framework of active policy measures, the RS Employment Institute has been implementing the Training, Retraining and Additional Training Programme. This programme was also implemented in 2018.

The aim of the Programme is to enhance knowledge and skills of unemployed persons and help them acquire new knowledge to facilitate their swift labour market integration. The target group are unemployed and registered active job seekers with completed four-year secondary education. Table 57 shows data on training, retraining and additional training programmes in Republika Srpska in the reference period (Annex 1).<sup>48</sup>

In the Brcko District of Bosnia and Herzegovina, a pedagogical institution that is part of the Department for Education deals solely with professional development of teaching staff employed in the educational system of the Brcko District, and not with the unemployed.

Between January 2015 and December 2018, 94 professional development activities were held for approximately 1,680 participants - employed educators, teachers, professional support staff, teaching assistants and directors of pre-school institutions, primary and secondary schools in the Brcko District of Bosnia and Herzegovina.<sup>49</sup>

**28. Provide information on progress in implementing programmes and laws on adult education and continuing vocational training, especially in cantons, as well as updated statistics on the number of employed and unemployed people benefiting from continuing vocational training.**

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<sup>46</sup> FBiH Employment Institute

<sup>47</sup> RS Ministry of Education and Culture

<sup>48</sup> RS Employment Institute

<sup>49</sup> Brcko District Government

In the Federation of Bosnia and Herzegovina, nine cantons have adopted adult education laws, and only the Posavina Canton has not yet done so. Also, the Una-Sana Canton adopted all necessary by-laws governing adult education.<sup>50</sup>

In Republika Srpska, from 26 September 2016 to 25 September 2017, 1045 adults completed secondary school (535 male and 510 female), of which 895 attended technical secondary schools (401 male and 494 female) and 150 vocational schools (134 male and 16 female). The curriculum for adult vocational secondary education for the four-level professions has been developed. This curriculum introduces four-year occupations in adult vocational education in 13 professions and 37 occupations. The curriculum for adult vocational education for three-year occupations have also been developed. This curriculum introduces three-year occupations in secondary vocational education for adults in 12 professions and 57 occupations. The following training programmes have also been developed: radiation therapy technicians, dental prosthetics technicians and medical and laboratory technicians for transfusion medicine.<sup>51</sup>

**29. Provide updated information on implementation of directions from the document "2015 – 2020 Strategic Directions for the Development of Career Orientation in the FBiH" concerning the choice of occupation and career development, including for people with disabilities**

In the Federation of Bosnia and Herzegovina, in 2014, the Ministry of Education and Science, through the work of the inter-ministerial working group, drew up the 2015–2020 Strategic Directions for the Development of Career Orientation in the FBiH and the proposal of the Action Plan for the implementation of the Strategic Directions. These documents are the basis for revitalizing and modernizing career guidance as one of the key factors in the development of society. Nowadays, the individuals need to develop their career management skills so as to be able to choose education, training, jobs and develop their careers, while institutions need to provide all the necessary prerequisites for career orientation so to make it accessible to all and implement it in accordance with the modern paradigm of understanding career and employability. The aim of this programme is to continue activities to develop and revitalize career orientation in education in the Federation of Bosnia and Herzegovina.

In 2016, the Memorandum of Cooperation in the field of career orientation in the FBiH was signed on 18 May 2016 between the FBiH Ministry of Education and Science and six cantonal ministries of education.

An evaluation questionnaire was sent to pilot schools through line cantonal ministries to assess the strengths, weaknesses and sustainability of piloted career orientation models to date, specifically the Five-phase Model of Vocational/Professional Guidance for Primary Schools and the GOPA-YEP Project for Secondary Schools, Component 1 - piloting secondary school training for job selection and career development. Based on the analysis of received evaluation questionnaires from pilot primary schools, the working group concluded that the Five-phase Model of Vocational/Professional Guidance for Primary Schools was held in pilot schools, that teachers and pedagogues assessed it as good and useful and that with some adjustments it could be published and offered to other primary schools for their use.<sup>52</sup>

In the reference period, most cantonal employment services provided profession/vocation related information to primary and secondary schools in the FBiH once a year to inform students about the importance of further education choice and inclusion in the labour market. Table 58 shows data on information campaigns organised in primary and secondary schools in the FBiH in the reference period (Annex 1).

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<sup>50</sup> FBiH Ministry of Education and Science

<sup>51</sup> RS Ministry of Education and Culture

<sup>52</sup> FBiH Ministry of Education and Science

Within the framework of the Youth Employment Project (YEP), since 2016, the employment services of the Sarajevo Canton, Tuzla Canton and Herzegovina-Neretva Canton have started a new way of providing profession related information in primary and secondary schools "Zoom Youth Employment", through which employment services hold workshops for pedagogues and psychologists in schools about the importance of career choice, using the same-titled manual for working with final year students. Also, the employment services inform at least once a year the competent educational institutions in the cantons about the situation and trends in the labour market.

The system of monitoring supply and demand in the labour market has been improved through monthly keeping and presentation of statistics on the most frequent occupations on the register of unemployed, advertised jobs and other relevant statistical indicators. The introduction of a uniform information system of public employment services of the FBiH is underway.

In the reference period, all ten cantonal employment services launched their websites. Also, the Employment Institute and employment services participate in joint projects with educational institutions at different levels.

When it comes to persons with special needs, the programme of co-financing the employment of professional staff for children with disabilities in regular primary schools in the FBiH in 2017 and 2018 covered 180 persons. The programme was implemented in cooperation with the cantonal ministries of education.

From 2015 to 2018, the FBiH Employment Institute provided a financial contribution to the project "Volunteering is Cool" promoting the benefits of volunteering. At the same time, primary school students are being introduced to the world of work. This project is implemented by the Youth Activism Development Centre Sarajevo in cooperation with the schools as key education providers. In 2015, only primary schools in Sarajevo Canton participated in the Project, while in 2018, more than 100 volunteers from 46 primary schools from Herzegovina-Neretva Canton, West Herzegovina Canton, Bosnia-Podrinje Canton and Sarajevo Canton participated.

In 2017 and 2018, the FBiH Employment Institute participated in the EU project "Development of Qualification Framework for Lifelong Learning", which was implemented in Bosnia and Herzegovina.

Further information on the implementation of the Strategic Directions for the Development of Career Orientation in the FBiH are related to the career orientation of the unemployed and the improvement of the advisory/counselling skills of employees of the employment services, and they are contained in the answer to question 49.<sup>53</sup>

**30. The Committee asks whether discrimination on the ground of disability in the field of training is explicitly prohibited in the legislation, whether the labour market offers vocational guidance and training services aimed specifically at persons with disabilities and how many people make use of these services.**

When it comes to persons with disabilities, as a particularly vulnerable group within this category, all forms of protection of persons with disabilities in BiH, including health and social care, employment, education, accessibility and other issues, are provided at Entity level of the Federation of Bosnia and Herzegovina, Republika Srpska, the Brcko District of Bosnia and Herzegovina and ten cantons in the Federation of Bosnia and Herzegovina, in accordance with their respective constitutional responsibilities. Accordingly, these levels of government have passed laws governing health care, social protection, employment, education, spatial planning, and policies and strategies for the protection of persons with disabilities.

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<sup>53</sup> FBiH Employment Institute

In 2011, the Council of Ministers of Bosnia and Herzegovina established the Council for Persons with Disabilities of Bosnia and Herzegovina as a permanent, professional, advisory, inter-ministerial and coordinating body of the Council of Ministers of Bosnia and Herzegovina. The Council for Persons with Disabilities of Bosnia and Herzegovina monitors the human rights situation of persons with disabilities, and its role is professional, advisory and coordinating and aimed at promoting the human rights of persons with disabilities, developing coordination and cooperation with various bodies and institutions in BiH, providing professional support and making recommendations to improve the protection of the rights and interests of persons with disabilities.

In the Federation of Bosnia and Herzegovina, when it comes to the legal framework, there is a Law on Professional Rehabilitation, Training and Employment of Persons with Disabilities in the Federation of Bosnia and Herzegovina. The new FBiH Labour Law from 2016 provides for the prohibition of discrimination against workers as well as persons seeking employment on the basis of disability.

Based on an earlier document titled "Disability Policy in Bosnia and Herzegovina", in March 2016, the FBiH Government prepared a strategic document titled "The 2016-2021 Strategy for the Advancement of Rights and Status of Persons with Disabilities in the Federation of Bosnia and Herzegovina".

Given the complexity of the matter and the proposed measures, both strategic documents envisage the establishment of a Government Office for the Disability of the Federation of Bosnia and Herzegovina, which would coordinate the activities of all competent departments, monitor the situation, propose solutions and direct measures for improving the position of persons with disabilities in society. An inter-ministerial and cross-sectoral coordination body of the Government of the Federation of Bosnia and Herzegovina is planned to be established, which will be in charge of monitoring, directing and implementing the activities planned by this strategy, and which will include representatives of all departments and non-governmental organisations that participated in the preparation of and are tasked with the implementation of the Strategy.

The European Disability Strategy 2010-2020 was used as a reference framework for identification of priorities and courses of action in the preparation of the Strategy for the Advancement of the Rights and Status of Persons with Disabilities. In this regard, the Strategy outlines activities regarding the priorities for persons with disabilities, key areas such as health, education, employment, social protection, accessibility and international cooperation. The overall objective of the strategy is defined on the basis of a long-term and comprehensive vision, but with the results expected within the set strategic period with an objective to improve the rights and status of persons with disabilities in order to enable their inclusion and participation in all aspects of society on an equal footing, the highest possible level of independence and freedom of choice in line with the adopted international standards, which is the core of the European Disability Strategy 2010-2020.

Within the framework of implementation of the strategic document, the greatest results have been achieved in the field of rehabilitation and employment of persons with disabilities, and this is the most successful example of integration, with a long-term prospect, as appropriate regulations have been adopted and systemic infrastructure established. Persons with disabilities are employed in the open labour market, under special conditions and in protective workshops.

Vocational rehabilitation and vocational training of persons with disabilities is provided for by the current Rulebook on allocation of funds for financing / co-financing of programmes for sustainable employment, development of companies for employment of persons with disabilities and protective workshops, and professional rehabilitation programmes for persons with disabilities. The programmes financed / co-financed under LOT III - Vocational rehabilitation and employment programmes for persons with disabilities may include the following measures and

activities: professional rehabilitation programmes conducted by companies, protective workshops and other legal entities under the Law (analysis of employment opportunities, including those for unemployed persons with disabilities who are programme beneficiaries; occupational training, maintenance and improvement of work skills for employment; information and counselling on assistive technology for learning and work; motivation and training of persons with disabilities to use the selected technology); 2. vocational rehabilitation programmes implemented by vocational rehabilitation institutions, secondary schools and other educational institutions (vocational information, counselling and evaluation of professional skills; additional training and retraining; information and counselling on assistive technology for learning and work; proposals for the application of different technologies and techniques in learning and work, with an assessment of the possibilities for their application; motivation and training of persons with disabilities to use the selected technology; information and support in funding sources; preparation and professional assistance in training and education; technical assistance, support, monitoring and evaluation of results in the implementation of these measures and activities); 3. vocational rehabilitation programmes for which persons with disabilities apply independently (financing / co-financing tuition for one year of further training or retraining. Exceptionally, persons with disabilities may apply for financing / co-financing of tuition for two years of further training or retraining if it is carried out in an uninterrupted period not exceeding 12 months; financing / co-financing of tuition fees for complete retraining within the framework of part-time secondary education can be planned if the educational institution arranges supplementary exams and complete retraining for a period not exceeding one school year; financing / co-financing tuition for undergraduate or postgraduate studies).

Along with the mentioned measures of vocational rehabilitation and vocational training, in 2015, 40 persons with disabilities were supported, in 2016, 125 persons, in 2017, 125 persons, and in 2018, 158 persons. In the reference period January 2015-December 2018, a total of 448 people with disabilities were supported through the Fund for the Professional Rehabilitation and Employment of Persons with Disabilities. Vocational rehabilitation is carried out in appropriate educational institutions, while vocational training is taking place in companies.<sup>54</sup>

The Fund for the Professional Rehabilitation and Employment of Persons with Disabilities promotes active participation and inclusion of persons with disabilities in the labour market through the following activities set out in the Fund's annual work plan:

- Organisation of promotional events in 10 cantons as a regular activity in cooperation with organisations of persons with disabilities, cantonal authorities, employment services;
- Organisation and co-organisation of conferences, roundtables, events promoting employment and professional rehabilitation of persons with disabilities;
- Development and distribution of promotional materials on employment of persons with disabilities with the support of the Fund, for employers in connection with their obligation to employ persons with disabilities;
- Promotion of vocational rehabilitation and employment of persons with disabilities through the media, active participation in TV shows, public statements, promoting rights and obligations through the most popular portals, etc.;
- Advertising public calls for employment of persons with disabilities through print media, the Fund's website, employment services and the F BiH Employment Institute;
- Media advertisements to inform obligors and potential beneficiaries of the Fund's services and resources about their rights and obligations.

Legal and other persons are required to submit to the competent employment service information on persons with disabilities who are employed by them.

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<sup>54</sup> Fund for Professional Rehabilitation and Employment of Persons with Disabilities

Public employment services do not implement specific measures / programmes for the vocational training of persons with disabilities. Existing measures / programmes are aimed at preparing for work / training of the hard-to-employ categories of unemployed persons, including persons with disabilities.

However, vocational training for persons with disabilities in the Federation of Bosnia and Herzegovina with the support of the Fund for Professional Rehabilitation and Employment of Persons with Disabilities is provided through programmes / projects of professional rehabilitation of persons with disabilities in companies for employment of persons with disabilities, protective workshops and other legal entities under the Law on Vocational Rehabilitation, Training and Employment of Persons with Disabilities. This programme enables practical training in companies established for the employment of persons with disabilities as well as in other companies, and ensures the employment of at least 50% of persons undergoing the programme provided by a vocational training provider.

Recognition of the right to vocational rehabilitation is decided in the first instance by the cantonal employment service in charge of the place of residence of the disabled person. The procedure for recognition of rights is initiated upon the request of the person with disability, his/her legal representative or guardian.

Within the framework of public calls for vocational rehabilitation programmes / projects involving retraining, further training or vocational training, the Fund requires a certificate recognizing the right to vocational rehabilitation issued by the employment services. As part of the procedure for the recognition of the right to vocational rehabilitation, employment services should take into account the needs of the market in order that following the re-training, additional training or vocational training of persons with disabilities.

In 2017, Republika Srpska adopted the 2017-2026 Strategy for the Advancement of Social Situation of Persons with Disabilities. The RS Government has appointed an inter-ministerial governmental body to support persons with disabilities, which is composed of 23 members (18 representatives of all ministries and 5 representatives of associations of persons with disabilities) whose task is to promote the rights of persons with disabilities, actively participate in the drafting, adoption, monitoring and implementation of strategic documents, make recommendations, opinions and proposals on laws and by-law documents regarding the implementation of disability policy, cooperate with NGOs, participate in the development of action plans aimed at improving the position of persons with disabilities, issue recommendations, proposals and opinions regarding concrete measures and possible solutions for the protection of the rights and interests of persons with disabilities. Expert and administrative tasks for the inter-ministerial body are performed by the RS Ministry of Health and Social Welfare.

Representatives of the Ministry of Health and Social Welfare, the Ministry of Labour and Protection of Veterans and People with Disabilities and the Ministry of Physical Planning, Construction and Ecology, as well as four representatives of organisations of persons with disabilities of Republika Srpska participate in the work of the Council for Persons with Disabilities of Bosnia and Herzegovina.

When it comes to legal framework, the Law on Vocational Rehabilitation, Training and Employment of Persons with Disabilities is in force in the Republika Srpska, governing professional rehabilitation, training and employment of persons with disabilities, as well as other pertinent matters.

With a view to improving, regulating, supporting and strengthening the inclusion of persons with disabilities in the labour market, the Law has introduced a quota system for compulsory employment of persons with disabilities and established the Fund for Professional Rehabilitation and Employment of Persons with Disabilities. Pursuant to the Law, the authorities and other public sector entities are required to have at least one employee with disabilities to every 16

employees, in a suitable workplace of their choice and in appropriate working conditions. The employer (public sector), which is subject to this obligation and fails to comply with this obligation, is required to pay on the public revenue account of Republika Srpska a special contribution of 0.2% of the paid monthly gross salary for all employees every month. The bodies and other public sector entities with less than 16 employees not employing persons with disabilities are also subject to payment of this contribution.

In Republika Srpska, depending on the type and degree of disability, persons with disabilities have the opportunity to attend all training programmes that are suitable for them, but as the labour market has so far shown no need or desire for training these persons for any specific job, there was no need for customizing the programme.

Within the strategic objective of Improving possibilities for quality youth leisure time of the Republika Srpska Youth Policy (2016-2020), the following measures are planned: further development of the existing and introduction of new programmes for inclusion of vulnerable youth in leisure activities.

Other measures include:

- Raising awareness of the work potentials of young people with disabilities;
- Development of an integrated support system for youth, social, women's entrepreneurship and entrepreneurship of youth with disabilities;
- Improvement of the employment and self-employment support system for youth with disabilities (without discrimination on the grounds of causes of disability);
- Inclusion of youth with disabilities in the preferential category when granting housing loans;
- Support for sports activities of youth with disabilities;
- Improving mobility for persons with disabilities.

The Law on Preschool Education stipulates the right of every child to equal support for development and learning in pre-school institutions, social and health care institutions where children of preschool age and other institutions for children are permanently cared for.

Children with special needs are included in preschool education based on the individualised programmes adjusted to their abilities and capabilities. So, children with disabilities receive basic education in mainstream schools based on the programmes adjusted to their individual needs. A pre-school group attended by a child with a disability may have an associate to educator who provides technical assistance to the educator and the child with disabilities. The Rulebook on the manner and conditions of the implementation of pre-school programmes for children with disabilities is being drafted.

The RS Law on Secondary Education prohibits all types of violence, abuse or neglect, as well as all activities that endanger, discriminate or isolate students, or groups of students, on any basis, in accordance with applicable laws and international conventions. The curricula that is in place for students with disabilities in Republika Srpska provides for five professions and seven occupations for students with disabilities, four professions and four occupations for students with visual impairments, and six professions and seven occupations for students with mild intellectual disabilities. In line with its constitutional powers in the field of education, Republika Srpska also adopted the 2016-2021 Education Development Strategy of Republika Srpska. One of the strategic objectives is Supporting Inclusion in Secondary Education. The following measures are foreseen under this objective: 1. creation of conditions for inclusion of students with disabilities in mainstream secondary schools (activities: improve legal framework and strengthen cooperation between primary and secondary schools in vocational guidance of students with disabilities); 2. building teaching staff competencies through initial education and continuous professional development (activities: introduce professional development of teaching staff and professional support staff for inclusion into the regular professional development system and improve and update teaching content related teaching methods for students with disabilities); 3. strengthening social acceptance of and support for students with disabilities (activities: strengthening the role of



teachers in the process of accepting students with disabilities by other students by developing mutual communication and participation in joint activities; strengthening co-operation between secondary schools and special schools by supplying mainstream schools with teaching aids for students with disabilities, organising mobile defectology services visiting mainstream schools and providing assistance to students, teachers and parents of these students; strengthen cooperation between secondary schools and social welfare centres / social welfare services; strengthen the functional links between schools and health care facilities to facilitate diagnosis and treatment aimed at reducing or eliminating disabilities in students; strengthening the partnership of the school team involved in the education and upbringing of students with disabilities with the family by providing all data relevant for the development of the students, as well as by providing opportunities for active cooperation and participation in decision-making regarding work with the student); 4. barrier mitigation to facilitate the attendance of students with disabilities (activities: preparation of school premises - removal of architectural barriers, adaptation of furniture, restrooms, additional teaching aids - and development of individualized education programmes for each student with disabilities so as not to separate them from the rest of the class ); 5. Creating an environment conducive to integration of children with developmental disabilities into society after secondary school (activities: promote, through a media campaign, the specific abilities of graduates and potentials for their contribution to the whole society and create prerequisites for their further education).<sup>55</sup>

The Fund for Professional Rehabilitation and Employment of Persons with Disabilities does not have data on the employment situation of disabled persons in Republika Srpska for the mentioned period due to the fact that most of the economic entities in Republika Srpska do not comply with their legal obligation to submit data on employed persons with disabilities to the Fund, which is an obligation prescribed by the Law on Vocational Rehabilitation, Training and Employment of Persons with Disabilities. In the period 1 January 2015-31 December 2018, 465 disabled persons benefited from the financial support for employment, self-employment and economic support provided from own resources of the Fund, under special conditions as provided for by the Law.<sup>56</sup>

There is no disability / counselling body in the Brcko District of Bosnia and Herzegovina. Disability issues in the Brcko District of Bosnia and Herzegovina are dealt with only by the Department for Health and Other Services, the Veterans Disability Protection Service providing protection of war veterans with disabilities, which acts as a branch of national mechanisms.

A representative of the Government of the Brcko District of Bosnia and Herzegovina is involved in the work of the Council of Persons with Disabilities of Bosnia and Herzegovina.

The Rulebook on employment incentive measures of the Employment Institute of the Brcko District of Bosnia and Herzegovina stipulates that an employer eligible to employment incentives be given priority for the utilization of funds for the programme enabling the employment of an unemployed person, including a persons+ with disability. The Institute has no quota system in place.

All measures implemented by the Institute in the field of active employment policy are available and accessible to all persons on the active record of the Institute, that is the record of active job seekers, including persons with disabilities. The same applies to the programmes implemented by the Institute through the grant of the Government of the Brcko District of Bosnia and Herzegovina for active employment policies.

## **Article 9 – Right to vocational guidance**

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<sup>55</sup> RS Ministry of Education and Culture

<sup>56</sup> RS Fund for Professional Rehabilitation and Employment of Persons with Disabilities

**31. Provide information on vocational guidance of foreign nationals and stateless persons and whether this concerns the guidance provided both within the education system and in the labour market, and whether this applies to all parts of the country.**

In Bosnia and Herzegovina, under the Law on Higher Education, foreign nationals are equated with citizens of Bosnia and Herzegovina when it comes to gaining and losing student status. Admission and enrolment in the first academic year is based on the final results of a public competition in which both BiH citizens and foreign nationals with appropriate secondary education have the right to participate, in accordance with the law, conventions and interstate agreements binding on Bosnia and Herzegovina.

When it comes to secondary education, cantonal secondary education laws stipulate that foreign nationals, stateless persons and persons granted international protection in Bosnia and Herzegovina are entitled to education in accordance with the applicable regulations, conventions and agreements that Bosnia and Herzegovina has concluded with other states or international organisations.

In the Federation of Bosnia and Herzegovina, the Law on Employment of Foreign Nationals stipulates that foreign nationals employed by domestic legal and natural persons have the same rights, obligations and responsibilities as employees of the BiH Federation in accordance with labour and employment regulations, collective agreements and employment rulebook, unless otherwise provided in international agreements, as already answered in question 26.

In Republika Srpska, the RS Law on Secondary Education stipulates that foreign nationals and stateless persons are entitled to secondary education in accordance with this Law and conventions and agreements concluded with other countries or international organisations.<sup>57</sup>

In Brcko District of Bosnia and Herzegovina, foreign nationals or stateless persons, including the migrant workers from the European Union, who are registered as unemployed with the Employment Institute of the Brcko District of Bosnia and Herzegovina are equated with nationals. Foreign nationals or stateless persons registered as unemployed have the right to receive from the Employment Institute information about the job opportunities and conditions for employment, to benefit from mediation in employment, career counselling and vocational training and preparation for employment.<sup>58</sup>

**32. Provide information on measures that have been taken in the field of career guidance in the education system and whether their scope extend to the whole country or not.**

In Bosnia and Herzegovina, the International Girls in ICT Day is celebrated annually throughout the country. It is an opportunity to stimulate interest among girls and young women for information and communication technologies, and to increase their visibility, interest and participation in education, with the aim of fostering their professional careers in innovation, technical, technological and ICT fields. Education in these areas ensures prompt job placement and economic independence of women, while also breaking the stereotype that these jobs are reserved exclusively for men.<sup>59</sup>

In the Federation of Bosnia and Herzegovina, primary and secondary school students are provided with professional counselling towards the choice of secondary / high school or career. Counselling

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<sup>57</sup> RS Ministry of Education and Culture

<sup>58</sup> BD Employment Institute

<sup>59</sup> BiH Gender Equality Agency

is provided by school psychologists / pedagogues, through one-on-one interviews with students, as well as through a series of written tests which purport to show the mental and physical characteristics of students, and through them their abilities, preferences and interests.

In Republika Srpska, one of the strategic objectives is to strengthen the guidance and information system for students choosing their future career - career orientation. The measures foreseen to achieve this objective include: 1. Introducing students to the labour market and professions and training them to independently collect information related to the labour market and professions (activities: identify professional sources of information on the labour market and professions, which will help obtain the desired information; establish communication between students and teachers, pedagogues, psychologists, parents and friends in order to collect information about their professions; use the media: press, electronic media, brochures with described professions, digital media as sources of information on the labour market and professions; acquaint students with the desired professions through visits to companies employing these professions); 2. Career guidance for students in secondary schools (activities: conclude a protocol on cooperation among key stakeholders in the development of career guidance and counselling systems for students; examine and analyse students' needs for professional information, career guidance and counselling; open pilot career guidance centres and counselling for secondary school students as a three-year pilot project; professional development and training of secondary school teachers, pedagogues and psychologists for career guidance and counselling of students; train secondary school students for active and efficient career management and develop a career guidance and counselling programme for secondary school students); 3. Establishing cooperation with local community institutions for a sustainable student career orientation programme (activity: networking of local community institutions and spreading the idea of a functional and sustainable student career orientation programme).

Career orientation within the education system of Republika Srpska is done by pedagogues or psychologists providing career guidance and counselling of students.<sup>60</sup>

In the Brcko District of Bosnia and Herzegovina, the Employment Institute, as part of its programme tasks, provides occupational choice professional information and counselling services for secondary and primary school students.

Professional information is the process in which individuals are guided towards a field of work best suited to their psychophysical abilities, personality traits and professional interests. The main objective of the professional information services provided by the Employment Institute is to provide the necessary information in the enrolment process regarding the choice of secondary school or university, based on the needs of the labour market, as well as the vacant positions and employment opportunities.

The Employment Institute of Brcko District has launched a project "Career Guidance and Counselling Programme" that helps students make choice about their further education, and thereby their future occupation and profession.

The aim of the project is to align the education system with the needs of the labour market, and to provide young people with insight into their further education and career opportunities. The project activities also contribute to the promotion of secondary and higher education in Bosnia and Herzegovina and in the region, as well as of the employers and business people in the Brcko District. In order to bring the project closer to the young people it is intended for, the activities are designed primarily in a fun but educational way.

In the implementation period, the Employment Institute held presentations on professional information for students of the final grades of primary and secondary schools. Students were

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<sup>60</sup> RS Ministry of Education and Culture

presented with the current situation in the Brcko District with a particular focus on unemployment, and surplus and shortage occupations, which has a preventive effect when making adequate decisions about the choice of education and employment.<sup>61</sup>

**33. Provide up-to-date information on activities regarding the right to vocational guidance in all cantons, especially in the Posavina Canton, for which no information were provided for the previous reference period.**

By the date of sending the Report to the European Committee of Social Rights, the cantons did not provide information on guidance activities for the reference period.

**34. Provide information on activities available to people with disabilities in the Centre for Rehabilitation and Employment of Disabled Holding Company Banja Luka and any relevant information in this respect**

The Fund for Professional Rehabilitation and Employment of Disabled Persons makes regular allocations to the Centre for Professional Rehabilitation and Employment of Disabled Persons Banja Luka that are intended for professional rehabilitation of disabled persons.<sup>62</sup>

**35. Provide information on whether, and to what extent, persons with disabilities are guaranteed free access to vocational guidance services in the education system**

In the Federation of Bosnia and Herzegovina, in addition to allocations for the Fund for Professional Rehabilitation and Employment of Persons with Disabilities, the FBiH Employment Institute and the cantonal employment services also participated in projects and programmes aimed at integrating persons with disabilities into the labour market. Also, within the framework of employment co-financing programmes implemented by the FBiH Employment Institute in cooperation with the cantonal employment services, persons with disabilities and their families are entitled to a 10% increase in the subsidy. Tables 59 and 60 show data on allocations made for the Fund for Professional Rehabilitation and Employment of Persons with Disabilities of the Federation of Bosnia and Herzegovina and projects with other institutions in the reference period.<sup>63</sup>

In Republika Srpska, when it comes to active employment policy measures, persons with disabilities enjoy the same access as other unemployed persons, and there is no discrimination in this regard. Bearing in mind that the Employment Strategy of Republika Srpska seeks to promote the employment of the most vulnerable groups, among others, disabled war veterans and other persons with disabilities, this target group is given special attention. Employment of persons with disabilities is considered as an additional criterion when processing employers' requests within the framework of employment programmes. Table 61 shows the number of persons with disabilities and disabled war veterans employed within the framework of the employment programmes of the RS Employment Institute in the reference period (Annex 1).<sup>64</sup>

In the Brcko District of Bosnia and Herzegovina, the Employment Institute regularly provides support to persons with disabilities, children of fallen veterans and disabled war veterans, persons and children of civilian victims of war in the form of employment incentives. With proof of

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<sup>61</sup> BD Employment Institute

<sup>62</sup> RS Fund for Professional Rehabilitation and Employment of Persons with Disabilities

<sup>63</sup> FBiH Employment Institute

<sup>64</sup> RS Employment Institute

disability (certificate issued by the competent institution) all disabled persons with over 50% of disability have the right to participate in public calls for co-financing of employment.<sup>65</sup>

**36. Provide updated data on the number of pupils and students involved in vocational guidance activities in educational institutions, as well as information on the number and qualifications of the staff in charge of vocational guidance and in schools and the expenditure for these activities.**

For the territory of the Federation of Bosnia and Herzegovina and the Republika Srpska, this question has been partially answered under question 32.

In Republika Srpska, the number of teachers in secondary schools is 3771 (of which 2373 are women), of which 2611 teachers (1606 women) are in secondary technical schools and 46 teachers (30 women) are in schools for children with disabilities. Table 62 shows the number of students involved in vocational guidance activities in educational institutions in the Republika Srpska in the reference period (Annex 1).<sup>66</sup>

In the Brcko District of Bosnia and Herzegovina, the Employment Institute launched a project entitled "Career Guidance and Counselling Programme" that provides students with help about choosing how to continue their education, and therefore their future occupation and profession. The aim of the project is to align the education system with the needs of the labour market, and to provide young people with insight into their further education and career opportunities. The activities of the project also contribute to the promotion of secondary and higher education in Bosnia and Herzegovina but also in the region, as well as of employers and businessmen in the Brcko District. In order to bring the project closer to the young people it is intended for, the activities are designed primarily in a fun but also educational way.

During the implementation period, the Institute provided presentations of profession/vocation related information to students of the final grades of primary and secondary schools. Students were presented with the current situation in the District with a particular emphasis on unemployment, and surplus and scarce occupations were identified, which had a preventive role, that is, help in making adequate decisions about the choice of educational programmes and employment.

In the period from 1 to 30 April 2017, in cooperation with the Vermont Youth Centre, the Employment Institute of Brcko District of BiH presented profession/vocation related information to students in the final grades of primary and secondary schools. The students were presented with the current situation in the District with a particular emphasis on unemployment, and surplus and scarce occupations were identified, which had a preventive role, that is, help in making adequate decisions about the choice of educational programmes and employment. The presentation was held in 19 schools and was attended by a total of 570 students.

In 2018, the Institute continued this practice from 2017, and the presentation was held in 20 schools, attended by a total of 785 students.<sup>67</sup>

**37. Provide updated data on activities, programmes and projects aimed at recruiting trainees.**

In the Federation of Bosnia and Herzegovina, within the active employment policy measures, in cooperation with the cantonal employment services, the Federation Employment Service

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<sup>65</sup> BD Employment Institute

<sup>66</sup> RS Ministry of Education and Culture

<sup>67</sup> Department of the Brcko District of Bosnia and Herzegovina

continued to implement the measure of co-funding of employment entitled "First work experience". The measure includes the employment of young people with no work experience, up to 30 years of age, registered on the unemployment register before the date of employer's submission of application in accordance with the Public Invitation, for a period of six (6) months for persons with secondary education and 12 months for university graduates. The aim of the measure is to enable as many young unemployed persons as possible to gain their first work experience in the profession for which they were educated and to facilitate integration in the labour market. In the reference period, this measure co-funded the employment of 3,912 young people without work experience, namely: in 2015, the measure covered 1,090 trainees; in 2017, 1,884 trainees; in 2018, 948 trainees. In 2016, the aforementioned measure was not implemented because the Government of the Federation of BiH adopted the Decree on Incentives in Employment (Official Gazette of the Federation of BiH 95/15, 32/16 and 48/16) with the aim of giving incentives for employment of young persons up to 30 years of age and self-employment for the unemployed. The Federation Ministry of Development, Entrepreneurship and Crafts, the Federation Employment Institute, cantonal employment services, the Tax Administration of the Federation of Bosnia and Herzegovina and the Federation Administration for Inspection Affairs participated in the implementation of the Decree. On the basis of incentives for employment of young people without work experience in the profession, 2,262 persons were employed. In addition, in cooperation with the Institute and / or other institutions, the cantonal employment services independently implemented the following measures: 1) in 2015 - Trainee Employment Programme - Public Employment Service of the Canton of Sarajevo (369 trainees) and the Co-funding Programme for Volunteer Traineeship of veterans and their family members - Employment Service of Tuzla Canton (285 young people with no work experience); 2) in 2016: Programme for Co-Funding of Employment of Trainees - Employment Service of Sarajevo Canton (475 trainees); 3) in 2017: First Work Experience Programme - Employment Service of Herzegovina-Neretva Canton (45 trainees), Co-funding of Trainees for Updating the Electronic Register of Citizens' Associations (employment services of West Herzegovina, Posavina, Una-Sana Canton) - 3 persons, Programme for Co-funding of Employment of Trainees with Employers with Majority Private Ownership (Employment Service of Sarajevo Canton) - 56 trainees and Programme of Co-funding of Employment of Trainees with Public Sector Employers (Canton Sarajevo Employment Service) - 45 trainees; and 4) in 2018: Co-funding of Vocational Training without Employment of veterans and their families - Employment Service of Tuzla Canton (99 persons), Co-funding of Employment of Youth without Work Experience - Public Employment Service of Zenica-Doboj Canton (183 persons), 2018 Professional Training Programme - Employment Service of Bosnia-Podrinje Canton (40 persons) and Co-funding of Employment of Trainees with Employers with Majority Private Ownership (Employment Service of Sarajevo Canton) - 40 trainees.

Table 63 shows the number of trainees included in the co-funding programmes for traineeship of the Employment Institute of the Federation of Bosnia and Herzegovina in the reference period (Annex 1).<sup>68</sup>

In Republika Srpska, the Institute pays special attention to employing young people without work experience while implementing active policy measures. Within these activities, specific programmes for co-funding of employment of young people with no work experience are implemented. The aim of the programme is to enable young unemployed persons with a university degree to work independently in the profession in order to obtain the conditions for taking the apprenticeship exam and faster inclusion in the work process. Table 64 shows the programme of

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<sup>68</sup> F BiH Employment Report

support for employment of young people with a university degree as trainees in the Republika Srpska in the reference period (Annex 1).<sup>69</sup>

There were no active traineeship programmes in the Brcko District of Bosnia and Herzegovina in the reference period. In 2019, the Employment Service of Brcko District of Bosnia and Herzegovina envisaged the implementation of a public call for support to the employment of hard-to-employ persons and funding of the target group "persons who gain first work experience".<sup>70</sup>

**38. Provide details of the measures taken to ensure dissemination of information on vocational guidance (internet websites and databases, information leaflets and publications, one-to-one and group sessions, career days etc.).**

Employment guidance and counselling is a service provided by the cantonal employment services in the Federation of Bosnia and Herzegovina and the Federation Employment Institute is competent to assist in the implementation of vocational guidance, training and retraining programmes for unemployed persons and their re-employment on appropriate jobs. In the Republika Srpska and the Brcko District, these activities are carried out by the Employment Institutes. They also support the integration of new employees into the labour market and motivate them to achieve realistic goals in the work environment.

Specifically, in the Republika Srpska, since July 2017, the Employment Institute of the Republika Srpska applies new methods and procedures in employment bureaus that are focused on advisory work and activation of unemployed people in order to be faster included in the work. Based on the advisory work and the interview conducted, an assessment of employability (profiling) of all unemployed persons is carried out and they are classified into three groups: easily or directly employable persons, conditionally employable and less employable persons. Depending on the class they fall into, further activities in the process of working with unemployed persons and individual plans for employment are designed, motivational seminars are held or they are included in other active measures of employment. The aim of these measures is to provide professional assistance to the unemployed and faster involve them in the work.

Two years of experience in applying new methods and procedures in dealing with the unemployed have shown us that assessing employability and profiling the unemployed are crucial. It is certain that all unemployed persons do not need the same type and intensity of assistance and it is necessary to adjust the goals, methods and intensity of the counselling process to the needs of each person individually. Proper assessment of the unemployed person, i.e. proper identification of their advantages and disadvantages in the process of integration into the labour market also means the proper definition of packages of services to provide to them in order to increase their employability.

The staff of the Institute (198 employees) who work with unemployed persons and employers underwent the training in applying the new method. A continuous process of training of the staff will be carried out in the future.<sup>71</sup>

**39. respect to the services deployed in order to assist former military personnel in their reintegration into civilian life, provide information on the measures taken to include career guidance and provide any relevant information.**

Professional orientation is realized through education at specialist, master's and doctoral studies at civilian and military higher education institutions in Bosnia and Herzegovina and abroad.

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<sup>69</sup> RS Employment Institute

<sup>70</sup> Department of the Brcko District of Bosnia and Herzegovina

<sup>71</sup> RS Employment Institute

Upgrading and training is considered to be acquiring certain knowledge and skills for performing organized duties, and taking professional exams, which do not provide a higher level of knowledge, but rather acquire or confirm the level of knowledge required for the quality performance of the duties which the person is assigned. It covers the following: training to perform the duties of the post to which the person is assigned; participation in courses, seminars, workshops, congresses, symposia and consultations in BiH and abroad; participation in military exercises in BiH and abroad; learning and improving foreign languages in BiH and abroad; vocational training in the armed forces and other institutions in BiH and abroad; and distance learning and training (online).

When it comes to training, cadets, i.e. persons who are trained in military schools and academies for active military service in the Armed Forces of BiH are also taken into account. These categories are referred to education and training, as needed in the defence and according to the education and training plan if they meet general, special and additional requirements. General requirements are: relevance of training and improvement - the type of education and training must ensure more efficient performance of tasks in the BiH Ministry of Defence or the Armed Forces of BiH; that the person is medically fit for education and training; that the person meets the requirements and criteria of the institution being referred to and that the education and training should be appropriate to the branch of the service and duties that the person performs or will perform in the structure. Specific requirements are: that an active military person has spent at least one year in the service; that education, training and training are necessary for the performance of current duties in the structure; that education, training and additional training are necessary to place the person in a new position; that there are no disciplinary measures and penalties in force; the person had one of the following grades: excellent, very good or good in the last two appraisals and that an active military person qualifies for continuing service. Additional requirements, if necessary, will be prescribed by the Minister of Defence at the proposal of the Chief of Staff of the Armed Forces of Bosnia and Herzegovina.

The contract defines, inter alia, that after completing his education and training, the candidate is obliged to remain in active military service for a period that is twice as long as the period of education and training.

The training of cadets lasts on average 4 to 5 years, while the training of active military personnel at the command and operational-strategic level takes about one year on average.<sup>72</sup>

According to the Law on Service in the Armed Forces of Bosnia and Herzegovina, a cadet who ceases education due to an injury or illness that occurred during his or her education is entitled to financial assistance for continuing regular education at another school of the same rank. The amount of financial assistance is determined according to the financial situation of the cadet and family members with whom they live in a household, as well as the amount of regular schooling expenses, which is regulated in detail in a regulation of the Minister of Defence.

Cadets who are discharged from school due to a worsening illness they developed before entering school, are entitled to health care for that disease until cure or stabilization of the disease, and for a maximum of two years from the day of discharge from school if not eligible for health insurance on other grounds. Cadets are not entitled to health care if they intentionally concealed or did not disclose health information when joining the Armed Forces.

Generally, even after being discharged from the Armed Forces, a military person is entitled to all forms of health care at the expense of the Ministry of Defence of Bosnia and Herzegovina for an injury or illness sustained while serving in the Armed Forces, in cases where he reported a disease or injury to the competent medical commission and when the illness or injury occurred while serving in the Armed Forces as a result of the service. A person whose illness is detected after being discharged from the Armed Forces and the competent medical commission determines that

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<sup>72</sup> BiH Ministry of Defence



the disease occurred during the service in the Armed Forces as a result of service, is entitled to all forms of health care at the expense of the Ministry of Defence of Bosnia and Herzegovina until healing or stabilization of the disease.

**40. Provide information on the measures of the Cantonal Employment Services to meet the needs of the unemployed in terms of career orientation and what is the budget allocated for guidance activities.**

In the Federation of Bosnia and Herzegovina, within the framework of the Youth Employment Programme in Bosnia and Herzegovina (YEP), the Cantonal Employment Services have established an active employment measure - the "Job Search Club", which is implemented in Tuzla Canton (Kalesija, Tuzla, Živinice, Banovići, Gradačac and Lukavac), Bosnia-Podrinje Canton (Goražde); Herzegovina-Neretva Canton (Mostar Section I); Sarajevo Canton (Centar, Novo Sarajevo, Novi Grad, Ilijaš, Hadžići, Ilidža and Vogošća); Una-Sana Canton (Cazin) and Central Bosnia Canton (Novi Travnik, Bugojno, Busovača, Fojnica). The Club conducts group counselling for the long-term unemployed, especially young people aged 18 to 30 who have been registered for more than 6 months, and all long-term unemployed persons, regardless of their age, who have been registered for more than 12 months. This activity is carried out by certified consultants. The workshops last up to three weeks and operate in three segments: support groups, job-seeking skills workshops and job vacancy information. In the reference period, 3,221 people attended workshops. Table 65 shows the number of users of job search clubs in the Federation of Bosnia and Herzegovina in the reference period (Annex 1).

As mentioned in the previous report, within the framework of UNDP's Youth Retention and Employment Programme in BiH, in 2011 and 2012, an Information, Counselling and Training Centre (CISO) was formed in each employment services, modelled on similar centres in other employment offices. In addition to providing information, individual counselling, holding motivational and active job search workshops, CISOs also play a significant role in providing profession/vocation related information and counselling on further career choices in primary and secondary schools, higher education institutions, as well as in career development activities of NGOs. In the reference period, out of ten centres in the Federation of BiH, only two remained operational. In the period from 2015 to the end of 2018, the centres had 12,272 users. Table 66 shows the number of CISO users in the Federation of Bosnia and Herzegovina in the reference period (Annex 1).

In 2018, a new Rulebook on Employment Records entered into force to determine that cantonal employment services carry out informing through group sessions, individual counselling, individual consultations and activities in order to prepare for employment and to actively seek employment and find jobs faster by unemployed persons. In 2018, 6,375 individuals were included in individual counselling and consultation, while 3,684 individual employment plans were designed. In terms of the ratio of the total number of registered unemployed persons and the number of advisers in municipal employment offices, there is a persistent disproportion that does not allow for greater inclusion of unemployed persons in individual work. For example, in the Central Bosnia Canton, one advisor has on average 1,501 clients per month, in Zenica-Doboj Canton 1,449, in Una-Sana Canton 2,120, in Tuzla Canton up to over 3,000. In addition, advisors are burdened with other administrative tasks such as, for example, processing of applications for benefits. Although activities to separate the recordkeeping from the advisory work in addition to the above-mentioned workload are under way, the premises and equipment in most employment offices are not adequate because the financial burden entailed in passive measures makes it impossible to invest in infrastructure. With the support of the Government of Switzerland, some offices of the Employment Institute have been refurbished through the YEP, but this does not meet the needs of some major works.

During the implementation of the Youth Employment Programme in Bosnia and Herzegovina (YEP), coordinated by the Federation Employment Institute, the employment services continued the implementation of modern work methods (improving the advisory and employment mediation role, establishing a new approach in working with service users, and introducing new performance monitoring system). A competence framework for counselling was developed, staff competencies and training needs in the employment services were examined, annual training plans were implemented. In the reference period, YEP provided financial support for the implementation of training for the employment service staff.

For example, in 2018, the following courses of training were conducted: introductory training for counsellors (level 1 and level 2), specialist training, quality assessment of individual employment plans, training for job search club coaches, standardization of processes and improving communication skills of staff with clients at the counter, communication in conflict situations, overcoming stress and more.

For the sake of sustainability of training, the establishment of an internal trainer system is underway, and in 2018, 9 internal trainers were internally certified in the Federation of BiH. Through this concept, the goal was to train trainers - selected representatives of employment services who can independently, upon completion of the programme or training, design but also carry out the training process and carry out its evaluation.<sup>73</sup>

In Republika Srpska, the aim of the measures implemented by the Employment Institute is to prevent a wrong choice of profession, to raise awareness of the importance of the right choice of occupation, to increase the competency of users in the process of career guidance, information on career choice and career planning in making career decisions as well as timely informing users about the situation and needs of the labour market as one of the important factors in choosing a future occupation. Within the above-mentioned measures, the following activities were implemented: collecting, organizing and dissemination of information on the situation of the labour market; analysing the needs of the employer and monitoring changes in the labour market in the region and beyond; informing of students of final grades of primary and secondary schools individually, directly and in groups. The information sessions were held in the CISOs, while the information group sessions were held directly in cooperation with the schools with the prior approval of the Ministry of Education and Culture of the Republika Srpska. In addition to information on the labour market situation, unemployment records by professions and occupations, broken down by municipalities with special reference to the most numerous occupations on the unemployment records, efforts were made to highlight the importance of the right choice of occupation, the importance of profession/vocation related interests, abilities, personality traits, which all affects the choice of profession as well as the most common mistakes made in making this important decision. The students of the final grades of primary schools were involved in these information group sessions held by the staff of the Institute and the students of the final grades of the secondary schools were involved in these information group sessions held by educators who were specially trained through the workshops of the "Zoom Youth Employment" Project, with the active participation of the staff of the Institute, also specially trained for these activities.

In addition to the mentioned activities, it is important to point out that, within the participation in the creation of enrolment policy, the Employment Institute of the Republika Srpska prepares an annual overview of the unemployment situation by professions and occupations, for each municipality separately and in total at the level of the Republika Srpska, as well as an overview of employed persons by professions and occupations in the same year. Apart from the overview, the Institute's web site also contains brochures "My Journey into the World of Work" and "A Guide

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<sup>73</sup> F BiH Employment Institute

through Professions", supplementary and useful materials in the field of profession/vocation related information.

In the 2015-2018 reference period, profession/vocation related information activities included: in 2015 - 5,051 students of final grades of primary and secondary schools enrolled in 222 classes; in 2016 - 4,882 students enrolled in 208 classes; in 2017 - 3,515 students enrolled in 166 classes; in 2018 - 4,970 students enrolled in 242 classes. In the reference period, 23,852 students of final grades of primary and secondary schools were included in profession/vocation related information.<sup>74</sup>

In the Brcko District of Bosnia and Herzegovina, the Employment Institute launched "The Career Guidance and Counselling Programme" that enabled students to help them choose to continue their education, and therefore their future occupation and profession. The goal of the Labour Market and Education System Reconciliation Programme - career guidance and counselling was to create the conditions for: helping young people to choose better and more competitive education that would help them find employment; assisting employers in selecting quality staff; establishing better communication and cooperation with employers in order to obtain timely information on employers' needs for workers of certain profiles; establishing better communication and cooperation with the education sector in order to educate the staff needed for the labour market; reducing the number of long-term unemployed persons from the records of the Employment Institute of Brcko District of BiH; reducing the total number of unemployed persons from the records of the Employment Institute of Brcko District of BiH; and providing young people with opportunities for faster employment.

In 2018, BAM 100,000.00 were allocated for this purpose, while in 2019 BAM 70,000.00 were allocated.<sup>75</sup>

**41. Provide any information as regards vocational guidance available to people with disabilities in the labour market.**

This question was answered in Question 35.

**42. Provide any information concerning the number of people assisted, the number and qualifications of vocational counsellors and the expenditure and geographical distribution of services when it comes to people needing advice in their education or employment choices.**

This question was answered in Questions 29, 32 and 36.

**Article 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex**

**43. The Committee asks whether there are limits to the amount of compensation that may be awarded to victims of discrimination in labour and employment.**

In accordance with the Law on Gender Equality in Bosnia and Herzegovina and the Law on Prohibition of Discrimination in Bosnia and Herzegovina, the right to compensation for victims of gender discrimination has been established. The Law on Gender Equality provides that anyone who believes that they have been a victim of discrimination or that their right has been violated by discrimination may seek protection of that right in the procedure in which this right is decided as a main issue, and may also seek protection in a special procedure for protection from discrimination

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<sup>74</sup> RS Employment Institute

<sup>75</sup> BD Employment Institute

under the Anti-Discrimination Law. A victim of discrimination under this Law is entitled to compensation under legislation governing obligations.

The Law on Obligations provides that in case of physical pain suffered and mental pain suffered due to impairment of life, disfiguration, damage to reputation, honour, freedom or rights of the person, death of a close person as well as in case of fear, if the court finds that the circumstances of the case and, in particular, the severity of the pain and fear and their duration justify it, the court will award fair financial compensation, regardless of whether pecuniary damages have been awarded or not. In deciding the claim for non-pecuniary damages, as well as the amount of its compensation, the court will take into account the importance of the injured property and the purpose for which the damages will serve, but also that they do not fulfil aspirations that are incompatible with their nature and social purpose. Thus, there are no legal restrictions on the amount of compensation awarded to victims of discrimination, but the court determines in each individual case the amount of pecuniary and non-pecuniary damage.

**44. The Committee asks for further information on the number of gender discrimination cases brought before the courts, with specific indications on their outcome, sanctions applied on employers and compensation granted to victims.**

With the support of the European Union and the Swedish Agency for Development and Cooperation, the Helsinki Parliament of Citizens of Banja Luka produced a Report on Gender Based Discrimination in Labour, which is part of a regional initiative to tackle gender discrimination in six Western Balkan countries. The report focuses on gender-based discrimination in the labour market and identifies numerous labour rights violations, indicating a low level of respect for employees, contrary to the safeguards set forth in the legal framework in Bosnia and Herzegovina. The survey results show that awareness of gender based discrimination is extremely low and applies to both employees and employers. The survey found that there were few reported discrimination cases, mostly because of employees' justified fear of losing their jobs and a lack of awareness of what discrimination was.

A small number of cases have been reported and filed under the Gender Equality Law of Bosnia and Herzegovina and the Law on Prohibition of Discrimination of Bosnia and Herzegovina and, accordingly, there is a lack of case law to assist in the interpretation and implementation of these laws.

Most gender-based discrimination cases at court are conducted applying the Labour Laws, indicating that there is still a lack of understanding and enforcement of the above-cited Laws or a lack of confidence in the judiciary regarding the application of the Laws. There is also legal ambiguity regarding the jurisdiction over these Laws, which further impedes the exercise of rights before courts. An inconsistent (almost non-existent) case law is an additional challenge in prosecuting discrimination cases. Further challenges include: extremely long, financially and mentally exhausting litigation; vague case law concerning the burden of proof and victimization of the litigators. The limiting scope of work of public legal aid providers and labour dispute mediators means denying them the opportunity to settle these cases peacefully, which could be an important factor in preventing court proceedings, which are the last resort for women experiencing gender discrimination.

After the transition period and the trade unions' falling through the cracks in the system, confidence in the trade unions has yet to be restored. The implementation of a legal framework often indicates numerous inconsistencies, misunderstandings and contradictions. Given the current economic situation in BiH, where every job is valuable, workers are afraid to report cases of gender discrimination and often tacitly accept working conditions far below the standards guaranteed by laws. In addition, social awareness and perceptions of gender based discrimination still suggest that women themselves must overcome this type of discrimination in the labour

market. 'Overcoming' means choosing against fear of losing one's job, shame and community's response.<sup>76</sup>

The Law on Gender Equality of Bosnia and Herzegovina prescribes punitive measures. The Law provides for a prison sentence of six months to five years to be imposed on a person who, on the basis of gender, commits violence, harassment or sexual harassment that threatens peace, mental health and physical integrity. It provides for fines for minor offences to be imposed on a legal person as offender, responsible persons in the legal person and individuals who are self-employed performing their activity by personal work with their own means: if they do not take appropriate measures and effective mechanisms for protection against discrimination on grounds of sex; for committing harassment and sexual harassment; for failing to take appropriate measures to eliminate and prevent prohibited gender-based discrimination in labour and employment; for failing to provide plans, programmes and methodologies in educational institutions that will guarantee the elimination of stereotype programmes and which result in discrimination and gender inequality; if they do not disaggregate statistics and information that are collected, recorded and processed by gender; if they do not allow the public to see the statistics kept under this Law; if they depict any person in the public in an offensive, abusive, disparaging or degrading manner, with respect to gender. The Law also provides that the prosecution and adjudication of cases of minor offenses or criminal offenses under this law are urgent and have priority in the competent authorities.

Remedies are also provided for in this Law. A victim of discrimination under this Law is entitled to compensation under the Law on Obligations.<sup>77</sup>

**45. In reference to information from the previous report that in 2014 the Agency for Gender Equality received three requests for the initiation of an investigation into violations of the rights guaranteed by the Gender Equality Law, which were sent to entity gender centres because they had jurisdiction over them, the Committee asks information on the outcome of such investigations.**

In the period 2015-2018, the Gender Equality Agency of Bosnia and Herzegovina has processed 20 requests for examination of violations of the Law on Gender Equality, six of which were forwarded to the Gender Centre of the Federation of Bosnia and Herzegovina and the Gender Centre of the Republika Srpska for action, and the Agency for Gender Equality of Bosnia and Herzegovina examined 12 requests. The Gender Centre of Republika Srpska has processed at least 22, and the Gender Centre of the Federation of Bosnia and Herzegovina at least 16 requests for examination of violations of the Law. In cases where a violation was found, recommendations were made for taking the legally prescribed, necessary and effective measures and actions to ensure equal treatment of the applicants before the acting body and to implement measures to fully protect and treat victims of gender based discrimination and violence, as well as initiatives to amend regulations that have led to violations of the principle of gender equality.<sup>78</sup>

**46. Provide information whether there are any other occupations which are prohibited for women and whether the ILO Convention on the prohibition of women's Working underground / in mines has been abolished and whether other ILO conventions are still in force in BiH that are not in conformity with the principle of equal treatment between men and women when it comes to employment / occupation. Are there any other occupations which are prohibited for women?**

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<sup>76</sup> BiH Gender Equality Agency

<sup>77</sup> RS Centre for Gender Equality

<sup>78</sup> BiH Gender Equality Agency

As described in detail in the Tenth Report of Bosnia and Herzegovina on the Implementation of the European Social Charter (revised) in explanation of Article 20 of the Charter, the ILO Convention ceased to have effect in Bosnia and Herzegovina on 26 March 2018. Other ILO conventions ratified by Bosnia and Herzegovina relating to equal treatment between men and women when it comes to employment / occupation, i.e. women are allowed to work in the same occupations as men.

**47. Provide information on legal guarantees for equal pay for work of equal value for women and men and information on whether it is possible for pay comparisons to be made across enterprises.**

The principle of equal pay for work of equal value for men and women is enshrined in the Law on Gender Equality in BiH, which prohibits discrimination on the grounds of gender in labour and employment, which includes, inter alia, non-application of equal pay and other benefits for work of equal value. The guarantee of equal pay for work of equal value, without making a distinction between men and women, is also provided in the entity labour Laws and the labour Law of the Brcko District of Bosnia and Herzegovina. Work of equal value implies work requiring the same level of education, i.e. qualifications, knowledge and ability, which brings about equal contribution with equal responsibility and any employer's decision or agreement with an employee that does not comply with the above is null and void. In case of violation of the above-mentioned rights, the employee has the right to bring an action for damages.

A number of activities have been undertaken in the past to reduce the grey economy rate and to prevent lower income reporting as a base for calculating and paying taxes and contributions, but the annual inspection reports do not contain findings of gender-based violations of the rights of workers. Although state-level and entity-level statistics agencies and institutes regularly collect and process wage data, the pay comparisons made across enterprises is not part of regular statistical surveys. There are also average wages by entity or sector, but average wages are not shown separately for women and men because gender inequality is prohibited, as previously stated.

**48. Provide information on the difference between the average salary of men and women in all occupations.**

The publication entitled "Gender disparities in endowments, access to economic opportunities and agency in Bosnia and Herzegovina" produced in 2015 by the World Bank in cooperation with the Agency for Statistics of Bosnia and Herzegovina, FBiH Institute for Statistics and RS Institute for Statistics, states that "There is a visible gender difference in the hourly wages in favour of men that is persistent across levels of education, age groups, occupations and industries."

Considering the population working for salaries or wages and limiting the age range to 15-64 for homogeneity, gender differences in hourly rates are estimated at 9% of average hourly rates for male workers (BAM 3.9 for men and BAM 3.5 for women). This gender difference persists and only slightly differs from the youngest and oldest age groups considered (15-24 and 55-64). In all industries and professions, the same phenomenon is repeated in favour of men. Although in certain professions men traditionally earn more per hour than women, in certain industries certain exceptions occur, such as in the case of agriculture and mining, real estate and, to a considerable extent, administrative services. The highest percentage of both men and women has been looking for job for over 12 months and this trend has been prevailing since before 2013.

The World Bank cites unequal opportunities and barriers as reasons why women participate in the labour market less than men. Some of the obstacles are greater responsibility for the household and household members, less motivation for women to continue their education, more difficult to have access and own asset, limited law enforcement besides strong traditional social values in BiH. For rural women, the labour market is particularly difficult because their education is usually

lower than that of urban counterparts and because of the limited care services provided for children in rural areas.<sup>79</sup>

In Republika Srpska, according to data from the RS Institute of Statistics<sup>80</sup>, there is a difference in the average salaries of men and women in spite of the legal prohibition of discrimination in wages (the principle of equal pay for equal work or work of equal value for men and women), in most activities the average wages of men are higher than the wages of women. This disparity in favour of men is particularly pronounced in the financial and insurance industries. The wages of women are slightly higher than the wages of men in agriculture, forestry and fishing, water supply, sewage, waste management and environmental remediation activities, construction, transport and storage, professional, scientific and technical activities, administrative and support services ( the biggest difference in pay) and other services. Table 67 shows data on average net salaries of employees in business entities in 2016 by fields of activity in the Republika Srpska (Annex 1). This difference was measured by statistics of average net salaries in business entities, by field of activity, and accurate data on methodology and method of measurement can be provided by the Republika Srpska Institute of Statistics.

According to data provided by the Republika Srpska Institute of Statistics<sup>81</sup>, employees in the financial and insurance industries, where every other worker has a university degree or higher, are still best paid for their work. They make up 2.5% of the total number of employees and in 2017 received an average of BAM 1,321 per month. The lowest net monthly wages in 2017 (BAM 548) were earned by employees in the construction sector, which employed 4.8% of the total number of workers. In this field, 41.6% of employees had a university degree, 28.2% had a Bachelor's Degree, while 14.2% had a college or university degree.

From the above it can be concluded that, where the average wages of women are higher than the wages of men, these activities are less paid and valued.<sup>82</sup>

**49. Provide information on the concrete measures taken under the Action Plan 2015-2016 to improve the status of women and promote gender equality in the Brcko District of BiH and the impact of such measures on promoting gender equality and reducing the gender pay gap.**

By the date of sending this report to the Council of Europe Committee on Social Rights, the Brcko District of Bosnia and Herzegovina did not provide the requested information.

**50. Provide information on any such measures and strategies adopted to promote gender equality in employment and to reduce the gender pay gap and in particular the differences in the numbers of women and men in employment and economically active.**

In Bosnia and Herzegovina, by implementing the 2013-2017 Gender Action Plan of Bosnia and Herzegovina (hereinafter: BiH GAP), a progress was made in achieving gender equality in the areas of labour, employment and access to economic resources. The main objective of the Gender Action Plan is to eliminate gender discrimination in work, employment and the labour market and to ensure equal opportunities for women and men in having access to economic resources, including poverty reduction through new macroeconomic and development strategies. The GAP measures, for which the responsibility lies with the state and entity level legislative and executive authorities, cantonal and local self-government bodies, in line with the respective competencies

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<sup>79</sup> BiH Gender Equality Agency

<sup>80</sup> "Women and Men in the Republika Srpska" Statistical Bulletin

<sup>81</sup> "This is the Republika Srpska in 2018" statistical publication

<sup>82</sup> RS Centre for Gender Equality

prescribed by applicable legislation, are as follows: identification of priority laws, strategies, action plans, programmes and other acts in the field of labour, employment and access to resources with a view to introducing international and domestic standards for gender equality; conducting gender analysis of strategies, policies, programmes and projects in the field of labour market, employment, access to economic resources, with the aim of identifying gaps, advantages, real needs and opportunities from the aspect of gender equality; regular collection, analysis and publication of gender disaggregated data on the participation of women and men in the labour market and economic life, including taking of decision-making positions, career advancement, income, wages, permanent / fixed-term employment, business contract terms, access to loans etc.; developing and implementing programmes of measures and activities to eliminate gender discrimination in the area of labour, employment and access to economic resources, including strengthening institutional capacity to apply international and domestic standards in this area, introducing gender-responsive budgets, and establishing appropriate institutional mechanisms for gender equality that will coordinate the implementation of these measures; support for research and programmes to increase women's participation in the workforce and reduce unemployment, the development of women's entrepreneurship, as well as representation in agricultural production and the informal sector, and women's economic and social empowerment; support for research and programmes related to the advancement of women in rural development, as well as gender mainstreaming in programmes related to sustainable development and environmental protection; organizing training programmes for women with the aim of training them to seek, select and obtain adequate employment, including retraining and self-employment, starting and developing entrepreneurship; improving work-life balance measures, including maternity and paternity protection, improving maternity leave, paid parental leave provisions for both parents, and special measures that make it easier for employees to reconcile work and family responsibilities; conducting promotional activities, information campaigns and public awareness campaigns on the right of women and men to equal access to employment, the labour market and economic resources in the field of environmental protection and sustainable development; and monitoring progress and reporting on the representation of women and men in labour, employment and access to economic resources, as well as in the field of women's entrepreneurship.

In accordance with the goals and measures of the BiH GAP, a progress has been made regarding the use of maternity or parental leave, which has contributed to strengthening the role and promoting paternity as a means of establishing gender equality in the area of labour and economic relations. A progress has been made by amending certain legal solutions in the entity labour laws when it comes to specifying the prohibition of termination of employment contracts. The adoption of significant entity by-laws and the introduction of structural policy measures that enable the implementation of specific programmes in the rural entrepreneurship segment, financial incentives and grants, as well as the affirmation of women in the field of rural development have facilitated the achievement of the BiH GAP goals in the field of women's economic empowerment.

Programmes and measures for equal inclusion of women in labour market, provision of access to economic resources and measures to protect against gender-based discrimination in labour and employment have been put in place. Active employment policies focused on training, employment and training, additional qualification and retraining, preparing the unemployed for labor market and creating equal opportunities for all in accessing the labour market. Support has been provided to the target groups of the unemployed who have been identified as hard-to-employ groups in strategic documents, in particular young people and women.

Apart from budgetary funds, the implementation of the BiH GAP was financed by the Financial Mechanism for the Implementation of the BiH GAP (FIGAP). Funds from the FIGAP have been allocated to institutions, non-governmental organizations and the academic community to carry out activities under the BiH GAP. In particular, about 70 projects of institutions at all levels of government in Bosnia and Herzegovina have been supported, thanks to which gender



mainstreaming has been introduced into the regular programmes and budgets of most supported institutions and over 80 projects of non-governmental organizations.

One of the priority areas concerned labour, employment and access to economic resources, which defined measures to improve the status of women and achieve gender equality in this area. The overriding aim was to eliminate gender discrimination in labour, employment and labour market and to ensure equal opportunities for women and men's access to economic resources, including poverty reduction through new macroeconomic and development strategies. The importance of improving the status of women in rural areas was also recognized. Some of the results of the supported projects have just been about women's economic empowerment. Thus, 268 entrepreneurs received start – up grants, over 300 women were retrained and trained for self - employment, and 41 women were employed as carers.<sup>83</sup>

In 2018, a separate agreement was signed between the Council of Ministers of Bosnia and Herzegovina, represented by the Ministry of Human Rights and Refugees, and Sweden, represented by the Swedish International Development Cooperation Agency, called the FIGAP II (2018-2021), to support the implementation of the BiH 2018-2022 Gender Action Plan. The goal of the Programme was to make public decisions (policies, budgets and services) improve social and economic conditions and equal opportunities for men and women, girls and boys, in accordance with the Proposal of the Financial Mechanism for Implementation of the BiH GAP. The programme is implemented by the Bosnia and Herzegovina Gender Equality Agency within the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, the Gender Centre of the Federation of Bosnia and Herzegovina and the Gender Centre of the Republika Srpska.

In the Federation of Bosnia and Herzegovina, since the registered unemployment of women has been higher than unemployment of men for a long period of time, the Federation Employment Institute increases the subsidy amount by 10% in all programmes for co-funding employment and self-employment if women are employed or self-employed.

With the aim of facilitating labour market integration and preventing long-term unemployment, in 2018, in cooperation with the Cantonal Employment Services, the above mentioned new measures were introduced and targeted exclusively unemployed women through co-funding of „2018 Women's Employment" and "2018 Entrepreneurship for Women" employment and self-employment programmes.<sup>84</sup> The first measure implied the employment of unemployed women, irrespective of their education, work experience or age, for a period of six (6) months and the employment of unemployed women with two-year university degree (6th level) and bachelor's degree (7th level), regardless of work experience and age, for a period of 12 months, with the aim of facilitating unemployed women's integration into the labour market and preventing long-term unemployment and contributing to an increase in the employment rate of women. The measure helped 1,397 people to get job. In the second mentioned measure, the target group consisted of unemployed women, regardless of age, work experience and level of education, registered on the unemployment register before the day of applying according to the Invitation for starting and registering a business/company. The employment incentive lasted 12 months.

In order to promote and develop women's entrepreneurship, in 2018, the Government of the Federation of Bosnia and Herzegovina adopted the "2018-2020 Women's Entrepreneurship Development Action Plan", which was coordinated by the Gender Centre of the Federation of Bosnia and Herzegovina. The Action Plan envisages, among other things, improvement of the analytical basis, collecting and analysing data on the current state of women's entrepreneurship and existing programmes and incentives, allocating financial resources for start-ups, training and mentoring support, developing an interactive e-platform for communication among women entrepreneurs, organizing gatherings of women entrepreneurs from BiH and the Western Balkans.

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<sup>83</sup> BiH Gender Equality Agency

<sup>84</sup> FBiH Employment Institute

The Action Plan was designed in intensive public-private dialogue and consultations with key actors that can contribute to the development of women's entrepreneurship, with three objectives adopted: 1. Improving the analytical basis for monitoring and encouraging the development of women's entrepreneurship; 2. Ensuring systematic support for the development of women's entrepreneurship; and 3. Strengthening promotion and connecting women entrepreneurs. Successful implementation of the 2018-2020 Women's Entrepreneurship Development Action Plan is expected to significantly improve the status of women's entrepreneurship and to make a progress with the OECD (Organization for Economic Co-operation and Development) assessment and reporting in this dimension of the Small and Medium Enterprises Index (SME) policy.

Constraining elements for the development of women's entrepreneurship are still present in the Federation of Bosnia and Herzegovina, which are becoming more prominent in the overall very bad economic situation. Social values in BiH remain conservative, and most men and women express a traditional view of gender roles. This affects women's employment and their advancement in the labour market hierarchy, as well as their entrepreneurial prospects. Entrepreneurship is still underdeveloped among women in Bosnia and Herzegovina because of the general preference for safe, predictable work in the public sector, unwillingness to risk and a lack of support services such as childcare services and benefits for self-employed workers. Women generally hesitate to start their own business because of limited exposure to the business world, limited financial skills, and a difficult business environment. Women face greater barriers in access to productive inputs and resources than men.<sup>85</sup>

In the Republika Srpska, based on the BiH GAP, given the need for the competent institutions to step up their implementation activities, since 2016, the practice has been introduced to prepare and adopt an Annual Gender Equality Operational Plan in the Republika Srpska. These operational plans also contain a specific priority programme: Labour, Employment and Access to Resources, which also covered issues of rural women's empowerment in 2016. In 2017, a special priority programme entitled Rural Development and Rural Women, focusing largely on their economic empowerment, was underlined in addition to the Work, Employment and Access to Resources Programme. Table 68 presents activities carried out through the 2016-2018 "labour, Employment and Access to Resources" and "Rural Development and Rural Women" Programmes in the Republika Srpska (Annex 1).

In the context of the economic empowerment of women, it is important to emphasize that in 2010, the Republika Srpska adopted and implemented the first "Action Plan for the Advancement of Rural Women's Situation in the Republika Srpska" by 2015, which defined that the first specific objective was improving the economic position of rural women through the following programmes and measures: programmes for additional training and retraining for rural women and girls; women-friendly agriculture and rural development counselling; rural women-friendly loans for investments; loan guarantee funds for investments in rural areas; training for rural women in entrepreneurship; training for women in acquiring alternative sources of income in rural areas (rural tourism, branding of local products, immediate processing on the farm); incentives for rural women to invest in agricultural production; programmes promoting women in agribusiness and women entrepreneurs in rural areas; training for women in project proposal writing and the use of international and national investment funds; programmes to inform rural women about governmental measures and policies, and other development programmes.

The Action Plan, as the first public policy aimed at improving the position of rural women, contributed to the creation of systematic frameworks for gender mainstreaming in rural life and produced a number of effects, including raising the level of knowledge, awareness and expectations of rural women. In short, the Government of the Republika Srpska, through the Ministry of Agriculture, Forestry and Water Management, as well as the local communities in the

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<sup>85</sup> FBiH Gender Centre

Republika Srpska, implemented various measures to improve the position of rural women, most notably in the area of women's economic empowerment, and to strengthen the role of women in local community development.

With regard to the economic empowerment of rural women, given the analysis of the situation of rural women and the 2009 gender budget analysis in the agriculture and rural development sector, which showed that very few rural women had used incentives and other available financial resources in the previous period to support setting up or growing of their businesses, it was unrealistic to expect that only raising rural women's awareness of incentives (which was the first step) would have an adequate impact, without training, education or counselling services on the ground. That is why, apart from the introduction of a special measure for women's associations in the Rulebook on Incentive Allocation of the Ministry of Agriculture, Forestry and Water Management, special programmes and activities were implemented to: inform women about opportunities for incentives through promotional materials created and distributed specifically for this purpose as well as field visits and counselling for women and providing counselling services and training for various types of business and other rural activities. It is important to emphasize that since 2011, the Gender Centre has started to support programmes for rural women within the 2009-2014 BiH GAP, implemented by institutional and non-institutional partners, making a significant progress in the planning, implementation and results of individual measures under the Action Plan already in the first year. In short, in the period between 2011 and the end of 2015, over BAM 674,000 from the Ministry's funds and over BAM 230,000 from the FIGAP funds were invested and these funds were exclusively intended for the economic empowerment of rural women. These funds were spent to implement two main groups of measures. 1) measures and activities aimed at raising women's awareness in rural areas of available programmes, incentives, loans and training (including counselling); and 2) specific measures to involve rural women in support programmes for starting an independent and / or family-owned businesses involving agricultural production, husbandry and processing of milk and meat, cooperatives, tourism and rural development in general, through training and counselling services, as well as the granting of incentives, loans and guarantees.

These funds were spent for the following: over 20,000 copies of promotional material were distributed, 67 training sessions were attended by 1,302 women and 129 associations were supported. For the first time, training sessions were organized to promote women in agribusiness and women entrepreneurs in rural areas, and for the first time the target group consisted of rural women. After the implementation of the programme, all beneficiaries were provided with expert support in the field of agricultural production, as needed. Rural women's associations received training in project proposal writing and management of projects supported with various incentives and other types of support from various funds. One of the concrete indicators of the results was the percentage of women managing agricultural holdings that increased from 12.5% in 2011 (the first year of implementation of the Action Plan) through over 14% in 2015 (at the end of the implementation) to 22.7% in 2017.

Although most of the activities in the Action Plan were carried out before the reference period (2015-2018) of the present report, we cite these results because the measures to improve the position of rural women became part of the regular annual activity plan of the Ministry of Agriculture, Forestry and Water Management of the Republika Srpska, ensuring their sustainability in the future. As a separate sectorial public policy, a new, 2016-2020 Strategic Plan for the Development of Agriculture and Rural Areas of the Republika Srpska was adopted, incorporating a commitment to the promotion of gender equality, visibility of the principles and standards of gender equality and their consistent application by the line ministry. This includes: introducing women's issues (including their needs, priorities and contributions) and gender mainstreaming with a view to achieving greater gender equality within different social groups, harmonizing all legal and other acts with gender equality standards, with a particular emphasis on

the laws that regulate property issues, real estate ownership and access to economic resources (physical capital, financial and other services, technology and the market); creation of an IT basis for programming and monitoring of agricultural policy, which will take into account the introduction of necessary criteria and variables for recording, documenting, analysing and monitoring data on individuals and agricultural households, associations and cooperatives, and legal entities and entrepreneurs by gender, with a special emphasis on the effects of the planned measures on men and women, boys and girls, and in this respect the obligation to classify all data and information by gender; strengthening and improving the provision of counselling services in relation to the needs of rural women and associations; support to cooperatives, businesses, entrepreneurs and agricultural holdings in which women are owners or majority owners; strengthening the role, visibility and participation in all relevant processes in the operationalization and implementation of the plan, as well as support for rural women's associations and women's and other non-governmental organizations concerned with the advancement of the status of rural women and gender equality; taking into account the prospects of rural women, facilitating their continued involvement in all rural development decisions, improving the quality of rural life and reducing poverty, so that women's needs, priorities and interests are equally respected, and empowering women to participate in the formulation, implementation, monitoring and evaluation of policies and activities related to emergency response, including natural disasters and further work on promoting gender equality and improving knowledge through education, on ways to introduce gender mainstreaming in policies and measures and gender-responsive practices into work of all relevant institutions and organizations responsible for implementing the Strategic Plan. As a separate measure, a new "2019-2020 Action Plan for the Advancement of Rural Women in the Republika Srpska" was adopted".

The development of women's entrepreneurship was recognized in the reference period as very important and it was especially supported by the current Law on Development of Small and Medium-Sized Enterprises, as well as the 2016-2020 Strategy for Development of Small and Medium-Sized Enterprises of the Republika Srpska. Women in the Republika Srpska own about 30% of the entities, and women's participation is about 40% of the total number of employees. In addition to these indicators, support for women entrepreneurs is necessary because of certain obstacles or prejudices that women entrepreneurs face. The Law on Development of Small and Medium-Sized Enterprises defines, inter alia, the principles for the adoption of policies and programmes in the field of SMEs. One of the principles is "the development of women's entrepreneurship by adopting support programmes, providing training and better access to finance and establishing associations of women entrepreneurs". The 2016-2020 Development Strategy for Small and Medium-Sized Enterprises of the Republika Srpska defines goal 3. Stimulating the development and promotion of entrepreneurship and entrepreneurial skills, which foresees a programme in Support of the Development of Women's Entrepreneurship. This programme envisages the adoption and implementation of the Women's Entrepreneurship Strategy in the Republika Srpska, providing financial resources, providing education and training for women entrepreneurs, supporting the promotion of female entrepreneurs, supporting the association of female entrepreneurs and strengthening the role of the Women's Entrepreneurship Council at the Republika Srpska Chamber of Commerce.

Based on the 2016-2020 Strategy for Development of Small and Medium-Sized Enterprises of the Republika Srpska, the 2018-2022 Draft Strategy for the Development of Entrepreneurship of Women of the Republika Srpska was developed. It was adopted by the Republika Srpska National Assembly in February 2019. The Strategy and accompanying Action Plan define the basic goals, activities, drivers of women entrepreneurship development, deadlines and resources necessary to support women's entrepreneurship. Their implementation will achieve the following strategic goals: strengthening the competitiveness of business entities that are started and run by women

entrepreneurs; improving the accessibility and attractiveness of entrepreneurship and business for women; and providing additional support for specific areas of women's entrepreneurship.

Funds for the implementation of activities of the 2018-2022 Action Plan amount to BAM 4,500,000.00, most of which being provided through loans given by the Investment and Development Bank of the Republika Srpska, while other funds are provided from the RS and local budgets and from international projects and programmes. The Investment and Development Bank of the Republika Srpska (RSIDB) will work on further reducing the base interest rate in order to encourage women's entrepreneurship in order to improve target group's businesses and make it economically empowered.

In addition to the support given by newly established Ministry of Economy and Entrepreneurship (the Ministry of Industry, Energy and Mining was in charge in the reference period), the support given in this area by the Chamber of Commerce of the Republika Srpska (hereinafter: the Chamber) and its regional chambers of commerce as representatives of the interests of all entrepreneurs, including women entrepreneurs, is very important. Women's Entrepreneurship Councils were established with the aim of improving the representation and status of women in the field of entrepreneurship, by proposing legal solutions and measures, connecting women entrepreneurs, providing necessary information, developing projects, proposing vocational education, promoting women entrepreneurship, participating in conferences, fairs, business missions, networking women entrepreneurs and applying the principle of gender equality.

At the Republika Srpska businesses award ceremony, one of the categories is the best contributor to the development of women's entrepreneurship. In the past, in cooperation with the Republika Srpska Gender Centre, the Women's Entrepreneurship Council of the Regional Chamber of Commerce of Banja Luka organized a series of seminars on strengthening women's entrepreneurship.

In cooperation with the Chamber of Commerce of the Republika Srpska, the Regional Chamber of Commerce of Banja Luka and the RS SME Development Agency and with the support by the EU ProLocal programme and the EBRD, the Ministry of Industry, Energy and Mining (in the reference period in charge of entrepreneurship) organized two international conferences for women entrepreneurs in 2017 and 2018. In 2017, more than 200 women entrepreneurs, representatives of institutions, agencies, chambers and international organizations from the Republika Srpska, the Federation of BiH, Serbia, Montenegro, Croatia and Slovenia participated in the conference. Two panels were held at the conference: "Legal Framework and Institutional Support for Women's Entrepreneurship in the Republika Srpska and the Region" and "Experiences of Women Entrepreneurs in the Republika Srpska and the Region", as well as B2B meetings where over 350 meetings were held. The second conference was attended by over 120 women entrepreneurs from various organizations and countries, who also attended the first conference. Two lectures for women entrepreneurs were held at the conference, as well as a panel entitled "Experiences of Women Entrepreneurs in Republika Srpska and the Region" and B2B meetings. The conferences were organized within the European Entrepreneurship Network of the Republika Srpska.

In cooperation with the Chamber of Commerce of the Republika Srpska and the GIZ ProLocal project, the Ministry held two workshops for women entrepreneurs in Banja Luka and Trebinje in 2018 as part of preparations for the development of the Strategy and cooperation with women entrepreneurs. The workshops were attended by over 50 participants

In accordance with its competences, the RS Agency for Development of Small and Medium-Sized Enterprises conducts certain activities aimed at encouraging women to become more involved in economic activity, either to start their own business or to improve the operation of their enterprises. By Agency's becoming a member of the European Enterprise Network (EEN), numerous opportunities have been opened to support women's entrepreneurship in the Republika Srpska. The Agency leads a consortium of the European Entrepreneurship Network of the

Republika Srpska, members of this consortium being the Chamber of Commerce of the Republika Srpska, the Universities of Banja Luka and East Sarajevo and the Innovation Centre of Banja Luka.

In the past period, within the EEN activities, the Agency organized training in business planning for women who want to start their own business, as well as for entrepreneurs who lack this type of knowledge. The workshops on "Testing a Business Idea of Entrepreneurs – Development of a Business Plan" held for entrepreneurs and potential entrepreneurs took place in July 2016 in Banja Luka and in April 2017 in Bileća. During these workshops, entrepreneurs were familiarized with the business planning process and the structure and content of business plan. As additional incentive, the Agency awarded the best business plans with financial prizes. The training is a continuous activity of the Agency. Through the EEN, the Agency also works to connect entrepreneurs internationally by organizing business meetings, creating of business profiles, counselling and endeavouring to support women's entrepreneurship through some other projects it implements.

The Agency is also one of the partners in the "Challenge to Change" Project funded by the Swedish Government, which involves direct grant support to companies and entrepreneurs with innovative projects. One of the target groups in the project is women entrepreneurs, which aims to encourage greater involvement and motivation of women to engage in business activities, and thus their economic empowerment. The grant amounts up to € 10,000 for start-ups and up to EUR 30,000 for micro, small and medium-sized enterprises.

At the end of 2016, with the financial support by the European Bank for Reconstruction and Development, the Ministry and the Agency launched the Entrepreneurial Portal of the Republika Srpska as a unique on-line platform in this region, which compiled all relevant information for starting, growing and developing a business.

A special comprehensive measure by the Gender Centre to raise knowledge and awareness of institutions, professionals and the general public on gender inequalities in the Republika Srpska was carried out in 2016 through a survey on gender inequalities from a life-cycle perspective, with the following goals: to gain systematic insights into gender inequalities during the life cycles of women and men, to identify which gender inequalities were specifically manifested at particular stages of life and how they were reflected in later life stages, creating unequal chances for women and men; to identify the most important intergenerational changes regarding gender inequalities.

Within this large body of survey, the economic aspects of gender inequality were found to be almost invariant across generations. The participation of women in the labour market was lower than the participation of men and their access to jobs was more difficult - there were fewer women employed than men in all generations. Gender inequalities in the labour market were also manifested in statistics disaggregated by occupations and branches of activity. The gender labour market activity gap was narrowing with older generations' exiting the labour market, but it had lasting consequences - women earned less overall work experience, rarely received personal pensions and had lower pensions than men. The property gap was prevailing in all generations - women rarely owned the basic housing unit where their family lived, office space, land or a vehicle. Due to more unfavourable economic participation, women also had a stronger personal feeling that they were making less economic contributions to the household than other members. Adolescents participated in economic activities to a very small extent and, when they participated, they worked solely in the family farm or business. There were indications that rural female children are a group of child particularly at risk of child labour. Girls were more involved in domestic work than boys, thus becoming tied to the private sphere from young age, making it difficult for them to become involved in the labour market later on.

Women were less involved in the labour market than men - they were less frequently employed and more often inactive. And when employed, they were not employed in the same sectors and occupations as men. Thus, women worked more often than men in the field of social services or as

workers in trade and services, while men more often worked as manufacturing workers in industry, workers or professionals in construction, transport. In addition, they worked for a lower wage and gained shorter work experience than men because they later entered the labour market or had career breaks due to childbirth.

On average, men started working when they were 20 and women started working when they were 21 and a half. This difference grew during their careers and, for those who completed their careers and retired, the gap in their work experience reached as high as 18 years. It meant that men from the older generations (65+) earned twice longer pensionable years than women did. Table 69 shows statistics of the employment rate by gender in the Republika Srpska in the reference period (Annex 1).<sup>86</sup>

Not only did women work shorter hours, they also earned less - in 2016, women in the sample earned, on average, BAM 200.00 less per month than men did. Because they were less frequently employed, women were less likely to earn old-age pension: 20.5% of women aged 65+ received no pension, while only 5.7% of men of the same age received no pension; 85% of men received pension based on maximum period of pensionable service, compared to just 33% of 65+ women. And when the women earned personal pension on the basis of maximum period of pensionable service, their pensions were lower than those of men because they had worked shorter hours and earned less.

Although access to economic resources was significantly connected to employment, it was not limited to that policy sector, but also extended to social protection, family care, economic policies, rural development policies etc. This was precisely an example of areas of inequality, which "slipped" through a network of policies and remained a bastion of gender inequalities because they did not belong to a single sector. Access to economic resources was important for employment, entrepreneurship, agricultural production on farms, but also for the consumer power of women, which was important for their standard of living, well-being and property owned that was important for a secure socio-economic position and independence.

The research showed how little property women owned compared to property owned by men: 71% of homeowners were men; 82% of household car owners were men; every fifth farm was owned by a woman.

Women also had a personal feeling of less economic value than men, which put them at a disadvantage in partnerships, in the family and in the household.

With regard to recognizing unpaid domestic work and care work, which affected women's chances in the labour market and their lower employment and discrimination in employment and labour due to family responsibilities and parenting, the survey data showed highly patriarchal patterns of division of domestic work and care of family in the Republika Srpska. These responsibilities were almost entirely within the remit of women, and men were only slightly involved in the care of the sick and the elderly, and then in the care of children. In the private sphere, this division of labour and responsibility prevailed and persisted insensitive to women's employment status, as shown by the findings as follows.

Women and men did not share parenting responsibilities equally - they were much more taken over by mothers, especially when children were young. Almost half (44.3%) of fathers took no responsibility for the young child. On the other hand, 9 out of 10 mothers were involved in all duties. Homework was almost entirely on women. In families with young children, women did housework an average of 33.89 hours per week longer than men (which was almost another full-time job). In an effort to reconcile family responsibilities with workplace responsibilities, mothers with young children were the most exposed to stress and fatigue.

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<sup>86</sup> RS Ministry of Labour and Protection of Veterans and People with Disabilities

A special report on the findings and recommendations of this survey, adopted by the Government of the Republika Srpska, defined recommendations for measures in all areas that would change the situation towards achieving gender equality.

The following measures were proposed to eliminate economic inequalities: changing the patterns of work socialization that can be stimulated in schools, since it is not easy to change family practices, for example, by learning for entrepreneurship, by fostering an entrepreneurial spirit in school children; encouraging entrepreneurship in women, whether in the form of starting an independent business or growing an already existing business, especially stimulating innovation and entering new markets; encouraging greater and more independent economic participation of women in rural areas, those who have traditionally been hired only as assisting members on the farm; eliminating discrimination in employment and in labour and employment relations, which allow for a more transparent gender equality policy in the management of human resources in enterprises; eliminating the property gap by encouraging joint ownership of real estate, which can be done through incentives for housing loans, campaigns for the importance of increasing the property base for women, campaigns that seek to influence changes in patriarchal patterns of property inheritance; providing easier access to financial and physical capital through the stimulation of the real estate market (especially land lease markets in rural areas), financial markets and the conditions under which financial services are available to women; examining the depths and origins of the wage gap and taking action to address the gap that employers should take care of and report to the competent governmental authorities.

Recommendations for measures aimed at changing relationships and sharing responsibilities within the family are as follows: encouraging fathers to use parental leave to share childcare with mothers from child's young age; carrying out campaigns advocating redistribution of unpaid domestic work, encouraging greater participation in domestic work and family care, for example by calculating the cost of such work and organizing actions that change these practices (such as a day in a year when women have to be paid for that work at market price and the like); making family support services: preschool education, day care centres for children with disabilities, senior citizens' homes etc. more accessible (in terms of space, time, price), which would reduce the burden on women, especially those who are employed.

The Gender Centre report with the findings and recommendations of the survey was approved by the Government of the Republika Srpska in December 2016. The survey was published, promoted and made publicly available to professional and general public. From the above it can be stated that the data of the survey on gender inequalities were presented to the decision-makers, with the proposal of different measures for action to reduce gender inequalities.<sup>87</sup>

#### **51. Provide data on employment rates disaggregated by gender in Bosnia and Herzegovina for the reference period.**

According to data from the labour Force Survey of the Statistics Agency of Bosnia and Herzegovina in 2017, the unemployment rate was 20.5% (18.9% for men and 23.1% for women), and in 2016 it was 25.4% (22.5% for men and 30% for women). The unemployment rate was highest among young people aged 15 to 24 and stood at 45.8% (43.1% for men and 51.4% for women). According to the same data source, activity and employment rates were 42.6% and 33.9%, respectively, while in 2016 they were 43.1% and 32.2%. Rates were significantly higher for men than for women. Activity and employment rates for men were 53.3% and 43.2%, while for women they were 32.4% and 24.9%. Activity and employment rates were the highest in the 25-49 age group (73.5% and 58.1%).

Through the Survey Questionnaire of the Statistics Agency for of Bosnia and Herzegovina, a new set of questions for work activity was introduced in order to obtain as much information as

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<sup>87</sup> RS Centre for Gender Equality



possible about the work activity of the interviewed persons. The introduction of a new set of questions in 2017 led to better quality data on employment, activity rates and unemployment. The improved data indicated an increase in the employment rate compared to the same period in 2016.

At the same time, the survey data showed a lower educational structure of inactive people over the age of 15: almost 53.8% were those with completed primary school or lower, 41.5% were those with high school and the remaining 4.7% were people with university degree. There are more women than men with completed primary education who were employed, unemployed and inactive. In the group of people with secondary school, there were more men than women who were employed, unemployed and inactive. Among people with bachelor, master and doctor's degrees, there were more women than men who were employed and unemployed and more men than women were inactive<sup>88 89</sup>.

**52. Provide information on whether policies, strategies or measures have been adopted to ensure transparency of wages in the labour market (especially the possibility for workers to obtain information on the wages of other workers), including criteria and timelines for job promotion.**

In Bosnia and Herzegovina, no such strategies have been adopted yet. Individual salaries are confidential and not transparent and accessible to the public.

In the Federation of Bosnia and Herzegovina, Sarajevo Canton made a major step forward in March 2019 by publishing the Register of Public Sector Employees in Sarajevo Canton, which contains data on net salaries of all employees and appointees in the Canton. The database contains more than 20,000 names and surnames of employees in the public sector, as well as names of officials in the executive and legislative authorities of Sarajevo Canton. In this way, the public gained insight into the net salaries of employees, origins of their property, incentives, inspections, concessions and audits. The Register was established by the Sarajevo Canton Government's Anti-Corruption and Quality Management Office, which is responsible for updating and maintaining it. The aim of establishing the Register is to provide public insight into the spending of public funds and the Register is compliant with the requirements under international conventions ratified by Bosnia and Herzegovina respecting public relations and anti-corruption policy.

In the Republika Srpska, salaries are not transparent or publicly available, either. Only information on average salaries at the levels of companies, sectors and the Republika Srpska can be transparent and publicly available.<sup>90</sup>

In the Brcko District of Bosnia and Herzegovina, no policies, strategies or measures have been adopted to ensure transparency of wages in the labour market (especially a possibility for workers to get information on the level of wages of other workers), including criteria and timelines for promotion.<sup>91</sup>

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<sup>88</sup> The inactive population consists of all persons aged 15 and over who did not work in the reference week and who during the four weeks (the reference week and the previous three weeks) did not take any job seeking activities as well as those who were not ready to start working in the next two weeks if they were offered a job. The inactive include: pupils / students, retired, persons with disabilities, persons doing only household chores in their household and discouraged inactive persons;

<sup>89</sup> BiH Gender Equality Agency

<sup>90</sup> RS Ministry of Labour and Protection of Veterans and People with Disabilities

<sup>91</sup> Brcko District Government

