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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT  
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Initial reports submitted by States parties under  
articles 16 and 17 of the Covenant**

**Addendum**

**BOSNIA AND HERZEGOVINA\* \*\***

[21 July 2004]

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\* The information submitted by Bosnia and Herzegovina in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.89).

\*\* Annexes can be consulted in the files of the Secretariat.

## CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1 - 9	3
Article 1 .....	10 - 34	4
Article 2 .....	35 - 69	9
Article 3 .....	70 - 82	16
Article 4 .....	83 - 84	18
Article 5 .....	85 - 93	18
Article 6 .....	94 - 150	20
Article 7 .....	151 - 178	29
Article 8 .....	179 - 193	34
Article 9 .....	194 - 256	38
Article 10 .....	257 - 306	50
Article 11 .....	307 - 373	59
Article 12 .....	374 - 519	71
Article 13 .....	520 - 626	105
Article 14 .....	627 - 628	124
Article 15 .....	629 - 688	124
Annex - tables and graphics*		

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\* Annexes can be consulted in the files of the Secretariat.

## Introduction

1. The International Pact on Economic, Social and Cultural Rights (ICESCR) was acceded to by Bosnia and Herzegovina through the succession process, on 1 September 1993 (*Official Gazette of the Republic of Bosnia and Herzegovina*, 25/93). This had the effect of a constitutional provision under the Bosnia and Herzegovina Constitution. Its article II on human rights provides for as follows: "Bosnia and Herzegovina and its both Entities will provide for the highest level of internationally recognized human rights and basic freedoms. For this purpose a Commission has been set up for human rights for Bosnia and Herzegovina, and stipulated under the General Framework Agreement, Annex 6."
2. The report has been prepared in compliance with the revised general guidelines (E/C.12/991/1/1) concerning the form and contents of report to be submitted under the International Covenant on Economic, Social and Cultural Rights, articles 16 and 17, as adopted by the Committee on Economic, Social and Cultural Rights.
3. The report consists of a review of implementation of commitments by specific articles of the Covenant. For information on the political structure and layout of the legal system of Bosnia and Herzegovina, reference should be made to the "core document" of Bosnia and Herzegovina (HRI/CORE/1/Add.89/Rev.1).
4. Starting from the key obligation which Bosnia and Herzegovina has as a member of the Council of Europe and as signatory to a number of international documents, the report has been prepared on the basis of indicators collected by the State-level ministries and other institutions such as the Ministry for Human Rights and Refugees, the Ministry of Justice, the Ministry of Civil Affairs, the Ministry of Foreign Trade and Economic Relations, the Ministry of Foreign Affairs, the Bosnia and Herzegovina Agency for Statistics, the Bosnia and Herzegovina Institute for Standards, Measurement and Intellectual Property, and competent Entity Ministries including Federation of Bosnia and Herzegovina (hereinafter: FBH), Republika Srpska (RS) and Brčko District (BD), as well as Entity statistics bureaux.
5. Additional information was provided by non-governmental organizations, academic institutions and experts dealing with the relevant issues more directly. For the period 1992 to 1995, the report falls short of substantial data, the related period being the wartime.
6. The core reasoning of the Covenant was the leading motif of the report: the idea of human rights can be realized only if conditions are such that everybody can enjoy its economic, social and cultural rights, along with civil and political rights. The drafting of the report followed several themes, because Covenant items are not to be reviewed separately, but rather intertwine issues in the fields of economy, social policy, scientific developments, art and culture in a member country. It embraces the issues addressed by the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on Elimination of All Forms of Racial Discrimination, the Convention on Workers and Their Families' Rights and similar.

7. One of basic points in the report is that the obligations under the Covenant apply at the State level, with the basic theme being to present in a transparent manner to an international forum commitments under the Covenant.

8. Working on the report's concept, the Ministry for Human Rights and Refugees met certain difficulties, primarily concerning the compiling of data, due to complex State nomenclature and a non-existent single database. Insufficiency of even elementary data, especially statistical ones, is coupled with the fact that the last census was held as far back as 1991, for which period significant demographic changes took place. The country also lacks substantial material resources for extensive activities as required for such report.

9. Despite the difficulties, however, Bosnia and Herzegovina has made a tremendous effort to give concrete and sound answers on complying with the commitments that Bosnia and Herzegovina is bound to fulfil under the Covenant, without trying to amend the reality, but to reflect realistically the situation in the country in both favourable and unfavourable light, as a standard required by all signatories to the Covenant.

## **Article 1**

### **The right to self-determination**

10. Bosnia and Herzegovina has been an internationally recognized State since 6 April 1992, based on 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Agreement), signed on 14 December 1995 in Paris. Bosnia and Herzegovina is a complex democratic State comprised of two Entities - Republika Srpska and the Federation of Bosnia and Herzegovina. Subsequently, the arbitrage award established Brčko District of Bosnia and Herzegovina. The document mentioned above regulates competences of the State of Bosnia and Herzegovina, its Entities and Brčko District.

11. The Constitution of Bosnia and Herzegovina includes international conventions with the effect of constitutional provisions, the issue of the right to self-determination can be reviewed through the structure of the State and defined solutions under the Dayton Agreement, as explained in detail in the core document.

12. The Constitution of Bosnia and Herzegovina guarantees equal representation of all peoples of Bosnia and Herzegovina; this was recently harmonized with the Constitutional Court decision on constitutionality of all peoples in Bosnia and Herzegovina, Entity constitutions provide for mechanisms for equal representations of all peoples in Bosnia and Herzegovina - Bosniaks, Serbs, Croats, as well as all other peoples - to live and work equally throughout Bosnia and Herzegovina without being subject to any form of discrimination whatsoever.

13. The right to self-determination is limited in respect of the Dayton Agreement and the constitutional framework of Bosnia and Herzegovina. Here, we refer to the role of the Office of the High Representative for Bosnia and Herzegovina (OHR), particularly in respect to decision-making on economic transition and privatization of State property, enactment of legislation and so on.

14. For protection of the right to self-determination, peoples in Bosnia and Herzegovina can use the right to protection of vital national interest, defined through exercise of right for peoples to be adequately represented in all authorities and bodies both at the level of Bosnia and Herzegovina and at the level of Entities. Vital national interests are protected within the framework of education, religion, language, culture, tradition, property, cultural heritage, territorial organization, public information, declaration of belonging to a national minority, political beliefs and other areas.

15. The Constitution sets forth the organization and capacities of Bosnia and Herzegovina and relations between Bosnia and Herzegovina State institutions and the Entities. The adoption of amendments to the Bosnia and Herzegovina Constitution and the Entity constitutions has for the first time created opportunity for representatives of constitutive peoples and minorities to be delegated to representative bodies. This way, inter alia, defines the vital national interest of constitutive peoples and national minorities.

16. Amendment XXXV reads: "Vital national interests of constitutive peoples are defined as follows:

- Exercise of rights of constitutive peoples to be adequately represented in legislative, judicial and executive bodies;
- Structuring of public authorities;
- Equal rights of constitutive peoples in decision-making;
- Education, religion, language, cherishing of culture, tradition and cultural heritage;
- Territorial organization;
- Public information system and other issues to be addressed as issues of vital national interest, if such is opinion of two thirds of one of clubs of delegates of the constitutive peoples in the House of Peoples."

17. It needs to be noted that constitutional provisions are not implemented satisfactorily on the ground. Entity constitutional amendments are not implemented yet, because representatives of constitutive peoples, especially national minorities' representatives, are not proportionally represented in a series of authorities (municipalities, cantons), in accordance with 1991 census, until a full implementation of annex 7 of the Dayton Agreement. It is a proclaimed objective to be met gradually.

18. Bosnia and Herzegovina disposes of considerable natural resources in agriculture, forestry, water utilities and other areas. Its Constitution provided for peoples to freely dispose of the natural wealth resources.

19. Inappropriate substantial development in all areas of social and economic organization in Bosnia and Herzegovina in the past has provoked serious problems in environmental protection. This refers to the war period, when under conditions of turbulence, biodiversity and the

atmosphere were disturbed. Such a trend continues in the post-war period, when in intensive processes of transition and unprincipled privatization, many outstanding and unresolved issues are raised in respect to position and protection of natural and other cultural values.

20. Risks, i.e. most often local and global threats to biological and geological diversity of Bosnia and Herzegovina, include:

- Excessive exploitation of natural resources - frequent and intensive cutting of woods, hunting, illegal hunting, unbalanced agricultural production;
- Unbalanced industrial production (lack of purifiers for waste waters, high emission of sulphur layers in atmosphere, irrational waste of energy, low use level of resources);
- Unbalanced energy policy;
- Insufficient and non-functional legal base at all levels of territorial and social-political Organization;
- Inappropriate current law enforcement;
- Lack of substantial use of natural resource standards and strategy.

#### **The water sector**

21. Water sector legislation in Bosnia and Herzegovina is very difficult in this post-war period. The current situation is a result of a number of provisional resolutions, rules and regulations that were adopted as taken from the previous system or enacted during the war. In order to overcome these problems, the European Commission offered technical and financial support through the “European Union environmental programme for Bosnia and Herzegovina”, i.e. it prepared a set of five environmental laws, including new laws for water protection for both Entities. These draft legislation were in line with European Union standards and principles and with all relevant international conventions and the Framework Directive for Water, especially through introduction of the principle of integral environment approach to river basin management.

22. The level of water supply, 50 per cent, is much below European coverage level of 90 per cent. Also, the quality of water is much lower than that of European Union countries. Breaks in water-supply systems are very often, therefore the international water quality cannot be reached. The level of sewerage coverage is 56 per cent in urban and less than 10 per cent in small areas. Only six municipalities in Bosnia and Herzegovina have facilities for purification of waste water.

23. Two important sustainable water sector development aspects are:

- Quality, effectiveness and transparency in water sector administration;
- Sustainability of investment and services.

24. The European directive on water stipulates that all communities over 2,000 inhabitants have to have water purification facility and this directive is binding for all EU present and future member States, like Bosnia and Herzegovina. In the legal sense, there is no service in Bosnia and Herzegovina responsible for water. Future regulations should provide for a guard service for waters and rivers with clearly defined instructions on monitoring, reporting, guarding, protecting and maintenance of water resources.

25. The Institutional Strengthening of Bosnia and Herzegovina Water Sector project is ongoing. It is financed by the European Union and implemented in both Entities in parallel. The ultimate goal of the project is adoption of new water sector legislation, harmonized with that of the EU, particularly the Framework Directive on Water (Directive 2000/60/EC, European Parliament and Council, of 23 October 2000). The project will set up a new institutional and organizational sector layout, with a water management institution at Bosnia and Herzegovina level. New solutions provide for basic approach of sector organization with the principle of integral water management.

26. The Law on Environmental Protection, the Law on Water Protection, the Law on Air Protection, the Law on Nature Protection, and the Law on Forests and Law on Waters, which regulate environment protection, will not be easy to implement, without international institutions' support. A clear definition of status of protected areas, decision-making on waste sites, waste-water purification, and effective control of pollution will be an immediate task.

### **The agricultural sector**

27. The total surface of land under cultivation in Bosnia and Herzegovina is 2.5 million hectares, or 50 per cent of the country's territory; there is 0.7 hectares per capita. Natural conditions of plain areas are favourable for sustained agricultural production and contemporary market commerce. With additional capital investment to modern technology, the yield can be increased for 50 per cent, especially in revitalized water-supplied area (200,000 hectares).

28. Intensification of agricultural production is important, all the more for the reason that Bosnia and Herzegovina agriculture does not produce half of the food needed for domestic population; more than 50 per cent of Bosnia and Herzegovina imports are food.

29. Agricultural parcels continue to be fragmented and reduced. There is no support for private initiative and entrepreneurship in agricultural production. For renovation and sustainability of agricultural production, an integral production, marketing and finance strategy is needed.

30. For sustainability of agricultural production and realization of the agricultural production improvement programme, including use of land and agrarian development strategy, the institutional-legal foundations need to be laid down, in addition to a series of institutional measures to stimulate such development. Primarily:

- Ordered, free and single market of Bosnia and Herzegovina, without internal trade or political barriers;
- Tax system should be a stimulus for agriculture;

- Village revitalization and self-employment in pre-war farms;
- Development of long-term development programme for plain areas, hill and mountain areas and Mediterranean area;
- Establishment of agriculture and village development fund.

### **The forest ecosystem and forest resources**

31. Out of the total area of Bosnia and Herzegovina (5,113,000 hectares), forests and forest land account for 53 per cent (2,700,770 hectares or 0.71 hectares of forest and forest land per capita). State-owned forests and forest land is 81 per cent and private owned is 19 per cent. Sustainable management of forests demands much more effective measures for strengthening of production function, maintenance and strengthening of general useful functions of forests, maintenance of biological diversities, expansion of protected zones, renovation of degraded forests, protection of forests and game, monitoring, scientific-research work and education of staff. More specifically, it means the following:

- In forest management, more care should be taken to strengthen natural resources and cultures, increase biological investment, opening of forests, decreased intensity of cuts, strengthening of vitality and health condition of forests, use of ecologically acceptable technology of growth, the protection of forest and game;
- Special attention should be paid to measures for growth and protection of forests and game;
- Reforesting of bare and derelict forest lands is an economically sustainable measure for improvement and expansion of forest reserves for protection against erosion and floods, and improvement of ecological functions of forests;
- Renovation, expansion and maintenance of forest roads is a priority task of users and owners of forest reserves and State, including forestry, enterprises;
- In the areas that suffered from extended cuts we have to move to an economy based on the sustainable use of other forest products (medical herbs, fruit, mushrooms, charcoal, etc.);
- It is necessary to harmonize market-oriented wood processing capacities with quantity, quality and location of wood. In complementary development of forest production a multi-purposeful interest of sustainable forest development is sought. Prices and marketing of forest assortments, as well as forestry fiscal burdens are not harmonized;
- More attention should be paid to an exchange between domestic and foreign expertise, literature and experience.

32. The majority of responsibilities for social, economic and industrial development, as well as for utilization of the country's natural resources, including granting concessions for natural



resources exploitation to both domestic and foreign users, i.e. basic factors to regulate sustainable development, are in fact in hands of Entities, while in the Federation of Bosnia and Herzegovina they are to a considerable level with lower administrative units, cantons.

33. Certain competencies are vested with the State-level institutions, when it comes to sustainable economic growth, establishment of international relations, multilateral and bilateral cooperation, conclusion, implementation and coordination of international multilateral and bilateral agreements and contracts in the field of foreign trade, joint investments, harmonization of tax policy and regional environmental protection programmes.

34. Use of natural resources is insufficient due to slow reconstruction of war-destroyed capacity and lack of economic power. However, in cooperation with the international community some positive results have come in the rehabilitation of capacities and more efficient utilization of resources.

## **Article 2**

### **Exercise of rights recognized in the Covenant**

35. Bosnia and Herzegovina develops cooperation in the areas of science, technology, education, culture and sport through entering into international bilateral agreements, protocols and memoranda with other States, with full observance of the principles of the Helsinki Final Act on Security and Cooperation in Europe. Conclusion of such agreements is regulated by the Law on Proceedings of Conclusion and Execution of International Contracts (*Official Gazette of Bosnia and Herzegovina*, No. 29/00) harmonized with the Vienna Convention on the Status of International Contracts, of March 1995 (entered into force in 1988), to which Bosnia and Herzegovina itself is a signatory.

### **International instruments ratified**

36. To give incentive to cooperation in the area of science, technology, education, culture and sport, Bosnia and Herzegovina has concluded intergovernmental agreements, programmes and protocols with other States, which affirm the principles of the Helsinki Final Act on Security and Cooperation in Europe, aware that it adds to better understanding and strengthening of bilateral relations with other States. Intergovernmental agreements were concluded in accordance with the Law on Conclusion and Execution of International Agreements (*Official Gazette*, 29/00). (For a full list of intergovernmental agreements in the annex, see the files of the Secretariat).

### **Rights and freedoms**

37. All persons in the territory of Bosnia and Herzegovina enjoy human rights and freedoms, implying the following:

- The right to life;
- The right of persons not to be subjected to torture or inhumane or degrading treatment or punishment;

- The right to freedom and security of the person;
- The right to a fair hearing in civil or criminal processes and other rights in respect to criminal proceedings, right to private and family life;
- The freedom of thought, conscience and religion;
- The freedom of expression, peaceful convention and freedom of association;
- The right to marriage and establishment of family;
- The right to property;
- The right to education;
- The right to freedom of movement and residence.

38. Enjoyment of rights and freedoms prescribed by the Constitution or international agreements listed in the Bosnia and Herzegovina Constitution (see annex 1), presumes that all persons in Bosnia and Herzegovina must not be subject to any discrimination whatsoever. The Constitution (art. II.4) reads as follows:

“Non-discrimination-enjoyment of rights and freedoms called for under the present article or international agreements listed in annex to this Constitution will be secured. All persons in Bosnia and Herzegovina will be free from discrimination on any grounds, such as gender, race, colour, language, religion, political or other beliefs, national or social origin, affiliation to a national minority, property, birth or other status.”

39. Major legislation in Bosnia and Herzegovina developed after the Dayton Agreement or in the process of development is harmonized with international instruments for the protection of basic human rights, defined under the Covenant; thus, its stipulations are directly or indirectly included in legislation. The framework Law on Primary and Secondary Education in Bosnia and Herzegovina includes provisions forbidding any form of discrimination in respect to education, as does the Law on Gender Equality, adopted by the Parliamentary Assembly (published in the *Official Gazette*, 16/03).

40. This law is based on and aligned with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol and with the European Convention on the Protection of Human Rights and Fundamental Freedoms with supplemental Protocols, as well as the Covenant.

41. As Bosnia and Herzegovina has encountered problems concerning ethnic and national origins, the solution has come by adapting the partial decision of its Constitutional Court on constitutionality of peoples, and harmonization of Entity constitutions (*Official Gazette*, 23/02) to include the principles set forth within the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and their optional protocols, as well as European conventions on the protection of human rights and basic freedoms.

42. Following the talks between political parties, from December 2001 to April 2002, the High Representative presented a proposal for changing the Constitution of Republika Srpska (RS) and the Constitution of the Federation of Bosnia and Herzegovina pertaining to the constitutionality of Bosniaks, Serbs, Croats and others. The National Assembly of Republika Srpska adopted the changes, provided that the High Representative made changes to two amendments, while in the Federation of Bosnia and Herzegovina the constitutional changes in question were not adopted, because two major political parties from the Bosniak and Croat peoples were unsatisfied with the very concept, and with insufficient coverage and non-existence of identical constitutional provisions for both Entities. The constitutional changes in the Federation of Bosnia and Herzegovina were declared by the High Representative, and although unaccepted by the Parliament of the Federation, they were implemented.

43. In respect to legislative authority, it is important to stress that the Council of Peoples was established in Republika Srpska, numbering in total 28 delegates (8 from each constitutive people and 4 from others); the legislative authority of Republika Srpska consists of the National Assembly and the Council of Peoples. In the Parliament of the Federation, at least 4 members of a constitutive people must be represented in the House of Representatives, which consists of 98 representatives. The composition of the House of Peoples in the Parliament of the Federation of Bosnia and Herzegovina is structured on the principle of parity, so that each constitutive people has the same number of delegates (17) plus 7 delegates from the category of others (total, 58 delegates). It is important to note that there are some difficulties over the appointment of Serb delegates in the House of Peoples of the Federation of Bosnia and Herzegovina due to insufficient numbers of elected deputies.

44. In Entity executive authorities, the presidents of the Federation of Bosnia and Herzegovina and Republika Srpska have two vice-presidents from different constitutive peoples. The difference is in election and powers, because the president and vice-presidents of Republika Srpska are elected directly, while in the Federation of Bosnia and Herzegovina they are elected indirectly. In the Governments of the Federation of Bosnia and Herzegovina and Republika Srpska respectively, a minimal representation of ministers from different constitutive peoples is ensured. Also, the prime minister and his deputies (in the Federation), and vice-prime ministers (in Republika Srpska), cannot be elected from the same constitutive people.

45. Cantonal authorities ensure that constitutive peoples and members of others are proportionally represented in administrative bodies at the cantonal and municipal levels.

46. In judicial authority, the High Judicial and High Prosecutors' Councils were introduced in the Federation of Bosnia and Herzegovina and Republika Srpska, as well as at the Bosnia and Herzegovina level. They are positive examples of efficient implementation of the decision within judicial and prosecutorial authorities: the president of the Supreme Court of Republika Srpska is Croat, and its public prosecutor is from the category of "others", while a Serb is the main prosecutor in the Federation, while a Croat is president of its Constitutional Court. The constitutive peoples and members of other groups will be proportionately represented in both cantonal and municipal courts in the Federation, and in basic and district courts in Republika Srpska, in accordance with the 1991 census. This arrangement is currently at the beginning of its implementation. Progress is expected to take place with a more massive return of the population to their pre-war homes. Their mandates start from the day of their appointment. The Bosnia and Herzegovina district of Brčko, a unique form of local

administration, does not belong to either of the Entities, and is under direct sovereignty of the State of Bosnia and Herzegovina. It provides for equality in respect to rights and obligations for citizens in administration, education, legal protection, etc.

47. In the next period it will be necessary to implement the above-mentioned decision at lower levels of authority, which means that all the peoples are ensured equal conditions in accessing State or public services at all levels, taking into consideration principles of equality of peoples and principles of professionalism.

48. We should take note of the law on the protection of national rights of minorities of Bosnia and Herzegovina. The law was adopted in the Bosnia and Herzegovina Parliament on 1 April 2003. This law is harmonized with the International Convention on the Elimination of all Kinds of Racial Discrimination and European Framework Convention for the Protection of National Minorities.

49. Relevant regulations are as follows: in accordance with the partial decision of the Constitutional Court of Bosnia and Herzegovina, all competent authorities are obliged to harmonize their laws if they are in conflict. Pursuant to the law on protection of minorities' rights in Bosnia and Herzegovina, there is provision concerning the obligation for Entities, cantons, municipalities and cities of Bosnia and Herzegovina to regulate more precisely by their laws and other regulations the rights and obligations stipulated by this law.

50. On 13 June 2002, the Council of Ministers took the decision forming the Roma Board, according to the methodology and criteria of appointment to be adopted by the Ministry for Human Rights and Refugees. The Roma Board is a body comprised of nine Roma representatives and nine State/Entity ministries-appointed representatives. They are in charge of coordination and assistance for more effective execution of the rights of Roma, the largest national minority group in Bosnia and Herzegovina. The 2002-2006 Framework Working Plan of the Roma Board projects the realization of some tasks for the betterment of the Roma position in Bosnia and Herzegovina, including basic registry, education, health care, employment and social welfare, refugees and displaced persons, return of property, housing issues, establishment and operation of media and the information system.

51. Conventions and treaties which Bosnia and Herzegovina signed in this respect include the International Convention on the Elimination of All Forms of Racial Discrimination, taken over by succession on 16 July 1993, and ratified on 24 February 2000. The Framework Convention on National Minorities Protection came into force on 1 June 2000.

52. Supervision of implementation and interpretation of the law on the protection of national minorities is the competence of the Parliamentary Assembly of Bosnia and Herzegovina, which also formed the National Minorities Council.

53. The Bosnia and Herzegovina election law was changed and supplemented in the sense of provision of participation for national minorities' representatives in legislative bodies at all levels. State and Entity constitutions forbid discrimination on the basis of religious beliefs. Regarding application and compliance with international conventions, in 2003 the law on freedom of faith was to be adopted, including regulations on the position of churches and religious communities in Bosnia and Herzegovina, to be harmonized with the international

conventions to which it is a signatory. Under the Law on Ministries and Other Administrative Bodies of Bosnia and Herzegovina, the Ministry for Human Rights and Refugees is responsible for cooperation with religious communities. Heads of four confessions (Islamic, Catholic, Orthodox and Jewish) formed the Inter-Religious Council of Bosnia and Herzegovina, as a form of mutual cooperation.

54. No State-level laws regulate issues relevant to the suppression of discrimination against disabled persons. In November 2003, the Council of Ministers enacted the decision on acceptance of standard rules for equalization of opportunities for disabled persons. In line with constitutional solutions in effect, the Entities are responsible for the regulation of rights of disabled persons. Laws regulating this area are as follows:

- In the Federation of Bosnia and Herzegovina: the Law on Social Protection of Civilian Victims of War and Protection of Families with Children (*Official Gazette of the Federation of Bosnia and Herzegovina*, 3/99; 15/96) and the Law on Pension and Disability Insurance (*Official Gazette*, 29/98), the Law on Protection of Persons with Mental Disturbances (*Official Gazette*, 37/01;40/02);
- In Republika Srpska: the Law on Social Welfare (*Official Gazette of Republika Srpska*, 5/93; 15/96) and the Law on Pensions and Disability Insurance (*Official Gazette*, 32/00; 37/01);
- In Brčko District (BD): the Law on Social Protection (*Official Gazette of Brčko District*, 1/03), and the Law on Child Protection (*Official Gazette*, 1/03).

55. The Standard Rules on the Equalization of Opportunities for Persons with Disabilities became a starting point for Bosnia and Herzegovina in its creation of policy for persons with disabilities, since the laws in effect are not fully in compliance with international conventions it had signed. Some benefits to disabled persons are provided for under Entity and Brčko District health-care laws and in their regulations on health care

56. In the Federation of Bosnia and Herzegovina the decision on determination of provisional standards and norms of health care and obligatory health-care insurance (*Official Gazette of the Federation of Bosnia and Herzegovina*, 21/00) is the key legislation. Cantons are also responsible for determining laws and regulations to provide for benefits for persons with disabilities. Cantons are competent for financing and the provision for primary forms of health care of persons with disabilities. However, this issue is defined differently. As a rule, their protection is not harmonized with standards from international conventions, signed by Bosnia and Herzegovina.

57. In Republika Srpska, several decisions and orders regulate this issue, as follows:

- The decision on the minimal package of primary health care (*Official Gazette of Republika Srpska*, 21/01); the decision on personal participation of insured persons in cost-sharing for health care (*Official Gazette*, 11/02); the order on exemption from payment of cost-sharing; the rule on volume, contents and manner of implementation of health care (*Official Gazette*, 21/01; 11/02). These laws were adopted in Brčko District only recently, and relevant by-laws are not adopted yet;

- Institutional framework: the Law on Ministries and Other Administrative Bodies of Bosnia and Herzegovina makes the Ministry for Human Rights and Refugees responsible for State-level activities concerning the basic principles for activities coordination, harmonization of Entity authorities' plans and defining of strategy at international level in the areas of health and social protection.

58. In the Federation of Bosnia and Herzegovina bodies in charge are the Ministry for Labour and Social Policy and the Ministry for War Veterans' Protection, along with similar ministries at the cantonal level. In Republika Srpska, competent authorities are the Ministry of Labour and War Veterans' Protection and the Ministry of Health and Social Protection.

59. In Brčko District a department was formed within the Brčko government for health care, public security and other services, which is responsible, inter alia, for child protection, social welfare and protection of persons with disabilities. Bosnia and Herzegovina started the process of adjustment of pedestrian transits and marking of approaches to public buildings for persons with disabilities.

60. Bosnia and Herzegovina does not have a specific State-level law regulating elimination of discrimination on the basis of age, i.e. protection of elders and children. These areas are regulated by Entity laws on social protection. Entities are competent for the social protection domain and they apply the following legislation:

- The Federation of Bosnia and Herzegovina: the Law on Social Protection, Protection of Civilian Victims of War and Protection of Families with Children (*Official Gazette of the Federation of Bosnia and Herzegovina*, 36/96) and Family Law (*Official Gazette*, 21/79 and 44/89), which is also applied in Republika Srpska. In the Federation of Bosnia and Herzegovina cantons also enact law regulating this matter;
- Republika Srpska: the Law on Social Protection (*Official Gazette of Republika Srpska*, 5/93; 15/96); the Law on Child Protection (*Official Gazette*, 15/96; 10/98; 26/01); the decision Founding the Public Fund for Child Protection (*Official Gazette*, 27/96);
- Brčko District: the Law on Child Protection (*Official Gazette of Brčko District*, 1/03). An initiative was also launched for establishment of a children's fund.

61. As for application and harmonization with international conventions, laws in effect are by and large not harmonized with these conventions. Conventions and treaties signed by Bosnia and Herzegovina include, under the former Yugoslavia succession process, the Convention on the Rights of the Child (1 September 2003), ratified it, and signed the Optional Protocol on the involvement of children in armed conflict, on 7 September 2000, and the Optional Protocol on the sale of children, child prostitution and child pornography, of 4 April 2002. Also, under the succession process, Bosnia and Herzegovina adhered to the International Covenant on Economic, Social and Cultural Rights on 3 March 1992, and signed on 4 April 2002 and ratified on 12 July 2002 the European Convention on the Protection of Human Rights and Basic Freedoms.

62. Regarding its institutional framework, the Council of Ministers of Bosnia and Herzegovina has taken the decision to form the Council for Children of Bosnia and Herzegovina (which took effect in December 2002). The Council for Children is responsible for follow-up of implementation of its action plan for children and for reports to the Bosnia and Herzegovina Council of Ministers, as appropriate, once a year at least, on implementation of this plan. In addition, it coordinates competent Entity ministries and NGOs, proposing measures to promote implementation or amendments to the mentioned plan, preparing operative plans for each year, and other related issues.

63. In the Federation of Bosnia and Herzegovina the competent institution is the Ministry for Labour, Social Policy, as well as cantonal ministries with similar responsibilities. The Fund for Child Protection is under preparation.

64. In Republika Srpska, the competent institution is the Ministry of Health and Social Welfare. The Public Fund for Child Protection provides funds for these purposes. In Brčko District, a department was formed within the Government for health care, public security and other services, which is responsible for, inter alia, child protection and social welfare.

65. The previous Criminal Code defines homosexuality as a criminal offence, while the new Criminal Code eliminates such a stipulation.

66. The right to development is guaranteed under the Constitution of Bosnia and Herzegovina and other laws. The slow recovery of domestic production in a war-torn economy has had an adverse effect on development in Bosnia and Herzegovina. According to some economic projections, the GDP growth rate should reach 6 per cent in the next five years. Such a growth rate would help Bosnia and Herzegovina return its GDP to a pre-war level, which would open the door for EU integration. In order to turn such scenario into reality, reforms should be stepped-up, and development supported by international investors for whom a conducive investment climate must be in place.

67. With the aim of providing equal rights for both its citizens and non-citizens, Bosnia and Herzegovina has recently intensified the conclusion of agreements directed towards recognition of a certain level of economic rights, primarily in the area of social protection.

68. On 1 March 1992, Bosnia and Herzegovina had concluded the following social welfare agreements:

- An agreement on social welfare between Bosnia and Herzegovina and the Republic of Austria with a protocol on agreement implementation (*Official Gazette of Bosnia and Herzegovina*, “International Agreements”, 2/01);
- An agreement on social welfare between Bosnia and Herzegovina and the Republic of Croatia with a protocol on agreement implementation (*Official Gazette* “International Agreements”, 6/01);
- An agreement between Bosnia and Herzegovina and the Federal Republic of Yugoslavia on social welfare - pending ratification;

- An agreement between Bosnia and Herzegovina and Turkey with a protocol on agreement implementation - pending ratification;
- Agreements on social welfare with the Former Yugoslav Republic of Macedonia, Slovenia and Switzerland are in the phase of negotiation.

69. Bosnia and Herzegovina concluded on 1 March 1992 an agreement on employment with the Government of Germany on employment of workers from Bosnia and Herzegovina enterprises with main offices in the Republic, aimed at execution of work contracts (*Official Gazette*, 16/95).

### **Article 3**

#### **Women's position in Bosnia and Herzegovina**

70. In article 3, equal rights for men and women are set out, especially in the sense of enjoying all economic, social and cultural rights. Under the laws in effect on work and employment, the general collective contract, as well as sectoral collective contracts, men and women have equal opportunities in access to employment and training, equal working conditions and labour protection, equal salary for the same job and all other rights that are not necessarily determined for women (like maternity protection, maternity leave, etc.).

71. The issue of general equality is addressed at the Bosnia and Herzegovina State level by the law on gender equality. This law promotes and protects gender equality and guarantees equal possibilities to all citizens, both in private and public sectors, and prevents both direct and indirect gender-based discrimination. Full gender equality is guaranteed in all spheres of society, especially in education, the economy, employment and labour, social welfare and health care, sports, culture, public life and media, regardless of marital or family life. The law, harmonized with EU standards, passed the Bosnia and Herzegovina Parliamentary Assembly and was published on 15 June 2003 in the *Official Gazette*, No. 12/03.

72. In Bosnia and Herzegovina, men are 49.6 per cent and women 50.4 per cent of the total population. Average life expectancy is 73.3 years: 75 for women and 71 for men. The female population is 25.8 per cent urban, 31.13 per cent suburban and 43 per cent rural, while the male population is 25.28 per cent urban, 32.02 per cent suburban and 42.71 per cent rural. These proportions are very similar, but most differences appear in age categories - from birth to 24 years, and from 34 to 44 years.

#### **(a) Gender equality factors**

73. Poverty is borne equally by men and women, yet despite this, there are several examples of gender inequality which deepen differences between men and women in relative poverty levels in Bosnia and Herzegovina.

74. The first factor is a difference in approach to resources and market, because, traditionally, men are the holders of private property, even though women share the same legal rights for inheriting and dividing property (even the transfer of rights from one spouse to the other is cost-free). Every man considers himself to be head of a household (48.39 per cent), while



women are found in that role only in 14.8 per cent of cases. Men deem their spouses to be head of their household in only 0.53 per cent of cases, while 40.75 per cent of women see their partners in that role.

75. Legal illiteracy concerning the framework for human rights protection of women, especially in rural areas, is a major obstacle. With non-possession of any property, women are automatically denied access to loans whose approval requires real estate as collateral.

76. The second factor is lack of access to information on resources and specific training. Women, particularly in rural areas, are more bound to the house and housekeeping, thus leaving participation in public and political life to men. Their access to information on loans and changes in the market is restricted by lack of informal support networks. Again, this element is very salient in the rural female population. Specific training that has been offered to women was very often inadequate (typing, instead of IT courses), or the training offered is for job profiles without much demand in the market. The third factor is age, because older women are more affected by poverty than older men.

77. Also important is the possibility for employment, which in respect to age, falls more rapidly for women than is the case with men. Out of a total number of persons employed in Bosnia and Herzegovina, women are 37 per cent, and in the Federation women are 34 per cent of the total employed, with the disproportion growing as women turn 49, when their employment is down to 33 per cent. After turning 55 employment is 28 per cent, while after women turn 60 their employment rate is 25 per cent, and women over 65 make up only 20 per cent of the employed. The fact that life expectancy of women is longer than that of men contributes to a greater risk for women of finding themselves in poverty than men. Women are 58 per cent of the population over 65, they often live alone and, living in rural areas without pension or other benefits, they are most exposed to living conditions below the poverty line.

#### **(b) Women and education**

78. Gender differences in approaches to education are not reflected by indicators that show enrolment rates, the number of male or female pupils attending education programmes or graduating from schools. However, there are numerous indices on specific inequalities seen in smaller communities. These are amalgamated in the numerical majority of positive examples of equal access to education for both men and women. Also, data show that the education structure of women over 15 in Republika Srpska is appalling: every fourth woman is illiterate (23.1 per cent) and 23.5 per cent have not completed elementary school. Only a small number has finished secondary or high school (2.7 per cent and 2.2 per cent, respectively).

79. Indices on enrolment and graduation rates do not show major differences between genders in Bosnia and Herzegovina. The enrolment rate is 98 per cent for men and 96 per cent for women for elementary education, 56.3 per cent for men and 57.5 per cent for women for secondary education, 18.4 per cent for men and 21.3 per cent for women in higher education. The difference in higher education enrolments can be explained by military service for men right after secondary school.

80. Almost 99 per cent of children are successful in advancing to the fifth grade of elementary school, for which there are no differences between boys and girls or rural and urban areas. After the fourth grade, the number of children who continue their education decreases somewhat, primarily in rural areas. This considers female children in rural areas, especially.

81. In the Bosnia and Herzegovina school system, secondary schooling is not obligatory. In the pre-war period, 80-90 per cent of pupils who finished elementary school continued their education in secondary schools. However, after the war, the coverage by secondary education is only 56 per cent. Such low levels indicate the degree to which the war generations and the displaced were affected.

82. The Law on Gender Equality in Bosnia and Herzegovina provides for formation of an Agency for Gender Equality, within the Ministry for Human Rights and Refugees. The institutions in charge of monitoring the law and its implementation are "gender centres" in the Federation of Bosnia and Herzegovina and in Republika Srpska, as well as parliamentary commissions for gender equality, established at the State, Entity and cantonal levels.

#### **Article 4**

##### **Limitation of rights and freedoms in the Covenant**

83. A State party can derogate some of its rights only by law and to the extent of conformity with law, and exclusively with a view to the general well-being in a democratic society. Aspiring to improve general well-being and economic growth by way of protection of private property and promotion of a market economy, State parties will regulate the above-mentioned issues only through laws governed by the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Language Minorities, etc.

84. The Constitution of Bosnia and Herzegovina guarantees human rights and basic freedoms. Bosnia and Herzegovina and its two Entities will ensure the highest level of internationally recognized human rights and basic freedoms, in compliance with the existing rules of the Commission for Human Rights in Bosnia and Herzegovina. The rights and freedoms defined by the European Convention for the Protection of Human Rights and Basic Freedoms, as well as its Protocols are applied directly in Bosnia and Herzegovina. These provisions override all other legislation.

#### **Article 5**

##### **The ban on limitations of basic human rights and freedoms that the Covenant either does not recognize or recognizes only to some extent**

85. When signing international conventions on the protection of human rights and basic freedoms and their protocols, Bosnia and Herzegovina committed itself, in accordance with its own and Entity Constitutions, to harmonize its legislation in line with the International Covenant on Economic, Social and Cultural Rights. With that aim, institutions were formed to contribute

to the protection of human rights and basic freedoms. These are, primarily, the Human Rights Chamber and the Bosnia and Herzegovina Ombudsman and Entity offices of the Ombudsman for Human Rights.

86. The Human Rights Chamber has, over the previous period, mainly discussed the issues related to cases on the right to property and the right to citizenship, the right to housing, abuse of the Law on Abandoned Property, and so on, mainly in situations where legal remedies within the domestic legal system were exhausted and, thus, inefficient. Several cases brought to the Chamber concerned illegal detention, misuse of authorizations by police and other authorities, violation of rights to a fair trial, while considerably fewer cases related to violation of the right to freedom and the right to religion.

87. Rulings of the Human Rights Chamber are final and binding, even though the Chamber is not, in legal terms, a domestic institution, and therefore it is not subject to internal (Entity or cantonal) legal norms of the judicial system. The binding character of Chamber decisions is based on political pressure and the authority of the High Representative, which is by no means, a legal, but rather a political mechanism.

88. In practice, the Human Rights Chamber does not have a single decision applying article 5 of the International Covenant on Economic, Social and Cultural Rights in Bosnia and Herzegovina.

89. In respect to the execution and protection of economic and social rights, the Ombudsman's Office for Bosnia and Herzegovina receives, on a regular basis, complaints by citizens related to their protection and execution. The Ombudsman filed all citizens' complaints in the following areas: protection of the right to property, return of property and restoring possession of property (in respect to return of property, the Ombudsman had by mid-2001 investigated the length of proceedings by competent services in applications for return of property. Protection of rights is based on addressing government services for return of property in Bosnia and Herzegovina by notification with a list of priority elements for execution of the right to return of property); protection of rights to employment (which mainly pertain to implementation of articles 134 and 135 of the Law on Labour in both Entities); execution of rights to social welfare (protection, right to social assistance and compensation, length of procedures against applications, and irregular payments) and rights to pension insurance (execution of right of payment of pension in other Entity).

90. Based upon the above, a conclusion can be made that the institution of Ombudsman in Bosnia and Herzegovina, in accordance with its responsibilities and mandate set forth by the Law on the Ombudsman for Human Rights, takes measures, implements activities and gives recommendations in order to achieve at the complete realization of the rights recognized by the International Covenant on Economic, Social and Cultural Rights in Bosnia and Herzegovina.

91. Ombudsman institutions in both Entities are formed based on the Law on the Ombudsman of Republika Srpska and the Federation of Bosnia and Herzegovina, respectively, which act as domestic institutions, but still lack a substantive influence in the area of human rights protection.

92. The Offices of the Ombudsman in the Federation of Bosnia and Herzegovina were addressed by 49,189 citizens, and 17,219 complaints were received by it. Official reports indicate a successful operation of these institutions since their foundation. In the course of 2002, 22,000 citizens in Republika Srpska contacted the Ombudsman's Office, and over 4,000 complaints were received indirectly or by phone. The proceedings were complete for 92 per cent of complaints. Ombudspersons were included in all major social processes crucial to human rights protection for all citizens, such as reform of the judiciary, the administration and the police, reform of the punishment-corrections system, detection and suppression of corruption, protection of rights and freedoms of the media, and human rights education for citizens and authorities. In respect to execution and protection of economic, social and cultural rights, the complaints received are structured usually as follows: return of property and property rights; judiciary (working group for implementation of articles 143 and 152 of the Law on Labour in both Entities); urban planning, civil construction and the environment; pensions and disability insurance; public utilities; status rights; social welfare and health care; access to information; restriction of personal freedoms; children's rights; constitutional rights and freedoms, etc.

93. In its reports on the previous period, Ombudspersons pointed to difficult and unsatisfactory conditions in the judiciary system, especially regarding speed. Citizens and legal Entities mostly complained about slowness in operation of courts, i.e., violation of rights referred to in the European Convention on the Protection of Human Rights and Basic Freedoms, article 6. On that, no recommendations were made for improvement of the situation, because currently Bosnia and Herzegovina faces judicial system reform, implemented with the support of the international community. This is expected to make considerable positive improvements in the judicial system.

## **Article 6**

### **International instruments ratified**

94. Bosnia and Herzegovina has ratified the following international conventions and ILO conventions:

- ILO Convention on Employment Policy, 1964 (No. 122);
- ILO Convention on Discrimination (Employment and Occupation), 1958 (No. 111);
- International Convention on the Elimination of All Forms of Racial Discrimination;
- International Convention on the Elimination of All Forms of Discrimination against Women.

### **The right to work and employment**

95. Overall employment in Bosnia and Herzegovina is about 999,500 persons, of which 638,000 (63.8 per cent) are employed in the formal sector. Immediately after the war, Bosnia and Herzegovina registered "growth without employment", which spoke to the fact that

some 361,500 people (36.2 per cent) were employed in the informal sector. According to the same source, the ratio of those employed in the informal sector is notably higher in Republika Srpska (41.4 per cent) than in the Federation of Bosnia and Herzegovina (32 per cent).

96. According to available assessments, labour in the formal sector is much older than it was in 1990. On the other hand, young and unqualified labour is pushed into the informal sector. Participation of women in the labour force - 30 per cent in the Federation of Bosnia and Herzegovina and 39 per cent in Republika Srpska - is low.

97. Official data state that the Bosnia and Herzegovina unemployment rate is 41 per cent, but taking into consideration the informal sector, the World Bank data (based on Living Standards Measurement Study (LSMS) figures) suggest that the real unemployment rate is about 16.4 per cent (Federation: 16.9 per cent; Republika Srpska: 15.8 per cent).

98. In both Entities, the structure of the employed group is significantly changed relative to 1990. In the Federation of Bosnia and Herzegovina, employment in production decreased from 41 per cent in 1990 to 32 per cent in 2000 (World Bank data). Of the total employed, 27 per cent work in the public sector (28 per cent in the Federation of Bosnia and Herzegovina, and 24 per cent in Republika Srpska). This trend of employment in the public sector can be explained by the slow recovery of industry and the simultaneous growth of the country's administration after the war. The seriousness of change is illustrated by the proportion holding between those employed in the economic sector and those employed in the non-economic sector; before the war it was 1 to 5.6 and after the war, 1 to 2.8. It is interesting that the vast majority of youth work in the informal sector of the economy: more than two-thirds of young employed persons work in the "grey economy".

99. The number employed in public administration almost doubled (from 5.9 to 11.65 per cent), while the share employed in the trade sector increased by almost 30 per cent, and those employed in the education sector increased from 5.8 to 8.5 per cent. The highest employment rate is among university-educated people.

100. It is quite certain that the number of people employed in Bosnia and Herzegovina can be expected to increase in the private sector and that incentives to entrepreneurship represent the best solution to the problem of unemployment.

101. Searching for a job in Bosnia and Herzegovina takes about three years on average. Older job-seekers (35-55 years) can search for jobs more than five years. The fact is that development in Bosnia and Herzegovina since 1995 has been largely based on the informal sector, which helped many families to remain above the poverty line. But, despite this, the existence of informal development is undesirable owing to its unfavourable effect on equality and the large number of workers not entitled to social welfare or pension insurance.

102. Before the war, the right of people to work was more protected by the Constitution as part of human rights protection. In the post-war period, until adoption of current legislation in 2000, lay-offs were introduced in both Entities. Workers on lay-off were formally employed (and were entitled to reduced salary and other rights from employment), even though in reality they did not work for a long period of time. Article 147 of the Federal Labour Law required

large amounts of compensation for workers on lay-off (such compensations were required also for some other categories of workers). Similarly, significant rights were vested with workers on lay-off in Republika Srpska, under its Labour Law from 1998 (art. 64). The argument for such redundancy for fired workers was a fear that privatization would lead to a large reduction of the labour force.

103. In view of the approaching implementation of important reforms (intensified privatization, implementation of bankruptcy and liquidation laws) in the first part of the 2004-2005 period, an increase of unemployment, especially in the industrial sector, can be expected. Some suggest that in the Federation of Bosnia and Herzegovina alone some 100,000 people, and in Republika Srpska 50,000, might lose their jobs. All available information speaks to the fact that the most affected would be workers on lay-off. Further, a large number of people have fictitious employment, and receive no salary or benefits. This means that in reality no major job losses would take place among people currently working, and receiving salary and benefits.

104. Changes in other relevant legislation on the labour market occurred in autumn 2000, with adoption of the Law on Changes and Amendments of Labour Law in the Federation of Bosnia and Herzegovina and Labour Law in Republika Srpska, which introduced modern labour legislation and rescinded "lay-off". Current Bosnia and Herzegovina legislation on protection of employment, as well as regulations on work contracts, are largely comparable, and to some point even more liberal, than labour markets in Slovenia or in other developed economies. Therefore, they do not represent an obstacle to the division of labour. First, employers in Bosnia and Herzegovina face fewer procedural constraints and bear a similar, if not lesser, burden of firing, in the sense of the length of a firing period and redundancy quotas. Second, regulations on work contracts are also very liberal. Even though the Federation of Bosnia and Herzegovina allows work contracts to be renewed only if "justified", in numerous, law-defined cases, it does not limit the number of successive contracts, or maximum cumulative term of contracts. On the other hand, Republika Srpska does not limit work contracts by defining "justified" cases, or a number of successive contracts; it imposes an overall limitation to two years of assignment to a definite term.

105. In general, legislation before 2000 imposed on employers enormous firing costs, while new legislation in both Entities represents a significant improvement. This harmonizes job security in Bosnia and Herzegovina with the European model; and probably does not stand in the way of mobility of workers and job creation. As a notable contrast to the positive elements of new labour legislation in both Entities stand collective contracts, which remain largely oriented to strict prescription and control, thus imposing on the labour market many regulations from the previous period. As described above, collective contracts not only set forth the lowest wage and wage levels for different categories of workers, but also regulate the increase of the base wage by seniority, working conditions and individual performance. While the Labour Law stimulates flexible adjustments in the labour market, strict collective contracts continue to be rigorous and disable job creation. Therefore, they are largely the reason why new forms of work relations have not yet begun to be implemented in the economy.

106. Legislation, especially if it varies considerably from prevailing norms and customs, can have only a limiting and delayed effect. Moreover, there are some aspects of the labour market which are very difficult to regulate by way of orders, discrimination being the key one among them. This chapter looks at three main aspects of employment in Bosnia and Herzegovina: workers on lay-off, employment in the informal sector and discrimination in the labour market.

107. The phenomenon of “workers on lay-off” in Bosnia and Herzegovina is disappearing gradually. Specifically, this term has not been in use in the Federation of Bosnia and Herzegovina since 5 May 2000, and in Republika Srpska since 16 February 2001. This means that in legal regulations there is no category of workers on lay-off, because those workers are entitled to the same employment rights as others. Currently, a great many of these workers seek work in the informal sector.

108. As mentioned above, the term “worker on lay-off” was officially eliminated in 2000, and enterprises could choose to fire workers with much less expense than before. What were the implications of changed number of workers on lay-off? In the Federation of Bosnia and Herzegovina (no data is available for Republika Srpska about workers on lay-off by periods of time), the number of workers on lay-off kept decreasing, from 87,781 in 1997 to 31,752 in 2001.

109. The new legislation seems to have really helped decrease the number of workers on lay-off, as a decreasing trend was intensified over the last two years (for example, a 20 per cent decrease was realized by June 2001). It is interesting that one-third of the workers on lay-off are women, mostly in the production sector, which is the number that corresponds to their participation in the labour force. We should also mention a category of workers who have not received salaries for a while and whose contributions have not been paid due to employers’ financial difficulties, but whose employment has not terminated as provided by the law, simply for the reason that the employer was not able to pay outstanding receivables. To this should be added the problem of workers entitled to retirement but who cannot use this right because the employers have not paid for pension insurance.

110. Evidence is presented above on reporting false figures about salaries, i.e., decreases in numbers are reported in order to have decreased payment obligations in respect to taxes and contributions. However, both workers and employers are encouraged not to report employment at all, and thus fully avoid payment of taxes and contributions, which is why they enter into informal working relations. Certainly, many workers, specially in agriculture, have no other choice but to work in the informal sector.

### **Freedom of work and right to employment under equal conditions**

111. Bosnia and Herzegovina legislation guarantees the right to work to all citizens, the right to choice of occupation, employment, job and position on equal terms. At the same time, discrimination of all kinds is forbidden, and judicial protection is secured in cases of its violation.

112. The right to work guaranteed by international and domestic labour regulations is not easily achievable, primarily due to a complex economic situation in Bosnia and Herzegovina and new ways of regulation of employer-employee relations, in accordance with new socio-economic relations in Bosnia and Herzegovina.

113. The population of Bosnia and Herzegovina as at 30 June 2002 was 3,828,397. Of this, the working population was broken down as follows: male, aged 15-64, 1,313,281; and female, aged 15-59, 1,219,821. The population of Republika Srpska as at 30 June 2002 was 1,513,127. The working population in Republika Srpska was broken down as follows: male, aged 15-64, 482,703; and female, aged 15-59, 486,817. The population of the Federation of Bosnia and Herzegovina as at 30 June 2002 was 2,315,270. The working population in the Federation was broken down as follows: male, aged 15-64, 830,578; and female, aged 15-59, 733,004. (*Source:* Assessment by Bosnia and Herzegovina Statistics Agency, published in the Statistical Bulletin in May 2003.)

114. Viewed in terms of territory, the key areas of unemployment are the areas of intensive return of refugees and displaced persons, in which housing and industrial capacities are totally devastated. These are both rural and urban areas that were in the immediate war operation zones throughout Bosnia and Herzegovina, such as Grahovo, Glamoč, Derventa, Brod, etc. In these areas, other than non-operational industrial capacities, services are also not functional due to the low ability to pay and the age (over 55) of the population. The other group is the cities - bases of heavy, metal-processing industry - which, without huge investment cannot start up, or in which outdated technology makes it pointless to restart it at all (Zenica, Tuzla, Banja Luka).

115. It is important to stress that the Bosnia and Herzegovina labour market has been burdened with plenty of problems. It is still fragmented and does not provide for mobility of its workforce. Even though the existing labour legislation is adjusted to the requirements of a market economy, in practice it includes discrimination on an ethnic, age and gender basis. In the "gender and poverty" study (Independent Bureau for Humanitarian Issues (IBHI), June 2002), displaced persons are in a particularly difficult position, because they manage to very rarely find a job, so they are forced to accept jobs rejected by other groups. The worst kind of ethnic discrimination is present in the case of returnees, who can hardly find jobs in public administration or public companies.

### **Women's position and gender equality**

116. Although women, under both Bosnia and Herzegovina and Entity labour legislation, have the same rights as men, there are cases of discrimination, especially in the private sector in respect to employment, where they earn less for the same job and have less possibility of promotion. This is reflected negatively in their material position and makes maintaining an appropriate living standard difficult. Women are the first to get fired from work in times of restructuring and reforms, and they get new jobs with more difficulty.

117. As it is not simple to prove discrimination, the solution offered by domestic legislation was to shift the burden of proving unfounded gender-based differing to the employer; this has shown positive results.

118. An employer as a respondent is obliged to produce evidence that a female employee is not put into a disadvantaged position on the grounds of gender, but that such a situation is a consequence of other factors. The problems arise in the implementation of these regulations.



119. Three-fourths of women in Bosnia and Herzegovina base their legal position on norms of labour-social legislation in conditions in which 83.3 per cent of women are employees, and only 16.6 per cent of women are self-employed or are employers.

120. One-third of the female working population is employed for definite terms, out of which 50 per cent fulfil their rights in accordance with general and specific labour regulations.

121. According to an independent survey by Prism Research, about 30 per cent of women have not obtained the status of unemployed persons based on regulations, i.e., they are not registered with employment bureaux, and they do not execute their social rights regarding unemployment. This places them in a group of people without any earnings, i.e., the socially dependent.

122. As to other rights, marital status does not influence business security, but laws stipulate specific protection measures for women. Women are provided with a special protection during pregnancy and are forbidden to work at all jobs that might be adverse for health or endanger her pregnancy.

123. Under internal by-laws, the employer, in line with appropriate regulations, defines jobs that are particularly detrimental to health. According to the Labour Law, women who start working before the expiration of maternity leave, have the right, other than their daily break, to an additional 60 minutes break for breastfeeding of a child.

124. During pregnancy and feeding of a child, women can be reassigned to another job if this would be in the interest of their health condition as determined by an authorized physician. If an employer is not able to secure reassignment, women have the right to a leave with compensation, pursuant to their collective contract and labour rules. Temporary reassignment cannot mean a decrease of salary as a consequence, and an employer can reassign women only with their prior written consent.

125. It is not widely known that women earn a lower salary than men for the same work. According to the Labour Law, article 68, salaries of employees are defined by collective contract, labour regulations and work contracts; as such, each salary is unique for a position, held by either men or women. Thus far, no complaints have been registered coming from women concerning a lower salary in relation to a male employee on the same job.

126. However, the better paid positions are not equally available to men and women under the same conditions.

127. An employer cannot refuse to employ a pregnant woman, cancel her labour contract or, except in cases when it is in the interest of her health, reassign her to other positions.

128. If the employer does to the contrary, he/she faces a fine for the offence. The law does not regulate which jobs women can do at home. This possibility is not forbidden by the law, so that both employer and employee can agree to work at home.

129. If it is employment, then all employees will have the same rights defined for working relations, and labour regulations and work contracts will define the salary levels in such case.

130. During a general crisis and with the presence of considerable foreign aid, it is difficult to discuss gender discrimination among different branches. A strong relation should be noted between women's role, education, occupation and position in the labour market.

131. Data made available during research show that in Bosnia and Herzegovina there still exist typical female occupations and typical male occupations. Stereotypes about desirable occupations and professions for men and women are still deep-rooted.

132. Entity Governments, with support from the GEEP Gender Equality Project in Bosnia and Herzegovina, funded by the Government of Sweden, formed governmental offices - "gender centres" - to undertake actions directed to awareness-raising of women about involvement in all branches of business and income generation.

133. Educated women are more challenged in employment than uneducated ones. The share of women in the overall unemployment figures is over half for those with secondary, higher and university degrees. If we compare data on the education structure 20 years ago and the number of women graduating from secondary schools and university, we see that the number of women in these groups is very high, i.e., number of women with higher and university degrees seeking jobs and does not correspond to the education structure.

#### **Labour non-discrimination principle**

134. Bosnia and Herzegovina legislation does not contain elements on discrimination based on gender, race, political opinion, religion, ethnic origin and similar. The important fact is that the principle of "equal treatment" implies the principle of "right to diversity", which makes exceptions for women in respect to special requirements of a job, maternity protection, etc. Practice shows that there are cases of discrimination against women in applying for jobs, which often refer to their physical looks, age, family obligations and health condition.

135. Discrimination is evident in the employment process, when requirements are stressed in job announcements that are contrary to equal rights criteria. There are numerous examples of job announcements with explicit age or gender requirements. In very few cases were these job announcements reviewed and cancelled, even though responsible labour inspection services are in place. Promotion of gender equality is intensively carried out by the Federation of Bosnia and Herzegovina and Republika Srpska gender centres.

136. The issue of employment for disabled persons is a problem as there are no special benefits for employers hiring disabled persons. Nor is there legislation on social welfare enterprises which could employ people with limited working ability and enjoy special tax relief.

137. The younger generation is also discriminated against in employment. The average age of those employed in the formal sector has considerably increased, from age 36.6 in 1991 to 40 in 2000 (World Bank data, November 2002), which means that only limited numbers of the young workforce have got jobs in the formal sector, so a majority is employed in the informal sector. The share of workers under 36 has dropped considerably in comparison with the pre-war period; employees aged 25-34 in 2000 made up just 23 per cent (37 per cent in 1990). The LSMS analysis showed that 18 per cent of employees in the informal sector were under 25, and 7 per cent in the formal sector, the main reason being the level of the minimum wage.

138. Even though the younger workforce is ready to work for lower wages, the existing system is not attractive. Besides, three counterparts agree on salary levels: Government, employer and union. Despite the agreed levels, the international financial organizations have a limiting influence on collective bargaining, and thereby the lowest labour price is the basis for salary calculations. So, in defining salary levels, only the lowest level can be defined; all other things depend on an agreement with the employer. This is one of the reasons for the increase in the age and the non-productivity of the workforce, as the younger workforce is oriented to the grey economy. This means better competitiveness for the grey economy in relation to the formal sector, owing to the larger employment of the young, who are a more productive labour group.

139. Especially disadvantaged groups in respect to employment are older employees, disabled workers and persons with special needs. In the Federation of Bosnia and Herzegovina, there are 70,000 disabled workers - 49,916 in category I (totally disabled to work) and 14,500 in category II (physical disabilities from work accidents and professionally-related health conditions and accidents outside work).

140. The rights to work of the category II disabled are defined under regulations on pension and disabled persons' insurance. Yet, this category is even more endangered in respect to its rights because, during the privatization processes, they most usually remain out of work. Unemployed war veterans and disabled persons can rarely implement their rights to employment in conditions of severe general unemployment.

141. Removal of architectural and other physical barriers is being carried out, and thus far many have been removed in public buildings in cities. Barriers are still evident in approaching schools, universities, trade and catering facilities, housing buildings, means of transport, etc.

142. A special problem is schooling disabled persons, who, due to architectural and technical barriers, are diverted from regular schooling at secondary schools. Other than physical barriers, there are also barriers in the sense of equal rights for disabled persons to choose vocation and education. In Republika Srpska there are only four occupations for persons with hearing disabilities to study, and these are all in the field of craftsmanship. This puts them into a disadvantaged position in relation to other workers.

143. The assessment in the LSMS report on living standards concluded that in Bosnia and Herzegovina, about 170,000 people earn their income in the grey market, while they are officially listed as employed, mainly in public companies. It is partially so for the reason that, for example, in 2001 about 160,000 workers were registered as having their salaries overdue by two or more months.

144. When it comes to professional orientation, training and choice of profession, there is no discrimination on the base of gender, race, colour or ethnic origin.

145. According to Entity labour regulations, no possibility is provided for simultaneous full-time employment with two employers, despite the fact that such arrangements might secure a higher living standard for an employee and his/her family, so that every such job is considered unregistered work. Legal regulations allow so-called supplemental work, which can be carried

out by persons in certain occupations. However, if it is an activity performed also by the employer for whom the relevant person works, he/she is obliged to obtain special consent from that employer for performing such extra work.

### **Training programmes**

146. Government training programmes are developed and implemented through labour bureaux and project units established with competent ministries. These are connected to World Bank projects (programmes for retraining demobilized soldiers, and support for economic strengthening of returnee families) and are focused on training and financial support for development of farming and craftsmanship services.

147. There is a much broader spectrum of programmes developed and implemented through local and international NGOs operating in Bosnia and Herzegovina. Based on this, the Federal Employment Bureau offered financial support in 2000 as follows:

- Programmes providing new jobs and creating conditions for new employment of persons on a register;
- Individual employment programmes;
- Programmes designed for specific groups of unemployed (women, youth, disabled persons);
- Programmes for professional training and updating qualifications;
- Special programme for development of underdeveloped areas in the Federation of Bosnia and Herzegovina; and
- Returnee programmes.

148. In 2002, the Federal Employment Bureau supported 1,803 programmes with approved credit funds. The implementation of these programmes is expected to employ 6,000 persons registered as unemployed, in addition to completing retraining and changed qualification for 1,649 workers.

149. In 2003, the Federal Bureau developed a programme for the employment of young university graduates. This programme, which aims, inter alia, to discourage the departure of the young abroad, covers graduates registered as unemployed with the Bureau. The programme provides measures of co-financing for the labour market in the private sector, part of the public sector, except in administration, and co-financing in areas with particular need for certain professions. It plans for employment of 1,000 young unemployed persons.

150. The programme for professional and technical training has been developed and implemented by the Employment Bureau of Republika Srpska. Employers usually utilize funds for purposes approved by the Bureau, because such training belongs to Bureau-implemented measures. (A list of relevant regulations can be found in the annex.)

## **Article 7**

### **International instruments ratified**

151. Bosnia and Herzegovina has ratified the following ILO conventions:

- Convention concerning Minimum Wage Fixing, 1970 (No. 131);
- Convention concerning Equal Remuneration, 1951 (No. 100);
- Convention concerning Weekly Rest, 1921 (No. 14);
- Convention concerning Holidays with Pay, 1970 (No. 132);
- Convention concerning Occupational Safety and Health, 1981 (No. 155);
- Convention concerning Labour Inspection, 1947 (No. 81).

### **The right to fair compensation**

152. Salaries in Bosnia and Herzegovina are regulated by a general collective contract and branch collective contracts. In the Federation of Bosnia and Herzegovina, according to the Labour Law provisions, the lowest salary is determined by collective contracts and labour regulations. According to the general collective contract, concluded in May 2000, the lowest salary is determined by branch collective contracts, and it cannot be below 55 per cent of the average salary in the Federation, as per the latest published statistical data. This means that the lowest salary is a variable category and its nominal amount increases or decreases depending on fluctuation of average salary levels.

153. In Republika Srpska, the general collective contract determines a guaranteed salary of up to 65 per cent of the salary that an employee received in the last three months. This is owed if the employer is in financial difficulties, but for no longer than six months. The lowest labour price is determined at Republika Srpska level, i.e., at the level of branches and activities, and is multiplied by a coefficient of complexity for the work for every payment group.

154. The employer bound by a collective contract has to determine in its labour rules, developed in coordination with the union, the lowest salary, which cannot be lower than the lowest salary determined by the branch union. However, under legal regulations and norms derived from conventions pertaining to union freedoms and collective bargaining, along with the principle that a collective contract obliges only some parties to it, provisions of the general collective agreement are applied only in companies with majority State ownership in the Federation of Bosnia and Herzegovina.

155. Private employers who have not concluded collective agreements or have not acceded to it subsequently are not obliged to comply with its provisions, including those on minimum salaries. Article 116 of the Labour Law of the Federation of Bosnia and Herzegovina (*Official Gazette*, 43/99; 32/00 and 29/03). If there is an interest shown in the Federation

of Bosnia and Herzegovina, the federal minister can expand the application of collective agreements to other legal Entities if he deems it appropriate, even if they did not negotiate and conclude the contract or acceded to it subsequently. In deciding so, the minister can seek opinions from the union, employer(s) or employers' association to which the contract is extended.

156. Even though in the Federation of Bosnia and Herzegovina there are workers to whom the provisions of the collective contract pertain, the competent minister has not yet decided on extending application of the collective contract, even he receives the opinion from the union and employers association. Based on article 130 of the same law and with the aim of harmonizing economic and social policy, i.e., workers and employers' interests, and encouraging of conclusion and application of collective contracts, the Economic-Social Council can be formed. This was formed in early 2002 in both Entities. Unions in the Federation of Bosnia and Herzegovina and Republika Srpska launched activities to form such a council with the same aims and goals, as a form of tripartite negotiation. An adequate form of organization for Bosnia and Herzegovina unions appeared to be needed as an umbrella union organization. Such organization would be, inter alia, a partner to the Council of Ministers of Bosnia and Herzegovina on economic-social issues. Implementation of collective contracts in Republika Srpska in the private sector obliged employers to apply special sectoral collective contracts, despite the fact that they did not negotiate them. Without implementation of collective branch contracts, the by-laws defining workers' salary levels would not be possible to implement.

157. Both unions' representatives, after mediation, proposed the agreement on formation of a confederation of unions in Bosnia and Herzegovina, currently at the stage of adoption and signing. The Government has not recognized unions as equal partners to date. The European practice - Governments and unions address major issues through negotiations - has been very slow in its domestic application. That is why a method still used in Bosnia and Herzegovina is the strike, especially hunger strikes, used throughout the country as the basic way of meeting justifiable workers' requests.

158. As for the determination of salaries at the Council of Ministers level, the Law on the Civil Service in Bosnia and Herzegovina Institutions sets forth criteria for salaries, accounting for salaries and the structure of salaries for civil servants in joint institutions. The starting point for salaries for all civil servants is the same and is defined by the Bosnia and Herzegovina Council of Ministers. The basis is defined quarterly upon a proposal by the Ministry of Finance and Treasury. Civil servants are categorized in six salary grades, and quotients for each grade are defined by the Council of Ministers.

159. A salary is determined by taking a basic figure for salaries and multiplying it by a ratio plus a seniority supplement. In order to secure payment of obligatory contributions for social welfare and pension insurance, the Federation authorities have developed rules and regulations on contributions and on income taxes to identify the lowest basis for calculating contributions and taxes, up to 55 per cent of the latest statistically registered salary. This obliged employers to calculate their payment obligations.

160. The lack of regulations on the lowest wages allows violations of economic and social rights, especially by private employers. Categories of workers not covered by the minimum wage system or compensation mechanisms include those fired during the war, largely as discrimination on an ethnic-origin basis. Mostly older workers belong to this category who, due to the break in their seniority, are not eligible for pensions or unemployed benefits, as deadlines for registration have passed.

161. As mentioned above, salaries in both Entities are determined by collective contracts and are not subject to legal regulation (except for the lowest salaries, in bankruptcy cases in Republika Srpska).

162. Determination of the minimum wage is not connected to the value of the consumer's shopping basket, which, to our knowledge, is much higher than the minimum wage. In many cases, employers in Bosnia and Herzegovina are not able to pay even the minimum wage, i.e. the guaranteed salary. Control of wages is done by inspection authorities, but such supervision is not sufficient.

163. Other than the burden of the low salaries throughout Bosnia and Herzegovina, the compensation system is also burdened by other payments unknown in a market economy. Although salary levels in the market economy are aligned to workforce productivity, a practice is still in force that payments are made on the basis of seniority and degree of education which affects the mobility of the workforce. In order to correct the existing situation, future activities are necessary to establish appropriate bodies at all levels for the inclusion of employers in a tripartite dialogue and the introduction of increased flexibility in the compensation system. Also, it would be useful to develop employment programmes for some groups of the young in particularly difficult situations, such as orphans or those who left school, especially by way of subsidies to companies employing them and the introduction of on-the-job training.

164. Employers are not included in negotiations on collective contracts and, as a result, minimum wages are not attractive for a young, highly productive workforce. Employment bureaux which were established according to the Dayton Agreement Constitution, were organized at the level of Entities and cantons in the Federation of Bosnia and Herzegovina, and as a single centralized institution in Republika Srpska. They have a very limited circle of activities. We are still working on transformation of this institution. The new Council of Ministers Law set out a legal transformation of the former Employment Agency of Bosnia and Herzegovina.

165. Employment bureaux are ineffective and do not offer sufficient support in employment, even though considerable funds are being contributed to bureaux via employment programmes throughout Bosnia and Herzegovina. The practice to date shows that both employment bureaux, as well as cantonal employment offices, decide themselves on the eligibility of projects for funding. In the Federation of Bosnia and Herzegovina, loans are issued, and in Republika Srpska funds are granted, and in both cases banks are used for services. This system of funds allocation, in which employment bureaux assume the role of banks, is not appropriate, for these institutions are not competent in credit analysis and risk assessment. On the other hand, control of funds by companies themselves is very questionable. In their previous practice, both employment bureaux failed to exercise regular control over compliance with obligations regarding loans and grants (World Bank project implementation unit data).

166. Due to the above, in the coming period it will be necessary to work on strengthening employment bureaux in the area of trade identification and mediation in job-seeking. Also, a strengthened role for employment bureaux will be required for meeting criteria for allocation of benefits, especially health-care benefits, in case of unemployment. It is necessary to direct part of the resources collected by the bureaux to finance retraining or additional training programmes, pursuant to market requirements. Attention should be paid to fulfilment of obligations regarding funds allocated to date for employment programmes, and this particularly because from the end of war onwards, the employment bureaux of the Federation and Republika Srpska collected for the same purposes about KM 450 million. Control should be enhanced by competent Entity ministries and other bodies dealing more directly with these and similar issues.

167. As Bosnia and Herzegovina faces severe unemployment, it has to make urgent reforms that would lead to even higher unemployment in the short term. At least as concerns statistics, there is currently a larger number of workers who are formally employed but do not receive salary or benefits. This means that in reality no major job losses (by workers receiving salaries and contributions) are anticipated. Nevertheless, current unemployment levels require the development of an effective employment strategy. More workers are expected to report to employment bureaux in the coming period, so it is a task for the Governments of the Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District to carry out urgent preparations for the establishment of social welfare funds to offer short-term assistance to all, primarily those expected to lose their jobs during intensified reforms.

168. As a part of the measures that the Republika Srpska Employment Bureau has to implement, based on the Employment Law, active employment measures were defined through co-financing of job-creation programmes.

169. As a follow-up, Bosnia and Herzegovina should have to rely on entrepreneurship and sustained growth of the private sector. Many newly-formed companies are in a very difficult position due to an unsuitable credit policy, even though they represent the main base for employment of the young and more productive workforce, which is the largest unemployed category.

170. Rights to breaks (daily, weekly, annual), number of work hours and paid leave during State holidays are regulated by labour legislation and collective contracts. The length of working hours is regulated by Entity laws; it is 40 hours a week. The right to a paid annual vacation for a period of at least 18 working days in a calendar year is acquired after six months of uninterrupted employment.

171. According to the law, an under-age employee has the right to at least 2 working days of annual vacation, while an employee who cannot to be protected from hazardous agents in work, despite all protection measures, is entitled to at least 30 working days of annual vacation.

172. Collective contracts and internal rules determine the concrete criteria for length of annual vacations, taking due note of the minimum number of days. Collective contracts also define by law employees' rights in respect to paid leave during national holidays and days not being working days. The Federation Labour Law enables an employer to allow employee leave of



four days in a calendar year for his/hers religious or traditional needs. If an employee uses all four days, in a calendar year, two will be regarded as paid leave and two as unpaid leave. In practice, these stipulations are not fully observed, especially with private employers in some areas, like catering or retail trade. The situation is similar in Republika Srpska and Brčko District.

173. According to statistical data, average salaries in the last year (2002) in the Federation of Bosnia and Herzegovina were KM 513, in Republika Srpska, KM 356, and in Brčko District, KM 628. At the same period the average value of the consumers' basket was, in the Federation, KM 458, in Republika Srpska, KM 462 and in Brčko District, KM 419. Among measures the Republika Srpska Employment Bureau is expected to implement on the basis of the Employment Law are defined measures for subsidizing employment programmes.

174. In 2001, UNPD research showed State-level income to stand below KM 300 in 25 per cent of households. Pensioners in the Federation received KM 188 on average, and pensioners in Republika Srpska received some KM 120 on average. Categories of workers who are not protected by minimum wage laws or otherwise indemnified include those workers who were fired during the war on the basis of their ethnic origin. This category of worker has no available form of protection, their employment was terminated illegally (by decision of war crisis staffs), they are not eligible for retirement and their claims for compensation in terms of their seniority values or application for unemployment benefits, i.e. social welfare and material conditions secured are not being dealt with.

175. Bosnia and Herzegovina labour and social welfare legislation forbids any form of labour discrimination and calls for: the right to an equal salary for equal work, the right to equal education, training and professional upgrading, the right to defined working hours, the right to vacations and leaves, the right to labour protection, the right to employment stability, i.e. the right that one's employment can cease only under conditions defined by law, the right to protection of one's rights (right to objection and complaints), the right to decision-making, the right to social welfare, and the right to social and material security during unemployment.

176. Labour protection in Bosnia and Herzegovina is secured by special Entity labour protection laws, which set forth obligations in relation to periodic reviews of equipment, electrical installations, chemical or biological conditions or microclimate in working and auxiliary premises and periodic medical examinations of employees. Employers are responsible for security in work, the appropriateness of the tools for work and teaching each employee about work conditions. Supervision of regulations for protection and security at work is made by labour protection inspection authorities.

177. One general assessment made by labour and labour protection inspection authorities is that measures to secure health protection and work security are not sufficient. This is the result of scarce financial resources, which should provide for better work conditions. We do not possess data on the number of professionally-related health conditions. One consequence of this is increased number of accidents in work. (The list of relevant regulations can be found in annex.)

**Table 1****Injuries at work in the Federation of Bosnia and Herzegovina**

Year	Number of injuries	Light injuries	Serious injuries	Work-related deaths	Professional health conditions
2000	8	3	36	10	0
2001	53	1	48	4	0
2002	84	15	58	11	0

**Table 2****Injuries at work in Republika Srpska**

Year	Light injuries	Serious injuries	Work-related deaths
2001	1	13	6
2002	17	19	9
to 30 June 2003	11	16	5

178. Possibilities for promotion at work are legally equal for both men and women. Promotion criteria are defined by specific legislation for specific areas, such as education, public administration and the health sector. Yet the issue is the discrepancy between legal regulations and reality: problems exist, especially in the case of women because their promotion possibilities are considerably lessened.

**Article 8****The right to independent union organizing and the right to strike**

179. The right to independent union organizing in Bosnia and Herzegovina is provided for in the law. Even though its wording is quite universal, it clearly stipulated that workers have the right to organize themselves in unions. Provisions on the right to union organizing are far more concrete and detailed in branch collective contracts.

180. For example, the collective contract of the oil and petrochemicals branch in the Federation of Bosnia and Herzegovina states, in articles 66, 70 and 72, as follows:

“For the sake of protection of its economic and social rights and interests, employees have right to organize unions or other kind of union organization with their employer. The employer is obliged not to prevent by any action or in any way, the operation of unions and union organizing of its employees. The union is obliged to carry out its activities, and the employer is obliged to respect the same, in compliance with the ratified international conventions, laws, the present contract and union statute.”

“The employer is obliged to secure implementation of all rights from the area of union organizing of employees, set forth by ratified ILO conventions, law and the present contract. Activities of union secretary or union president with employer must not be prevented or impeded if they work in compliance with the ratified ILO conventions, law and the present contract.”

“Employers or employers acting on their own behalf through a person, member or agent are not allowed to:

1. Interfere into establishment, operation and management of union;
2. Advocating or offering support to union with an aim at controlling it.

Union that acts on its own behalf, or through a person, member or agent, is forbidden interference into establishment, operation or management of Employers' Association.”

181. In Bosnia and Herzegovina, the Constitution, the law and collective contracts allow workers to organize strikes. The right to strike is regulated by the 1998 Law on Strikes, (*Official Gazette of Bosnia and Herzegovina*, No. 10/89), and in 2001 the General Council of Alliance of Unions set the union rules on strikes.

182. In the Federation of Bosnia and Herzegovina, the right to strike is regulated by the Law on Strikes, (*Official Gazette of the Federation of Bosnia and Herzegovina*, No. 14/00), as well as by the Association of Independent Unions statute, article 30, and the Association of Independent Unions of Bosnia and Herzegovina rules on strikes, of 25 October 2001.

183. The right to strike of career military personnel and authorized Ministry of the Interior officials is regulated by a separate law.

184. In activities of particular public and social interest (power utilities, water management and water supply, passenger, railway and road traffic and road maintenance, post and telecommunications, State radio and TV, public utilities, production of basic food products, medical care, social protection and child protection, fire protection, elementary schools, public administration and animal health care) must maintain minimum operations during a strike. Striking is to take place within the enterprise or institution's facilities, while taking to the streets is regulated by the law on public assembly.

### **Union organizing**

185. In the Federation of Bosnia and Herzegovina unions are organized into an alliance called the Alliance of Independent Unions of Bosnia and Herzegovina and it gathers 22 branch unions with titles and membership as follows:

- Independent Union of Agriculture, Food Processing and Tobacco Industry, Water Management, Catering and Tourism, with 22,000 members;
- Union of Metal Industry Workers, with 22,000 members;

- Independent Union of Forestry, Wood Processing and Paper Production, with 17,800 members;
- Union of Civil Construction and Construction Material Industry, with 18,300 members;
- Union of Textile, Leather, Footwear and Tyre Workers, with 18,500 members;
- Independent Union of Miners, with 16,000 members;
- Union of Graphic Workers, with 2,500 members;
- Union of Trade, with 32,000 members;
- Union of Road Traffic, with 12,000 members;
- Union of Steelworkers, with 7,500 members;
- Union of Telecom and Post, with 7,500 members;
- Union of Power Facility Workers, with 7,500 members;
- Union of Chemical and Non-Metal Industry Workers, with 4,850 members;
- Independent Union of Oil and Petrochemicals Industry, with 1,900 members;
- Independent Union of Elementary Education and Development, with 13,500 members;
- Independent Union of Public Utilities Workers, with 7,400 members;
- Union of Secondary Education, with 7,700 members;
- Independent Union of Administration and Judicial Authorities Officers, with 19,500 members;
- Union of Finances, with 7,100 members;
- Union of Journalists, with 2,500 members;
- Association of Police Unions, with 11,300 members; and
- Independent Branch Union of Health Workers, with 17,500 members.

The total number of unionized workers is 277,450 members in the Alliance.

186. In Republika Srpska, 15 sectoral unions are organized under unions with membership as follows:

- Union of Metal and Mining Industry Workers, with 40,000 members;
- Union of Trade, Catering and Tourism Workers, with 12,500 members;
- Union of Health Workers, with 12,000 members;
- Union of Education, Science and Culture Workers, with 17,750 members;
- Union of Forestry, Wood Processing and Paper Production Workers, with 12,000 members;
- Union of Information and Graphic Workers, with 2,000 members;
- Union of Civil Construction and Housing and Utilities Workers, with 14,700 members;
- Union of Transport and Communications Workers, with 32,000 members;
- Union of Administration Workers, with 4,750 members;
- Union of Legislation Workers, with 2,000 members;
- Union of Agriculture and Food Processing Industry Workers, with 10,190 members;
- Union of Workers of the Interior Ministry, with 8,000 members;
- Union of Financial Organization Workers, with 2,500 members;
- Union of Textile, Leather and Footwear Workers, with 19,000 members;
- Union of Power Utility Workers, with 11,000 members.

The total number of Republika Srpska unionized workers is 201,190.

187. Strike limitations exist in the sense of carrying out minimum activities in certain work processes, and obligations in respect to proper announcements of a strike to employers.

188. In Brčko District, the union was formed on 7 February 2001, under the Agreement with the Federation of Independent Unions of Bosnia and Herzegovina and the Federation of Independent Unions of Republika Srpska, of 25 May 2000, as a voluntary interest organization of workers. It is independent in relation to State authorities, employers, political parties, religious authorities and institutions, and other organizations, including other unions.

189. The Brčko District union agrees on plans, coordinates and implements tasks and activities of common interest for its membership, starting from the principle of equality, mutuality and solidarity. It also cooperates with Entity unions and ex-Socialist Federative Republic of

Yugoslavia unions, as well as with European and world unions, with a view of strengthening cooperation among unions. It pursues its programme aims and tasks through legal use of all types of union activity, starting from voicing opinions, setting out initiatives and proposals, collective bargaining, demands for resignations, and organized protests, including strikes.

190. Joining a union is on a voluntary basis. Out of the overall number of employed, 20 per cent are members of a union, funding the organization in terms of its infrastructure, covering all material and non-material expenses, reimbursements, union cooperation, legal protection, education and other requirements, with 1 per cent of their net salaries. Half of the total membership fee is used for the social welfare needs of its members. The number of members has increased with respect to last year, and the trend continues.

191. A member of a union is also a member of one of branch unions of the Alliance of Independent Unions of Bosnia and Herzegovina and the Alliance of Unions of Republika Srpska. A private employer cannot be a union member. A manager of an enterprise, institution or other legal Entity (other than a union representative) has his union rights put aside for the period in which he holds the managerial position.

192. The union is concerned with the betterment of labour's legal interests through law, primarily the Labour Law, as well as monitoring the privatization process. Also, it is about the creation of a favourable environment for signing the General Collective Contract for Brčko District, in such a way that an observer's chair is reserved in the assembly hall and he receives discussion papers regularly. The union also takes care of workers' vacation conditions, rehabilitation and recreation, as well as the provision of heating and winter food reserves.

193. Special attention is paid to information and education of its membership and the organization of seminars on topics important for both workers and unions in the transition process. We acknowledge that the union should be active more in the improvement of status of the employed, whether in respect to an increase of salaries and other benefits that a worker or employee should have.

## **Article 9**

### **International instruments**

194. Bosnia and Herzegovina acceded to 15 international human rights conventions, out of which 6 human rights conventions which refer directly to human and social rights. These international resources on human rights are a constituent part of the Bosnia and Herzegovina Constitution and have the legal effect of constitutional provisions.

195. Bosnia and Herzegovina acceded to 18 conventions on social protection by its Act of Notification on Succession through bilateral resources. It also re-signed and ratified conventions on social welfare with Austria and Croatia, and conventions with Serbia and Montenegro, as well as with Macedonia and Turkey, which conventions are in the process of ratification. Under the Bosnia and Herzegovina Constitution, social welfare is under the competence of the Entities and Brčko District.

## **Social protection**

196. The right of every person in Bosnia and Herzegovina to social security and social insurance is provided for through social protection, health care, and pension and disability protection.

197. Bosnia and Herzegovina has the following social welfare responsibilities: medical protection; cash compensation in case of illness (temporary disability to work); maternity compensation; retirement compensation; disabled persons compensation; social welfare; and child welfare.

198. Basic social protection rights granted the citizens of Bosnia and Herzegovina include several forms of cash and other assistance. Material provision (cash and non-cash assistance) includes: permanent cash benefits received by persons unable to work, i.e. prevented from exercising their right to work, such as men over 65 and women over 60, women during pregnancy or after delivery; parents, stepfathers, stepmothers or foster parents taking care of one or more children younger than 1 year and who are without family members or those legally obliged to take care of them, or if they do, such persons are not able to take care of them; a child until he/she turns 15, or until 27 if pursuing education; a person with permanent disturbances in physical and psychic development; persons taking care of another person with a disability or serious health condition, if established that the disabled person needs assistance.

199. Cash benefits for support and care by another person is an entitlement for persons with a disability or disturbance in physical or psychic development, as well as for old and helpless persons whose changed health condition requires permanent care by another person. Other material benefits include: temporary, one-time, and other cash benefits and non-cash benefits to uninsured persons or families in need.

200. Assistance is provided for ability-building for life and work (an entitlement for children disturbed in physical and psychic development, or persons that are for the sake of learning sent outside their home area). Accommodation in social care institutions, or with another family and the right to social and other professional services is an entitlement for persons, families and social groups. This is independent from their material status and use of any other form of social protection (i.e., mitigation of consequences of social problems).

201. Home care and assistance (the organized provision of various services such as feeding, housework and other required activities, maintaining personal hygiene of persons in needs) is an entitlement for persons totally incapable of independent work and earnings, men over 65, women over 60, and persons with permanent physical and psychological disturbances in developments, hence unable to take care of themselves.

202. Provision of social care services which fully or partially meet the social requirements of users is carried out, except in cases of municipal agencies responsible for social care (in municipalities without centres for social care) by the following social care institutions:

- Social care centres (87 social care centres are active in the Federation of Bosnia and Herzegovina and 28 municipal agencies responsible for social care, and in Republika Srpska, 42 social care centres are active, together with 20 municipal agencies);

- Institutions for the accommodation and care for parentless children, educationally uncared-for children, and children disturbed in physical and psychological development;
- Institutions for adults and older persons;
- Institutions for the social and health care of disabled persons and other persons;
- Institutions for daily stays by social services users.

203. In Bosnia and Herzegovina, there are a total of 37 social care institutions for accommodation and care of listed user categories, out of which 27 are located in the Federation of Bosnia and Herzegovina and 10 in Republika Srpska. Social services provision in Bosnia and Herzegovina is done, mainly, through local social services activities, called “social care centres”. Funding of these institutions is the responsibility of municipalities and the Entity Ministry of Health and Social Policy. In Brčko District, this kind of social care is realized through Government-financed social care subdivisions.

204. In both Entities, social care institutions take care of the handicapped and elders. The Brčko District uses Entity facilities for accommodation of its users. Funding of social care institutions is carried out in several ways as follows: the Ministry’s share; and self-financing, based on service activity.

205. Social welfare and the social security of the population is guaranteed by the Republika Srpska Constitution and presumes, in narrow sense, social welfare for the population in social need, as well as child protection in accordance with the following: the Law on Social Welfare (*Official Gazette of Republika Srpska*, Nos. 5/93 and 15/96); and the Law on Child Protection (*Official Gazette*, Nos. 15/96, 10/98, 26/01).

206. Social welfare and child protection laws guarantee the rights set out by international standards and incorporated into the basic conventions of the International Labour Organization in this area.

207. Social welfare in Republika Srpska is an organized activity directed at the reduction and elimination of the causes and consequences of the state of social need in all aspect of social life and work, in addition to extending aid of citizens and their families when in need. Social need is considered the state in which a citizen or family needs aid to overcome social difficulties and meet their living needs. Basic rights in social welfare for citizens are as follows:

- Material protection;
- Compensation for assistance and support of another person;
- Assistance in work training for children and youth;
- Accommodation with social welfare institutions or other family, social services; and
- Social work services.



208. Republika Srpska social welfare legislation covers all women, and when it comes to the use of pensions of spouses, both men and women have the right to a family pension after the death of an insured spouse.

**Social welfare, social protection of civil war victims, protection of families with children**

209. In Bosnia and Herzegovina legislation, the principle of non-discrimination and of discrimination being legally forbidden is incorporated into all Constitutional provisions, including:

- The Bosnia and Herzegovina Constitution (General Framework Agreement for Peace in Bosnia and Herzegovina, annex IV, art. 4, para. II);
- The Federation of Bosnia and Herzegovina Constitution (art. 2 (1) d);
- Republika Srpska Constitution (art. 10).

210. The Federation's Law on Fundamentals of Social Welfare, Protection of Civilian War Victims and Protection of Families with Children (art. 50), sets forth that social welfare institutions must not set any restrictions on territorial, ethnic, religious, political and other grounds (race, colour, gender, social origins etc.), in accordance with the current law (*Official Gazette of the Federation of Bosnia and Herzegovina*, No. 36/99) for these institutions.

211. GDP per capita in 2001 was KM 2,559, and according to data available, the health-care share in spending in 2001 was about 8 per cent, or KM 205 per capita.

212. According to the current legislation in Bosnia and Herzegovina, there are no groups without entitlement to social security, meaning that women's rights to these benefits are not violated. All levels of authority have to secure the regulation of social insurance as follows:

- Development of legal regulation;
- Development of by-laws;
- Provision of staff in legislation implementation;
- Provision of facilities for services accommodation;
- Regulation of financial funds for application of legal provisions.

213. Based on several sources, over 50 per cent of providers in Bosnia and Herzegovina are in default concerning social care construction. The social care coverage of citizens is different by Entities and by levels of regional organization.

**Right to health care**

214. Health care is a set of measures, activities and processes in promotion of the right to life, maintenance and promotion of health. In Bosnia and Herzegovina it is organized and implemented as primary, specialist-consultancy and hospital health care.

215. Health care offered in Bosnia and Herzegovina includes the following:

- Emergency health care;
- Curing of contagious diseases;
- Curing of acute and chronic illness in life-threatening cases and conditions;
- Health care for children under 15;
- Health care for pupils and students (youth);
- Diagnostics and curing of endemic nephropathy;
- Curing of cancer and insulin-dependent diabetic patients;
- Health care for women during pregnancy and maternity;
- Social welfare for mentally disordered persons;
- Health care for patients suffering from progressive neuromuscular illnesses, such as paraplegia, quadriplegia, cerebral paralysis and multiple sclerosis;
- Health care for citizens over 65;
- Treating narcotics-addiction;
- Blood donation services.

216. The right to health care in Bosnia and Herzegovina is carried out at the Entity and Brčko District levels. The basic legislation regulating the area of health care includes the laws on health insurance. The health-care system in the Federation of Bosnia and Herzegovina is established by the Constitution and is largely decentralized and regulated under Entity and Brčko District social and health-care laws.

217. In Bosnia and Herzegovina, health-care services fall within the jurisdiction of the Entities and Brčko District. In the Federation of Bosnia and Herzegovina, health care is organized through the health insurance fund, the primary, secondary and tertiary health-care services. Financing of services in this area is made by contributions from salaries of the employed, from contribution from salaries of employers, contribution from farmers, and budgetary transfers for some categories of population.

218. In Republika Srpska, health-care services are organized through its health-care fund, the primary, secondary and tertiary health-care services. Health-care funding in Republika Srpska is identical to that in the Federation of Bosnia and Herzegovina. Health-care services in Brčko District are organized in the same way as in both Entities, and its government finances health-care services.

219. With insurance, patients also participate in cost-sharing of health services. The majority of patients (80 per cent) are exempted from cost-sharing. Some services are paid by patients directly, like unsubsidized medicines. Also, the share of health-care services in private institutions is borne directly by patients. Rights covered by obligatory health insurance include the right to health care, subsidies, including subsidies of travel expenses related to use of health care. Rights to obligatory health insurance can be exercised only by a person whose insured status is ascertained.

220. In the Federation of Bosnia and Herzegovina, laws prescribe contributions ceilings (13 per cent of salaries, 4 per cent paid directly by the employer). Cantonal assemblies decide on the share of contributions. The payment of contributions is different depending on regions and the health-insurance payer. The Federation of Bosnia and Herzegovina pension fund, the federal employment bureau, the Army and employers meet their obligations, but are not undertaken by all.

221. In Republika Srpska, health insurance is centralized (single health insurance fund with its municipality-based offices). The contribution rate is based on net salaries (on the employed, 15 per cent, on pensions 3.75 per cent and on cadastre revenues of farmers, 15 per cent). Payment for health-care services has started based on new health-care contracts. In the Federation of Bosnia and Herzegovina, cantonal health-care bureaux are responsible for funds collection and their distribution according to the old, inherited system.

222. New contracting models are at the early stages and are applied in two cantons only. In the Federation of Bosnia and Herzegovina, provision and collection of resources is done from health insurance contributions and from the Federation budget, in addition to its Solidarity Fund. Distribution of resources is done on the basis of contracts with health-care institutions, in such a way that funds follow the insured.

223. Agreement on the implementation of the right to health care is signed between Entities and Brčko District, but this is not complied with, so very few insured people enjoy health care on the base of this. As Entity laws remain unharmonized in respect to health insurance, changes of residence for returning displaced persons cause the loss of health-care insurance and more costs for health-care institutions.

224. Accounting for overall revenues and expenditures in health-care system is difficult to assess because there is no official accounting. Assessments and analyses are done at the Entity level. Activities were started in 2002 for the reconciliation of methodological approaches for the calculation of total health-care revenue and expenditure at the Entity level. Subsequently, assessment is to be developed for the Bosnia and Herzegovina State level. On the basis of obligatory health insurance, revenues for 2001 at the Bosnia and Herzegovina level were KM 589.7 million or KM 157.04 per capita, or KM 198 per insured. Pursuant to this approach, rough figures show that the State should pay for each uninsured person a minimum of KM 41 or, in total, KM 31.85 million of additional funds. Due to the lack of exact data on other resources in the health-care system, the latter figure might be somewhat lower.

**Table 3****Calculation of total health-care revenue/expenditure (in millions of KM)**

	2000	2001	Ratio 2001/2000
The Federation of Bosnia and Herzegovina	419 140	422 989	100.9
Republika Srpska	150 202	166 700	110.6
Bosnia and Herzegovina	569 342	589 689	103.5

*Source:* FBH Health Insurance Bureau, RS Health Insurance Fund.

225. In cases of injury at work and professional-related health conditions, the insured are provided with health care under the health insurance laws, along with diagnosis and prevention of professional-related health conditions. The right to orthopaedic aides for healing and medical rehabilitation from injuries at work and professional-related health conditions are provided with the aim of restoring working ability. Compensation for travel expenses, and salary compensation during sick leave is provided for in an amount of 100 per cent.

226. Health insurance in pregnancy and maternity falls within the obligatory health insurance in both Entities and in Brčko District. Funds for reimbursement of pregnancy leave are provided for in budgets of cantons, or municipalities and Brčko District at levels determined by legislation.

227. Regulations in the field of child protection govern maternity leave, and are implemented through health insurance. According to some unofficial data, this obligation is not observed in some municipalities or cantons, i.e. mothers on maternity leave are not reimbursed as provided by law.

228. Children of the insured are also insured from 15 to 26 years of age if they are regular students in secondary or higher education, i.e. during the period of regular schooling. Children of the insured who due to illness or injury terminated their regular schooling, are entitled to health insurance during illness or injury. Under special regulations, children of the insured who became fully and indefinitely disabled for work before they turned 15, i.e. during their period of schooling, have the right to insurance during their disability condition.

229. Children adopted by the insured have the right to insurance if they are orphans. Children with one or both parents and who are adopted by an insured person have the right to health insurance if their parents, owing to their health condition or other reasons cannot take care of the children and support them.

230. Laws provide for the right to health insurance for secondary school pupils and regular university or high school students if they are residents and citizens of Bosnia and Herzegovina and are not insured otherwise through family insurance. It is obvious from the above that the insured are entitled to health insurance. However, even if the law defines the insured on a broad basis and also gives the right to be insured to family members of the insured, there are some vulnerable groups of the population left uncovered. Children of pre-school age are not insured if their parent or custodian is not insured in any way.

### **Rights concerning pension-disability insurance**

231. Pension-disability insurance is among the basic social welfare and basic social security rights, which are acquired based upon work. They include obligatory pension or disability insurance and voluntary insurance for people in accordance with the laws, rights to old-age pensions, disability pension due to reduction or loss of work ability and the death of the insured, and the provision of social security to insured persons and their family members.

232. The extent of rights depends on the length of pension seniority and salary levels that the insured had during his work period, or the base amounts paid as contributions for pension and disability insurance.

233. All spouses have the right, if determined under law, to a survivor's pension after the death of their spouse.

234. The obligatory age for men retiring is the same: it is 65 years of age or 40 years of pension seniority, while the voluntary age for men retiring is 65 and 20 years of pension seniority. For women, the obligatory terms are 60 years of age and at least 20 years of pension insurance, while either men or women who do not have 20 years of pension insurance acquire the right to a pension with at least 25 years of pension seniority in the Federation of Bosnia and Herzegovina. In Republika Srpska, the right to a pension is acquired by men at 55 years of age or by women when 50 years of age.

235. The rights to a pension and disability insurance are provided for in accordance with the law for insured persons by employers and the State. Rights to pensions or disability insurance are inseparable personal and material rights; they cannot be transferred to other persons or inherited. Payments that were not received due to death can be inherited. In order to carry out rights to pensions and disability insurance, two Entity funds for pension-disability insurance were formed.

236. The right to disability insurance is acquired by an insured person who is obligatorily or voluntarily insured by pension or disability insurance and who:

- Suffers from a loss of ability to carry out activities on the basis of which he/she is insured or abilities needed for economic activity;
- Is denied the ability to work, with previous training or additional training, but he/she was superannuated at the date of disability.

237. A disabled worker who acquired the right to training or additional training cannot have the right to a disability pension if he subsequently becomes too old for additional training. A disabled worker who is trained for work on another job but who, after he/she turns 50 (men) or 45 (women), loses because of disability the ability to work even in that other job, acquires the right to a disability pension, if he/she is not able to work in a new job without additional training.

238. Persons insured voluntarily on the basis of their agricultural activity acquire the right to a disability pension if disability is caused by an injury at work or a professional-related health condition, regardless of their length of pension seniority. Each person with disability insurance has the right to a pension if the disability was caused by a work-related injury or illness, under the condition that he/she had pension seniority that covers at least one third of his/her working time. Persons with a disability condition before 30 years of age, caused by an illness not related to work, acquire the right to disability insurance on condition that the disability insurance covers at least one third of their working time.

239. A disability pension following illness or injury not related to work is calculated by the appropriate percentage of base pension, pension seniority, gender of the insured and the calendar year in which the right to a pension would be implemented. In case of disability caused by injury at work or professional-related health condition, it is calculated by the percentage of base pension, regardless of pension seniority, and is more favourable than disability pension for an illness or injury not related to work. The level of disability pension in both cases is more favourable for women, but they acquire the right on the same terms as men.

240. The pension system in Republika Srpska is governed by the Law on Pension and Disability Insurance (*Official Gazette of Republika Srpska*, 32/00). The right to pensions and disability insurance is considered one of the basic social rights and social security elements for citizens. It is acquired by work, i.e. obligatory pension and disability insurance and voluntary insurance, as provided under the law.

241. Laws on pension and disability insurance clearly define rights that are provided for based upon obligatory and voluntary insurance, according to mutuality and solidarity principles, such as: rights of older persons, rights in cases of reduction or loss of the ability to work, and rights in the case of death or injury for provision of insurance to family members. Rights to pension or disability insurance are acquired and exercised under conditions stipulated by law. Their extent depends, by rule, on pension seniority and the level of salaries. Funds for pension and disability insurance are provided for by the insured, employers and the State. Rights to pension and disability insurance are inalienable personal material rights and they cannot be transferred to or inherited by other persons. Pensions not paid out owing to the death of the pension user can be inherited. Acquired rights cease only in cases provided for under the law. To exercise rights and identified requirements and interest to pension and disability insurance, the pension-disability insurance fund was established.

242. The Republika Srpska Law on Pension and Disability Insurance provisions are in line with the ILO Convention concerning Minimum Standards of Social Security, 1952 (No. 102), in its part referring to the contribution for older persons, for cases of accidents at work and professional-related health conditions, and payments to family members in case of the death of their breadwinner, as well as provisions of other relevant conventions in this field which guarantee equal rights to all persons entitled to benefits in accordance with the Law on Pension and Disability Insurance.

243. Rights to pension and disability insurance are defined by law as follows:

- For the elderly: old-age pension;
- In cases of disability: disability pension, training or additional training and reassignment and the right to financial compensation on the basis of the right to training while waiting for a new assignment;
- In cases of death of the insured, the beneficiary of personal pension receives a family pension.

244. The right to a disability pension is acquired by persons insured obligatorily or voluntarily in the following cases:

- Anyone who suffers from loss of ability to work, loss of ability to perform activities on the basis of which he/she is insured or loss of ability for economic activity;
- Anyone whose remaining ability to work is conditioned upon retraining or additional training, but to which the insured is not entitled, as he/she turned 55 (men) or 50 (women) at the date at which the disability was acquired.

245. However, a disabled person who acquired the right to retraining or additional training is not entitled to a disability pension based upon a disability claimed after he/she reached the age when no right to such training is guaranteed.

246. The disabled person who is retrained or additionally trained for another work assignment, for which, after turning age 50 (men) or 45 (women) and, due to changed disability levels, he/she loses that new assignment, such a person acquires the right to a disability pension without new or additional training.

247. Persons voluntarily insured on the basis of their agricultural activity, acquire the right to a disability pension if disability was caused by an injury at work or a professional-related health condition, regardless of the length of pension seniority. Each person insured by a disability pension acquires the right to such pension when the disability is caused by an injury outside work or an illness, if he/she has pension seniority that covers at least one third of his/her work life. Persons disabled under age 30, by illness or job injury, acquire the right to disability pension if their pension seniority covers at least one third of their work-life expectancy.

248. Out of a total of 165,481 pensioners to whom pensions are provided in Republika Srpska, as at December 2001, there were 32,510 persons receiving disability pension with an average pension of KM 117.75 (Report on the status of pension and disability insurance and recommendations, April 2002). Starting from the fact that funds for carrying out the rights to pension and disability insurance are largely provided for from contributions, and that the number of the insured registered for pension and disability insurance disbursements as at 31 December 2001 was 298,497, we arrive at a conclusion that the increase of pensions this year in relation to current number of pensioners will only be symbolic. Therefore, it appears necessary to undertake some protective measures for pensioners concerning their living standards.

249. The insured who are temporarily unable to work due to other non-professional-related health conditions and injuries include those who are either accompanying a patient sent to medical treatment, or they provide care for an ill spouse or child. They have the right to compensation in the amount of 80 per cent of their base salary from the previous month during their temporary inability to work. In cases of pregnancy and maternity complications, the compensation is 100 per cent.

250. Compensation for salary lost due to injuries at work or professional-related health conditions is accounted and disbursed from the resources of the legal, i.e. natural, person employing the insured.

251. Insured persons have the right to orthopaedic and other aides, dentistry-fixtures aid, as well as the use of drugs which are permitted by public authorities for sale and financed by competent health insurance bureaux. The prevention of malign diseases, including AIDS, and tuberculosis, is carried out by Entities and Brčko District.

252. Persons resident in Entities or Brčko District who are incapable of independent living and work and who do not have funds for support are obligatorily insured, for health care to the extent defined for insured family members.

#### **International assistance**

253. The Brčko District enjoys administrative and legal assistance from the international community. The Federation of Bosnia and Herzegovina has received to date numerous donations and loans that were enormously helpful in shaping the health-care system. The projects implemented or ongoing are as follows:

- UNICEF expanded programme of immunization: the project was launched in 1992 with the aim of reaching 95 per cent coverage for vaccination of children under 6 and eradication of diseases;
- Mother and child health and nutrition sub-project 3.4: control and prevention of micronutrient deficiencies: the aim was to develop control and prevention of diseases due to micronutritive deficiencies; project was launched in 1998;
- United Nations Children's Fund programmes on mother and child health and nutrition; on the promotion, support and protection of breastfeeding and the Baby-Friendly Hospital Initiative launched in 1993;
- United Nations Children's Fund programme on prevention of nutritive anaemia of children under age 6, 1999;
- SWE-BH: Swedish psychiatric, social and rehabilitation project for Bosnia and Herzegovina: "Mental Health Reform in Bosnia and Herzegovina";
- Support to mental health reform in Bosnia and Herzegovina;



- Support to Sarajevo University in postgraduate studies in mental health, Child and Adolescent Psychiatry and Psychology (CAPP);
- Training of mental health professionals of all profiles in the Clinical Medical Centre of the Federation of Bosnia and Herzegovina;
- Provision of literature to universities in Sarajevo, Tuzla and Mostar, and other mental health centres in the Federation of Bosnia and Herzegovina, 1997-2003;
- Phare Bosnia and Herzegovina health care reform project;
- Promotion of the health condition of the population of Bosnia and Herzegovina through efficient and sustainable systems of health care and the pharmaceutical sector;
- Efficiency improvement of the health-care network by following the best practice, development of institutional systems, strategic planning, education and other key issues;
- Management training for six key health-care facilities, four hospitals and two clinics, for development of strategic business plans;
- Drafting of guidelines for development of health-care facilities strategy;
- Sumitomo Corporation: primary health care: improvement of medical equipment in primary health care - a grant in equipment for 29 clinics, 1999;
- Sumitomo Corporation: improvement of equipment in hospital health care - grant in equipment for three health-care centres: Sarajevo, Tuzla, Mostar and State Hospital in Sarajevo, 1997-1998;
- Health Net International, funded by BUZA, Dutch Ministry of Foreign Affairs: establishment of a mental health centre in Bosnia and Herzegovina, 2000;
- Community-based mental health services in Central Bosnia Canton: reduction of psychiatric morbidity and mortality in Central Bosnia Canton and improvement of integration and participation of traumatized patients in society.

### **Legal regulation**

254. Legal regulation provided for the requirement that every Bosnia and Herzegovina citizen be part without discrimination in any area of social insurance coverage. In pursuance of this, the Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District Governments have almost identical laws regulating the rights in this area:

- Social welfare, child protection and family protection;
- Health care, health insurance;

- Pension-disability insurance (*Note:* The Brčko District Government failed to adopt a law on pension-disability insurance in the period 2000-2003, despite initiatives and numerous meetings with Entity governments representatives).

Solidarity Funds have been established in cantons to make funds distribution as fair as possible.

255. In 1992, Bosnia and Herzegovina had only one umbrella law for each area of social welfare, while since 1992, and with the change of authority, the established two Entities enacted their respective laws as follows:

- The Law on Social Welfare;
- The Law on Health Care;
- The Law on Health Insurance;
- The Law on Pension-Disability Insurance.

256. With the establishment of Brčko District in 2000, the adoption and application of the following laws took place:

- The Law on Health Care;
- The Law on Health Insurance;
- The Law on Social Welfare;
- The Law on Children's Welfare.

## **Article 10**

### **International instruments**

- **International Covenant on Civil and Political Rights;**
- **Convention on the Rights of the Child;**
- **Convention on the Elimination of All Forms of Discrimination against Women.**

257. According to the Family Law, article 2, in Bosnia and Herzegovina, the family is defined as a living community of parents and children and other relatives. Family defined as such is family in a broader sense, because, other than parents, it includes relatives as well. This made a good legal framework and definition for leaving a wider range of people responsible for the exercise of the rights of the child, which is of great importance for a child's emotional development.

258. According to provisions of the Law on the Basis of Social Welfare, Protection of Civilian War Victims and Family Protection, article 2, a family is comprised of: the spouse, marital or not, child (marital, non-marital, step child or fostered child), father, mother, grandfather, grandmother (on both parents' side), and spouses' siblings.

259. Other legal regulations in Bosnia and Herzegovina, such as the Law on Inheritance, the Law on Housing Relations, the Law on Pension-Disability Insurance and others, a family is defined by defining a wider range of persons in determining some rights and relations.

260. In the Bosnia and Herzegovina private sphere, a child is considered to be any person under 18, at which time he/she acquires maturity and a full working capability. Mature persons obtain the right to vote. According to the Law on the Basis of Social Welfare, Protection of Civilian War Victims and Protection of Family with Children, a child is considered a person under 18, except when, in order to fulfil rights to child benefits and provision for schooling or scholarship for pupils and students, a person is over 18 and under 26.

### **Rights from marriage and marital relations**

261. The family enjoys special protection, as defined under the Constitution of Bosnia and Herzegovina. The Constitution is Human Rights Catalogue, article 12, item 3 (j), defined the right to marriage and formation of family.

262. Marriage and marital relations in the Entities and Brčko District are regulated by laws. This subject is regulated by the Family Law (succeeded from the previous State) in the Federation of Bosnia and Herzegovina, and by the Family Law of Republika Srpska (*Official Gazette of Republika Srpska*, No. 54/02). These stipulate that marriage is legally defined as the community of a man and woman. The right of forming marriage by free will of a man and woman is guaranteed, along with equality of spouses, mutual respect and support. In practice, there are no obstacles to carrying out this right, otherwise the marriage itself would be regarded as non-existent.

### **Support to the establishment of a family**

263. Support includes compensation for salary during maternity leave; maternity benefit (to which every mother has the right; every unemployed mother has a right to such benefits until her child turns 1 year); an assistance for baby kit, for every family; organized food in school kitchens; and child benefits paid to the family by law.

264. In addition to the above-mentioned rights, other rights and kinds of social care for children, are provided for in Bosnia and Herzegovina, such as: one-time assistance, loans, advice on family rights and legislation, acquiring textbooks and other material for pupils.

### **Protection of maternity and prevention of discrimination against women based on maternity**

265. During pregnancy, delivery and childcare, each woman has a right to one year of undisturbed maternity leave. While on maternity leave, the employee has the right to compensation of salary. In Republika Srpska the compensation is calculated to be the average

of the three last salaries, and in the Federation of Bosnia and Herzegovina, the average of the last four salaries. In the Federation of Bosnia and Herzegovina, only four cantons developed regulations for women who were new mothers, so the right is not the same for all women.

266. The Labour Law provided for the right for the father of a child to use maternity leave on the death of a mother, in case a mother abandoned a child or is otherwise prevented from using this right. Maternity leave cannot be distributed between parents.

267. Pregnancy and maternity leave cannot influence employment security, because the labour law forbids pregnancy tests on employment, i.e. firing women for the sole reason of their pregnancy and maternity leave is not allowed and it represents a severe offence.

268. Childbirth leave in Republika Srpska lasts 12 continuous months, or 18 months for twins and the third or every following child. In Republika Srpska the system of compensation of salary is covered by the child protection fund. Non-compensation of salary during childbirth leave is a serious offence and is subject to fines. According to a proposed amendment to the Labour Law, which is in the process of adoption, childbirth leave may be used by the father, in agreement with the mother, 60 days after childbirth.

269. Under the Labour Law, flexible work schedules for men and women are applicable only in cases of childcare required pursuant to medical opinion and findings.

270. Provision of funds for families with children, as a tool for maternity protection, has been transferred to the cantons, under a decentralized model, pursuant to the Law on Allocation of Public Revenues in the Federation of Bosnia and Herzegovina. Under the above-mentioned Law and the Federation of Bosnia and Herzegovina Constitution, the cantons are obliged to develop cantonal regulations and to secure funds accordingly. But the reality in the Federation is as follows: due to a difficult financial situation, only 5 out of 10 cantons have developed their cantonal regulations - Sarajevo, Una-Sana, Tuzla, Bosnia-Podrinje and Western-Herzegovina Cantons.

271. A family, in the system of social welfare, child protection and family protection in the Federation of Bosnia and Herzegovina, receives limited or no protection, so we can speak of a blatant violation of the right of women to maternity protection, because the financial capacities of local communities and cantons are such that they do not dispose of funds for meeting their obligations stemming from both domestic and international legislation. As a consequence, there is a long-term drop in natality figures in Bosnia and Herzegovina, owing to increased poverty, so a term that is constructed in our society is "feminization of poverty".

272. It is important to stress new developments reflected in the introduction of new rights in regard to:

- Compensation of salary to a mother in a work relation during her leave, because of pregnancy, delivery and childcare (this right used to be recognized within a system of health care);
- Financial support during pregnancy and delivery;

- Assistance in feeding of child to 6 months of age and additional food for mother during breastfeeding;
- Special psychosocial treatment for couples desiring children and pregnant women;
- Accommodation of children through the provision of food in pre-school institutions;
- Provision of one meal during each daily stay in primary schools, and scholarships to pupils and students.

273. New rights, set below in the umbrella Federal Law have a direct function of protection of women and mothers in the interest of a child. This emphasizes that the Federation of Bosnia and Herzegovina sets demographic policy within a State population protection policy.

274. The penalty for depriving or restricting any of the above-mentioned rights that belong to women-user is a fine for the social welfare institution, responsible person, employer, legal person or public company in amount of KM 100-5,000 (Federation Law, article 98).

275. The Labour Law (*Official Gazette of the Federation of Bosnia and Herzegovina*, 43/99) stipulated that, during pregnancy, delivery and childcare, a woman has the right to childbirth leave for one year continuously, while for twins, a third and any following childbirth, it is 18 months (art. 55):

- The father of a child may use the right from article 55 in case of the death of the mother of his child, or if a mother abandons her child or is for justified reasons prevented from using this right;
- The Labour Law also stipulates that, after a child turns 1 year, one of the parents has the right to work half-time for three years if, according to competent health findings, intensified care is required (art. 58).

276. As stated above, children are the most exposed to the risk of dropping below the poverty line, as about 56 per cent of the poor live in families with children. Especially threatened are children in Republika Srpska, where more than half of the population live in poor families, while in the Federation of Bosnia and Herzegovina the rate is about one third. About 13 per cent of children live in families which fall within the category of the poorest, and 29 per cent live in families on the poverty line. Poverty of families is heaviest where no family member is employed, while an extremely difficult situation is faced by displaced families where the head of a family does not have job. Especially endangered are children under 5, and the seriousness of their status is reflected as follows: very low attendance of pre-school education (less than 9 per cent of children attend some pre-school education institution), restricted access of poor children to secondary education, much lower coverage by health insurance, especially in rural areas. Lack of health insurance affects little children (of both sexes) most, because children are more susceptible to illness and injuries and less resistant than adults.

277. Even more threatened than children from poor families are orphans and those entrusted with their care by the social welfare system, because all these systems are too weak in material terms to provide proper care. According to data available, in the Federation of Bosnia and

Herzegovina in 2000 there were 9,718 children in the custody of social welfare institutions. Also highly deprived are 19,423 single-parent children. The Republika Srpska social welfare services care for 821 orphans, 2,515 children with disturbances in development, and 1,837 children with deviant behaviour.

278. The surprising findings are that poverty is not predominantly the consequence of unemployment. Fewer than 20 per cent of the poor live in families with an unemployed head of family, while double that figure are in families where the head of a family has a job. About 63 per cent of the poor live in families where at least one member is employed. On the other hand, 28 per cent of the unemployed are poor, but the unemployed represent one third of the total number of the poor.

279. An explanation of this phenomenon should be primarily looked for in the severe economic conditions in Bosnia and Herzegovina. The average salary in the Federation of Bosnia and Herzegovina in December 2002 was KM 513, and in Republika Srpska it was KM 365 (compared with consumer basket of KM 459 in the Federation of Bosnia and Herzegovina and KM 458 in Republika Srpska). Further, a large number of enterprises are poorly run and pay low salaries, which are very often several months late.

280. Destitute groups of the population include the elderly, pensioners by and large, whose pensions cannot satisfy basic living needs. Findings of the Poverty Assessment Analysis point that 20 per cent of the poor are either pensioners or disabled. Also, at least 25 per cent of the poor are over 60 years of age and have no right to a pension. In relation to 1991, when the ratio of pensioners to the employed was 1:3, by 1995, this ratio changed to 1:1.3, and has stabilized in the Federation of Bosnia and Herzegovina at 1:1.4. By 2001, the average pension in the Federation was two thirds of the average income per capita, which is above average for transition countries. However, average pensions are 36 per cent of the average salary in the Federation of Bosnia and Herzegovina. Note that women pensioners are in a more difficult position in relation to men, because their pensions are lower, the reason for this being their employment at lower-paid positions.

281. For the proper growth and development of a child, it is necessary to secure a harmonious family environment. The family is a basic cell of society, which enables a child to fully develop his/her personality.

282. The war in Bosnia and Herzegovina (1992-1995) caused very extensive family disorganization, with enormous loss of both parents' and children's lives. Data show that during the war, over 200,000 people were killed, among them 22,000 children. Over 176,000 of those disabled in the war were registered, among them 4,000 children. Over 1 million people, among them 250,000 children, were forcibly expelled and went to 110 countries worldwide. There were 1,370,000 people, including 420,000 children, internally displaced in Bosnia and Herzegovina, which illustrates the hardship for families and their children and the violation of all international human rights, such as the right to life, the right to survival, the right to a home and family life, the right to education and to a natural environment, etc.

283. Protection of orphans has found its place in the Family Law and the Law on the Bases of Social Welfare, the Protection of Civilian War Victims and the Protection of Families with Children. In the area of family law and social welfare, forms of protection offered to this

vulnerable group of children, other than services of social and expert assistance, are: adoption, custody, placement with another family or a social-welfare institution. Acknowledging the principles of the child's best interest, the form of protection most favourable to a parentless child is applied, as decided by competent social welfare services.

284. Adoption, as an institution of legal protection of parentless children, is regulated by the Family Law (arts. 142-171). In the Federation of Bosnia and Herzegovina, in the period 1991-2000, a total of 507 orphans were adopted: 420 in full adoption and 87 partial adoption.

285. Custody is an institution of legal and social protection for children who have no parental care: their parents are either dead, unaccounted for, deprived of their parental rights or unable to provide parental care. In practice, children who remained parentless during the war are most often entrusted to their closest relatives (grandfather, grandmother or parents' siblings).

286. Accommodation with another family is a right in the social welfare domain and is regulated by Entity law on social welfare for parentless children or children in need of constant care and attention missing in original family. In the Federation of Bosnia and Herzegovina in 2000, 1,220 out of a total of 2,210 orphans were accommodated with another family, according to local social welfare services in the Federation of Bosnia and Herzegovina. Amounts paid to foster families vary from KM 100 to 5,250 per month, depending on material capabilities of cantons and municipalities. Accommodation for children with other foster families as an alternative form of care for children deprived of a family environment has proved a very efficient form of protection for vulnerable children, therefore it is preferred in all reform options in the Federation of Bosnia and Herzegovina.

287. Placement in a social-welfare institution is a right defined under social protection for parentless children. Federation orphanages accommodate a total of 924 children, of which 439 children are accommodated in six State-funded institutions in Sarajevo, Mostar, Tuzla, Zenica and Gradačac, while 485 children are accommodated in domestic or international NGO-funded institutions in Međugorje, Bihać, Kulen Vakuf, Sarajevo and Lukavac. The price of accommodation in these institutions is KM 450 to 500 monthly per child. The decision on accommodation of a child in the institution is taken by the competent social welfare service as the custody authority.

288. Single-parent children are an especially vulnerable category in the Federation of Bosnia and Herzegovina, and this is war-related. The overall number of these children will never be fully ascertained, because a large number left Bosnia and Herzegovina to seek refuge in third countries. According to incomplete data from local social welfare services, such children registered in 1998 numbered 23,556, of which 19,805 were without a father and 3,751 without a mother. According to some indicators, there are 32,000 parentless children in the Federation of Bosnia and Herzegovina. This is undoubtedly one of the most vulnerable groups of children in the Federation, because they are not beneficiaries of permanent social welfare if the remaining parent develops a disability to work. Most often, there are indeed families with unsolved housing and employment arrangements. These deficient single-parent families can obtain temporary financial aid in the social welfare system, the level of which depends on the financial capabilities of the relevant canton.

289. The right to material support, benefits for the support and care of another person, assignment to a social care institution or accommodation with another family and social work service are regarded to be rights of general interest, and provision for them is the responsibility of local communities (municipality, city). Entities and cantons provide funds for the development of children and the young, whose psychological and physical development has been disturbed. They also provide funds for construction, adaptation, rehabilitation and equipping of social care institutions.

290. There are about 260,000 users of social welfare programmes, or 7 per cent of the population in both Entities. An additional 125,000 users are registered for child protection programmes (2 per cent in the Federation of Bosnia and Herzegovina and 6 per cent in Republika Srpska). Categories under protection in both Entities are as follows: orphans, education-deprived children, children disturbed in development by family circumstances, the disabled and persons with difficulties in physical and mental development, persons unable to work and without any material provision, elders without family care, persons with socially unacceptable behaviour, and families in a situation of social need due to specific circumstances and living conditions (World Bank, report No. 25343-BiH, p. 127).

291. As already indicated, according to official statistical data, by the end of 2002 there were 435,505 people working, or 41.1 per cent of the population in Bosnia and Herzegovina (290,715 or 42.7 per cent in the Federation and 144,790 or 38.2 per cent in Republika Srpska). Women are 46.3 per cent of the total unemployed population. The Poverty Assessment Study - based on data collected for the living standards pool (LSMS) conducted by a World Bank expert team in cooperation with domestic experts - indicates, in a preliminary phase, that a general poverty line in Bosnia and Herzegovina amounts to KM 760 (minimal nutrition needs, i.e. the extreme poverty line) annually per capita. The fact is that assessment of food requirements in Bosnia and Herzegovina representing only 34 per cent of the poverty-line amount shows that food expenses account to a large extent for essential needs.

292. The analysis of available statistical data on the annual spending rate per capita did not show that there are groups in Bosnia and Herzegovina whose level is close to or below the extreme poverty line. The living standards of about 19 per cent of the population in Bosnia and Herzegovina are below the general poverty line (approximately 25 per cent in Republika Srpska and 16 per cent in the Federation of Bosnia and Herzegovina). Polls and analyses reveal that over 30 per cent of the Bosnia and Herzegovina population is immediately above such a defined general poverty line (with annual spending of KM 3,297, i.e. in a range that is just 50 per cent higher than the general poverty-line amount). Their exposure to potential economic shocks, which threaten to push them below the general poverty line, is very high (World Bank, report No. 25343, p. 46, vol. II).

293. One should, however, take note that poverty is more widespread in Bosnia and Herzegovina than in any other former Yugoslav country (it is more widespread only in Kosovo). Some 20 per cent of the poor are extremely deprived in all or almost all key aspects of well-being: from housing, sanitary conditions and access to health-care institutions, to literacy and inclusion in society. Also, the current, relatively low poverty rate among the population is a result of spending, which significantly exceeds current production levels. This spending has



been financed thus far through international support, which is not a likely future prospect. That is why governments in Bosnia and Herzegovina have to find ways and possible means to prevent an upsurge in the poverty rate.

294. It is important to stress that vulnerability to poverty is very wide in Bosnia and Herzegovina, and that the poor are a heterogeneous group, which means even typical households bear notable risk for falling into poverty.

295. Groups under the poverty line are most often children, persons with a low education level, the elderly and the rural population. The analysis for the overall population shows the most exposed categories as follows: children, especially under the age of 5, displaced persons, returnees, the unemployed and persons with low education. One eye-catching conclusion is that poverty is not primarily the problem of the unemployed, displaced disabled and deceased war veterans' families, because these categories are less than 50 per cent of the poor, but the majority of the poor are families with children, caused by a low income, so that a single salary is not enough for a family to remain above the poverty line.

### **Protection of children, the elderly and the disabled from exploitation**

296. According to a survey conducted in 2000, 1 per cent of children aged 5-14 did paid work. About six times more children did unpaid jobs for someone else who was not a household member, and 15 per cent of children worked on farms or did similar jobs within a household. Children occupied by either paid or unpaid work for someone who is not a household member, or children who do housework more than 4 hours a day, are deemed to "work temporarily". In Bosnia and Herzegovina, 18 per cent of children are deemed to work temporarily, 20 per cent of boys and 16 per cent of girls.

297. In Republika Srpska the situation is much more difficult, one insured worker supports one pensioner, so the relation is 1.08:1, because of which even very high contributions and budget transfers do not provide 30 per cent of the average income per capita for pensions. The pensions level in Republika Srpska is half of the Federation pension (average pension in December was KM 120.18 or 34 per cent of the average salary).

298. The marked disproportion between revenues and expenditures is the main source of problems in operating pension insurance, and with decreased and late pensions, it causes increased risk to pensioners of falling into the category of the poor.

299. Generally, the population of Bosnia and Herzegovina is ageing rapidly, due to the fall of demographic growth, longer life expectancy and the emigration of youth. Estimations indicate that 12 per cent of Bosnia and Herzegovina's population is over 65, and in Republika Srpska they make up more than 15 per cent. Large numbers of the elderly live alone, especially women who have longer life expectancy and make up 58 per cent of the elderly population.

300. Even though the poor are in all parts of Bosnia and Herzegovina, the poverty rate varies by region, and so is significantly more in Republika Srpska. Only 20 per cent of the poor live in an urban environment. Poverty is most widespread in rural areas, which usually also suffered most during the war. A risk of falling into poverty in Republika Srpska is much higher in rural

than in urban areas; it is 27 to 12 per cent. In the Federation of Bosnia and Herzegovina the rural/urban ratio stands at 16 to 15 per cent. Practically all aspects affecting living standards of families are less favourable in rural areas. Lack of unified village development policy deters investments in farming, while possibilities for other kinds of employment in rural areas are minimal. This all dissuades displaced persons from leaving their temporary residences in cities, which creates additional pressure on the already small number of available jobs and causes difficulties in extending education, health and social services.

301. Minorities are significantly disadvantaged throughout Bosnia and Herzegovina in material terms. Compared with data for the majority population, in some parts of Republika Srpska, over 50 per cent of the minority population is poor, while in the parts of the Federation with a Croat majority, 15.6 per cent of minority households belong to this category. In Bosniak-majority territories, about 25 per cent of minority households belong to the category of the poor.

302. A minority population which is almost totally neglected in Bosnia and Herzegovina, is the Roma population. Although it is not possible to determine with certainty the number of Roma in Bosnia and Herzegovina (assessments of Roma associations vary from 17,000 to nearly 80,000), it is quite certain that they represent the major ethnic minority. The number of Roma is difficult to ascertain because many of them still live a nomadic life, even though many are integrated into majority communities. One of the reasons for the difficulty of defining their numbers lies with the fact that many of them declare themselves members of other, majority peoples, in an attempt to improve somewhat their unenviable social position.

303. Even though no precise analysis of poverty among the Roma population has been carried out, available information points out that they are among the most destitute groups, very often living below minimum living standards and regularly without funds to support a family or educate children. Roma as a group have by far the lowest education level and an almost 100 per cent unemployment rate; over 90 per cent are deprived of health insurance. As they are a minority everywhere, they often face discrimination as returnees, and are marginalized and deprived of many legal rights, including the right to social welfare, because of their ignorance of the system.

304. One huge problem in setting priorities and designing programmes for poverty reduction among the Roma population is their coverage by official statistics. A large number of Roma still live like nomads, so that children, as well as many adults, have no personal documentation, even a birth certificate. Social marginalization and lack of education make it difficult to adopt general social welfare programmes and it imposes the need for specially adjusted programmes. In order to help the Roma population through poverty-reduction programmes, we should draw on the experiences of NGOs, international agencies and domestic institutions.

305. Based on the above, it is possible to recognize most causes of descent into extreme poverty for families and population in Bosnia and Herzegovina. Poverty factors affect different categories differently, directly or indirectly, individually or in combination (war, transition, post-war political and social division).

306. For humanitarian and economic reasons, Bosnia and Herzegovina has to deal with poverty, because it is so widespread that it threatens to grow into a social revolt. Such developments would significantly deplete Bosnia and Herzegovina's chances of establishing a more reliable investment environment, and hamper stabilization of economic growth, because long-term poverty reduction depends on achievement of sustainable economic growth.

## **Article 11**

### **Living standards in Bosnia and Herzegovina**

307. Some polls conducted on living standards, have estimated the level of overall spending by households in Bosnia and Herzegovina on food, measured by its caloric and nutritive value (about 2,100 calories daily per person). The total amount of spending defined as such is KM 2,198 per capita annually. That is a general poverty line in Bosnia and Herzegovina (the minimum nutrition needs, i.e. the extreme poverty line, is KM 760 annually per capita). The fact is that assessment of food requirements representing only 34.5 per cent of the poverty line amount shows that food expenses account to a large extent for essential needs.

308. The analysis of available statistical data on the annual spending rate per capita in Bosnia and Herzegovina did not show that there are groups whose standard is close to or below the extreme poverty line. But the living standard of about 19.5 per cent of the population in Bosnia and Herzegovina is below the general poverty line (approximately 25 per cent in Republika Srpska and 16 per cent in the Federation of Bosnia and Herzegovina). Polls and analyses reveal that over 30 per cent of the Bosnia and Herzegovina population is immediately above such a defined general poverty line (with annual spending of KM 3,297, i.e. in a range that is just 50 per cent higher than the general poverty line amount), and their exposure to potential economic shocks, which threaten to push them below the general poverty line, is considerably high (World Bank, report No. 25343, p. 46, vol. II).

309. Considering the limited availability of data in Bosnia and Herzegovina for determining absolute and relative poverty, we opted for the absolute poverty line as the most suitable instrument for poverty definition and monitoring. The absolute poverty line is determined by the value of spending of each individual, irrespective of place and time of living. Nowadays, poverty is treated as a state in which basic requirements for a decent life are unmet. It is reflected in various ways, for example, lack of revenue, hunger, undernourishment, poor health, limited or denied access to education and other basic services, increased mortality, including mortality from illness, homelessness, inadequate housing conditions, insecure environment, social discrimination and isolation, etc. Determination of a general poverty line includes requirements other than food (shelter, clothes).

310. Unemployment is probably the most serious issue affecting the younger generation, both in urban and rural areas of Bosnia and Herzegovina, and in combination with housing problems and the constant economic crisis, young people indulge their helplessness and lack of prospects, and turn to narcotics and alcohol. Or they plan on emigration, which they see as the only opportunity to get a better life. Available data show that 92,000 young people left Bosnia and Herzegovina between January 1996 and March 2001, and some polls indicate that 62 per cent of young people would emigrate if offered a possibility. This is certainly the most devastating trend in view of a long-term economic recovery of Bosnia and Herzegovina.

311. The category of displaced persons and refugees in all parts of Bosnia and Herzegovina is especially exposed to the risk of descending into poverty, by comparison to the population that was not forced to move, as they usually do not have any stable source of income and are not adequately covered by the social welfare system. The Ministry for Human Rights and Refugees of Bosnia and Herzegovina and the Office of the United Nations High Commissioner for Refugees data reveal that by the end of 2002, 685,650 refugees and displaced persons had returned to the Federation of Bosnia and Herzegovina, 225,616 to Republika Srpska and 19,422 to Brčko District. Estimates are that 624,250 refugees still live abroad, among them 297,550 whose status is not settled, so this group is expected to return soon to Bosnia and Herzegovina.

312. A basic problem for displaced persons is that their place in the social welfare system is not addressed properly. They depend most on humanitarian aid from domestic and international organizations. Their housing conditions are generally poor, whether they are in collective accommodation or rented flats. According to official data, there are still about 1,000 displaced persons accommodated in collective shelter in the Federation of Bosnia and Herzegovina and about 2,000 in Republika Srpska. Under conditions of a radical cut in, and soon cessation of, aid delivery, displaced persons are in a particularly difficult position, because there is no organized cantonal or Entity system to assume care for financing requirements of displaced persons. So, in many cases, the displaced persons issue is to be dealt with by municipalities, which themselves are incapable of providing even minimal assistance.

313. Even though no data are available on the extent of hunger and malnutrition in Bosnia and Herzegovina, we would use this opportunity to point to the state of children and their health condition in general when they have access to adequate food and are not exposed to illness and when they reach their full growth potential and are considered to be well-nourished. In Bosnia and Herzegovina, only 3 per cent of children are estimated to have had body mass less than 225 grams at birth. This percentage is low, but higher in rural (4 per cent) than in urban (2 per cent) areas. This estimate refers to children under 5 who were of less weight at birth. But the methodology estimated low levels of mass at birth, because some children died before they reached 5.

314. In Bosnia and Herzegovina, 4 per cent of children under 5 are undernourished, 10 per cent are slow in growth or too low for their age, and 6 per cent of children are low in body mass in relation to their age, but this figure should be interpreted with care. Children whose mothers have secondary or higher education suffer less underweight or low height, compared with children whose mothers have elementary or no education. (*Source:* Study on women and children in households in Bosnia and Herzegovina in 2000, UNICEF and the Bosnia and Herzegovina Statistics Agency.)

315. The way to overcome poverty in Bosnia and Herzegovina is, inter alia, the development of the agricultural sector. The overall surface of agricultural land in Bosnia and Herzegovina is about 2.5 million hectares, i.e. about 50 per cent of the country's territory, or 0.7 hectares per capita. Agricultural land at 500 metres above sea level is 40 per cent of the total, land at between 500 and 1,000 metres above sea level is 35 per cent, while land over 1,000 metres above sea level is 25 per cent. Land under cultivation is 68 per cent of the total and fields are 32 per cent. Fertile plain area covers 16 per cent of the total, less fertile soil on hill and mountain areas covers 62 per cent, and the Mediterranean area makes up 22 per cent of overall

agricultural land in Bosnia and Herzegovina. The current spatial arrangement of agricultural land is unsustainable for the organization of modern market production. The return of abandoned or occupied property is slow.

316. One of the aggravating factors in the development of modern intensive agricultural production is heavy fragmentation of land property. Measures of agricultural policy should encourage amalgamation of property to allow for application of updated agro-techniques and higher yields. Sustainable agricultural development assumes technically feasible, socially accountable and economically viable development to secure human needs for food, in addition to the preservation of natural resources, unpolluted nature and unaffected biological diversity.

317. In other words, it is planned and responsible development that will not, for the benefit of anyone, threaten the lives of future generations. These should be governing principles in designing all agro-policy, economic, agro-technical and zoo-technical measures for sustainable development of agriculture and food production in future.

318. Individual farms are fragmented and not market-oriented. Large systems are privatized without social welfare programmes for labour laid off. There is no flow of expertise (guidelines), marketing, management, global strategy, support to guaranteed prices development, single business policy, information system, education, scientific and expert institutions, legislation, or standardization of plans and programmes. To prevent the demise of Bosnia and Herzegovina villages, the main motive of refugees and displaced persons to return to their properties is gone.

319. Agricultural property continues to be heavily fragmented. There is no support for private initiative or entrepreneurship in agricultural production. Seeds and livestock, supplied or donated from abroad, do not yield as expected; the imported cattle suffer from diseases and this is ruinous. Domestic breeds and organic technology are being unjustifiably ignored. No standards exist for density of planting, soils, or planting material for fruit and vegetables. Less efficient breeds are used in cattle-raising. Modern reproduction and health care of domestic cattle is neglected. Commercial models of farm cattle-raising have not been introduced yet in Bosnia and Herzegovina. There are no sufficient domestic processing capacities for milk, meat and wool.

320. Reconstruction and sustainability of agricultural resources in Bosnia and Herzegovina requires an integral strategy of production, marketing and finances. Technological changes with the aim of adjusting agricultural products to customer preferences are needed. This process is determined by rules of supply and demand, price, investment and financial-transaction liberalization. The ownership-management transformation concerning agricultural land, the protection and sustainable ecological-economic use of other natural resources are tasks to come. These activities are, in the majority of countries, covered by the ministries of agriculture and forestry and the ministries of economic relations, land planning and environment. Unfortunately, Bosnia and Herzegovina's institutional structure is not sufficiently developed.

321. As for agricultural development strategy, appropriate institutional-legal foundations, along with a series of institutional incentive measures, should be in place for sustainability and promotion of agricultural production and sustainable use of land.

## The right to adequate food

### Food quality and safety

322. A lack of harmonization of the existing regulations with those of EU and the World Health Organization recommendations for provision of sufficient safe food quantities, including all elements in the food chain necessary for the preservation and promotion of people's health, is evident. Due to its extreme importance, food is among the highly risky environmental factors that increasingly affect the emergence of contagious diseases.

323. Even though tonnes of food are produced in Republika Srpska either in industrial production or in small farms, considerable amounts of food are imported. Supervision of production and sales of food (including drinking water, as the most important food component) is carried out by sanitary and veterinary inspectors. Food control using hazard analysis critical control points (HACCP) is employed only by a number of laboratories in terms of internal control during technological process. Public-health control is carried out by the Republika Srpska Institute for Health Protection laboratories, authorized to carry out control of health, while microbiological control is the responsibility of the Veterinary Institute.

324. The reason for poor quality has been overly high pesticide and heavy metals quantities: cadmium, lead and arsenic, coupled with incomplete and unharmonized declarations on the original packing of food. Out of the total number of food products analysed in public-health institutions, it can be concluded that the number of food product samples monitored is insufficient and considerably lower than that prescribed by the law (15 samples for 1,000 citizens).

325. Infections or poisoning are relatively often reported as a result of food. Radiological and toxicological analyses of food products were not carried out in previous years due to inadequate equipment. The assessment is carried out in accordance with the existing legal regulations, primarily based on organoleptic chemical and microbiological analyses.

**Table 4**  
**Analysis of food samples**

Year	Physical/chemical analysis			Microbiological analysis		
	Total	Unsatisfactory samples		Total	Unsatisfactory samples	
		Number	Per cent		Number	Per cent
1998	2 286	253	11.0	3 927	537	13.67
1999	2 418	220	11.1	3 225	547	16.96
2000	2 647	398	15.0	5 243	528	10.07
2001	3 004	446	14.8	5 872	661	11.25
2002	4 712	618	13.1	7 128	892	12.51

*Source:* Report, 1998/1999/2000 (Health Protection Institute of the Republika Srpska, Banja Luka).

326. The staff of the sanitary inspectorate of the Department for Inspection Affairs at the local level has to undergo the sanitary examination (swabs from throat and nose, checking the stool for parasites and protozoa) and clinical examination, as well as additional tests should the doctor find them indicated, regularly, meaning at least twice a year. After an examination has been completed and the laboratory findings received, the sanitary book is issued or appropriate recommendations are given in terms of the continued treatment of patients in case an examination has revealed some disease.

327. All staff involved in the process of producing food or who work in the facilities where meals are being cooked (catering facilities) have to attend the lectures on hygiene/sanitary minima and to take the final exam before entering the working relationship. Their knowledge has to be rechecked occasionally over time. As a part of the supervision of facilities and staff for production of food the following is taken: food samples; swabs of the work surfaces, work clothes, dishes and hands of the persons who are involved in the production process.

328. Monitoring the food-caused diseases, when it comes to microbiological contamination, is performed by the Epidemiology Service of the Health Protection Institute on the basis of the reports sent on a regular basis from the health centres. The microbiology laboratory of the Health Protection Institute performs the analysis of the secretions and stomach contents, as well as of the food remnants that are suspected of causing the illness. For the time being, the monitoring of the diseases caused by the chemically contaminated foodstuffs is not in place, because such contaminations belong to the group, long-term contamination that in most cases show their consequences only after prolonged exposure, and there are no preconditions for monitoring them, in spite of the fact that the World Health Organization has been increasingly pointing out that this is needed.

329. The analysis of the movement of contagious diseases transmitted through water and food is made more difficult because of a lack of timely reporting, lack of a modern information system and underdeveloped laboratory activities in terms of identification of the causes of the contagious diseases, which is the situation in most municipalities. For all those described above, it is assumed that the actual morbidity of these kinds of diseases is much higher than the one registered.

330. Food contamination has always been a current topic, and these days even more, when WHO is introducing the notion of "safe foodstuffs". This underlines their large significance as risk factors from the environment for chemical, biological, parasite or some other contaminations. WHO today emphasizes food as the key factor involved in causing massive non-contagious diseases (MND) that accompany bad eating habits, a sedentary lifestyle, smoking, or, on the other hand, the occurrence of malnutrition, lack of macro- and micro-nutrients, etc.

331. WHO conclusions include the following:

- Supervision of the production facilities, plants and devices, persons in production and inspection are, as public health controls, insufficiently organized and incomplete in terms of their scope and parameters;

- The legal obligations for mandatory controls are unclear, both in terms of scope and in terms of institutions responsible because the responsibilities in this area of public and veterinary health overlap, and even the regulations that do exist are not implemented in practice;
- The accreditation of laboratories (space, equipment, cadres, control level and mandatory parameters) has not been done.

332. WHO recommendations include the following:

- Reduce the incidence and eliminate the diseases caused by food contamination;
- Establish a registry of producers;
- Introduce the HACCP in foodstuffs industry (system for danger signalling and critical points control) along with ensuring the safety of foodstuffs within the complete food chain (from primary producer to the end consumer);
- Encourage public information in the mass media on the methods of preparation, conservation and preservation of the biological value of the home-produced foodstuffs;
- Establish supervision of genetically modified food;
- Promote public involvement (associations of consumers, etc.) by engaging the non-governmental organizations (NGOs) for the purpose of providing information on the foodstuffs safety and hygiene;
- Establish a system of laboratory accreditation (space, equipment, personnel, education);
- Establish a single information system for supervising the foodstuffs;
- Improve the existing protocols on function of the inspectors involved in public health supervision;
- Awareness building on healthy food regime and importance of healthy life habits.

### **The right to adequate housing**

333. The housing capacity in 1991 in Bosnia and Herzegovina was 1,207,693 residential units in 5,825 communities. The average surface of a residential unit was 60.45 square metres per family, i.e. 16.68 square metres per capita.

334. However, besides demographic destruction, the war also changed radically the situation of the housing sector in Bosnia and Herzegovina, with partial or complete destruction of 451,900 housing units, of which 80 per cent were devastated or seriously damaged.



**Table 5**  
**Number of damaged or destroyed residential units**  
**in Bosnia and Herzegovina, 1992-1995**

Entity	Number of destroyed and heavily damaged residential units in 1992-1995 (degree of damage)					
	Up to 20%	20-70%	Over 70%	Total 0-100%	Total 20-100%	%
FBH	88 901	161 201	56 836	306 938	218 039	61.83
	10 383	109 349	25 230	144 962	134 577	38.16
	99 284	270 550	82 066	451 900	352 616	100

335. Support to the housing sector after 1995 was primarily directed towards ensuring conditions for the return of refugees and displaced persons, with the aim of repairing the conflict's damage to the country's demographic outlook, pursuant to the General Framework Agreement for Peace in Bosnia and Herzegovina.

336. In the immediate post-war period, Bosnia and Herzegovina was fully reliant on external aid, which is why international efforts since 1996 have been focused on the promotion and facilitation of return to Bosnia and Herzegovina, especially the so-called minority returns. In the housing sector, such an approach meant a focus on two key areas of action: rebuilding/reconstruction and the return of property/occupancy rights.

337. Estimates are that all property destroyed by 20 per cent has been reconstructed, as well as that in the 1996-2002 period about 125,000 housing units were reconstructed for Bosnia and Herzegovina returnees' needs.

338. The initial period of reconstruction was marked by the presence of considerable reconstruction funds. Although efficient, funds were directed in a way not corresponding to people's real interest in returning; the return rate was low (the number of residents per number of reconstructed residential units), and resulted in a number of reconstructed housing units remaining unoccupied because the reconstruction failed to follow up on targeted refugees' and displaced persons' intent.

339. The Federation's legal framework for protection of refugees and displaced persons is comprised of the following:

- The Law on Displaced Persons and Refugees-Returnees in the Federation of Bosnia and Herzegovina, and related by-laws;
- Adoption is ongoing on cantonal laws on displaced persons and refugees issues;
- Property laws and by-laws (Law on Termination of Application of Law on Abandoned Flats, Law on Termination of Application of Law on Temporarily Abandoned Immovables Owed by Citizens);
- The Dayton Agreement, annex 7.

340. The issue of refugees and displaced persons is dealt with by authorities at all levels:

- The Bosnia and Herzegovina Ministry for Human Rights and Refugees;
- The Federation's Ministry for Displaced Persons and Refugees and its Office for Refugees and Displaced Persons;
- Republika Srpska Ministry for Refugees and Displaced Persons, with 52 municipal divisions and 4 regional offices in the Federation of Bosnia and Herzegovina, with a total of 520 employed;
- Brčko District Refugee Sector;
- Brčko District Sector for Planning and Economic Development;
- Cantonal ministries in all nine cantons;
- Municipal services in 84 Federation municipalities working on these issues.

341. To support the return of refugees and displaced persons, funds are being earmarked at all levels of authority, but are decreasing. Still, significant international aid arrives for these purposes:

- The Federation of Bosnia and Herzegovina budget funds (3 per cent of needs);
- Cantonal budget funds;
- Municipal budget funds;
- Other funds as decided by the Government of the Federation or cantonal governments or extended by municipal and administrative decisions.

342. Among international organizations active in the area of support to refugee return, the Office of the High Representative (OHR) Return and Reconstruction Task Force (RRTF) is certainly the most significant body. It is active through seven special envoys, six regional offices and seven field branches. The UNHCR coordinates activities concerning return and registration of refugees, while OSCE and the Commission for Real Property Claims (CRPC) both have significant roles in implementation of property rights and rights of displaced persons and refugees, in cooperation with other organizations contributing to creation of conditions for a successful return, such as the EU, USAID, UNDP, IOM and many other government and non-governmental organizations supportive of the reconstruction and return process.

343. Bosnia and Herzegovina is not able to support overall reconstruction of war-devastated housing and infrastructure, so competent institutions, through planned and strategic activities, decide on reconstruction of the devastated residential units relevant to the return process.

344. We judge that to bring the interest in refugee return in line with the creation of conditions for its implementation, the priority for reconstruction would be about 500,000 residential units, to secure the return of about 200,000 displaced persons and refugees in the next four years. This,

in combination with property regulations implementation (PLIP), would make for a full implementation of the Dayton Agreement's annex VII and successful completion of the return process in Bosnia and Herzegovina.

345. In order to achieve this ambitious strategic aim, it is necessary to harmonize policy and regulations in this area, to revive the Return Fund, and based on this, to set priorities and user-selection criteria for project implementation. In this way, it is possible to appeal to the international community to earmark funds and to take part in joint activities.

346. Taking note that the degree of devastation of the remaining, unreconstructed residential units is about 80-100 per cent, experiences to date indicate that financing of reconstruction for 50,000 residential units would require about KM 900 million.

347. The return of property as a core right of refugees and displaced persons is one of the key preconditions for return. About two years ago, leading organizations dealing with the refugee return and property-return issues in Bosnia and Herzegovina (UNHCR, OHR, OSCE, CRPC), created the Property Legislation Implementation Plan (PLIP), and made a significant move forward in the elimination of political obstruction and exercise of right to the return of property and occupancy rights as pure administrative issues. Agencies that were engaged in fulfilling Property Law implementation (PLIP) publish joint monthly statistical reports on property legislation implementation in Bosnia and Herzegovina.

348. These statistics reflect the implementation of property laws in Bosnia and Herzegovina since their passing, including their October 1999 amendments. Statistics are compiled each month by OSCE, UNHCR and OHR field officers, based on information provided to them by local authorities. The number of applications match the number of real-estate properties for which municipal authorities received claims for return.

349. The "number of decisions" is a total number of decisions issued by municipal authorities, and number of "returned residential units" is the total number of owners or holders of occupancy rights who took their property back when receiving keys from municipal bodies.

350. A percentage of implementation is determined by the overall number of returned housing units divided by number of claims expressed in percentages. These statistics do not contain information on decisions issued and return of abandoned property, business premises and land.

### **Inadequate housing in Bosnia and Herzegovina**

351. In the area of housing, the most jeopardized are families and individuals, pre-war tenants who occupied other persons' property and then had to leave it without rights to alternative accommodation, regardless of being displaced or domicile families.

352. At this moment there are no available data of number of homeless individuals or families at the Bosnia and Herzegovina level, while data partially collected from the cantons and municipalities in the Federation, show 800 persons. The same sources show that some 400 families have no adequate accommodation, while 550 persons have no basic protection. Approximately 800,000 families are on the waiting list for accommodation.

The remaining part of data, such as the number of persons without basic protection and the number of persons whose expenses are above the acceptable limit, are dated by several years and it is not possible to regard them as the number of such persons for the territory of the Federation of Bosnia and Herzegovina.

353. The number of families without adequate accommodation in Republika Srpska (without water, heating, electricity), as well as the number of those who are living in overcrowded, humid/wet, unsafe and in other ways inadequate conditions, is 94,570, which is a worrisome piece of information.

354. The number of families evicted in the last five years amounts to 44,350, and all families that have the right to alternative accommodation are not exposed to forcible eviction but are mostly provided with alternative accommodation, in accordance with the law. However, 5,500 families, mostly pre-war tenants, were evicted, and, in accordance with the law, they have the right to alternative accommodation.

355. At this moment, there are approximately 1,000 families in Republika Srpska on the waiting list for alternative accommodation or for the rent subsidy for alternative accommodation. The average waiting period for such assistance is three months.

356. The number of families using a substitute type of accommodation is as follows:

- Lodgings where rent is paid, 5,374 families;
- Apartments used as alternative accommodation (built, adapted, repaired for such purposes, as well as those for which request for return are filed) are occupied by 1,726 families;
- Public accommodation (such as hotels, motels, restored schools and other places with common sanitary facilities), are used by 680 families.

357. Regarding the housing situation in Republika Srpska, there are no reliable statistics or precise information. According to the estimations made by the Ministry, the total Republika Srpska population of 1,513,127, with an average family of 4 members, indicates that there are about 378,281 families. Further, the estimation indicates as follows:

- 189,140, or 50 per cent of families, have adequate housing;
- 94,570, or 25 per cent of families, have no adequate accommodation;
- 10,000, or 3 per cent of families, still occupy others' property;
- 7,565 families, or 2 per cent, use substitute accommodation;
- 75,656 families, or 20 per cent, rent their accommodation.

358. After the implementation of property laws in Republika Srpska and the Federation, the area of housing, as an urgent problem for the whole country, should be defined and regulated by the law at the State level. We consider that the existing laws on privatization of State flats and laws on abandoned land, which will remain in force after the implementation of property laws is completed, are not sufficient to regulate completely the area of housing at the State level.

359. Republika Srpska, through the Housing Fund of Republika Srpska, founded under the law on privatization of State flats, collects funds from owners of flats and use these funds as soft loans for housing projects. This process started in September 2000.

360. Since the beginning of implementation of property laws in Brčko District, about 1,000 evictions took place of families whose right to substitute accommodation terminates, based on the new property laws. No arbitrary evictions took place in the property law enforcement by the Department for Refugees and Displaced Persons. The Government of Brčko District, in order to protect the families with the lowest incomes, has determined and provided assessments tailored to the consumer price index. It calculated that housing for a four-member-family amounted to 450 KM (the average salary in Brčko District is 690 KM). There are no programmes of assistance for these categories/groups, or for pensioners, but under the budget for 2003, significant funds were allocated to the social sector and these categories.

361. There are 22 families in need of social welfare on the waiting list to get accommodation. The average period of waiting is more than six months. The measures that will make this period shorter have already been taken. In that sense, and in order to decrease the needs for alternative accommodation, the Government of Brčko District started activities by which the funds for alternative accommodation will be redirected into the Fund for Social Work. This will help to deal more efficiently with the cases of accommodating problems of the families in need of social welfare. There are also KM 500,000 allocated in budget for 2003 intended for the building of houses for various social categories. The beneficiaries of this programme were selected, and building of 17 houses is expected.

362. There are 640 housing units of different types used for the accommodation of displaced persons and a smaller part of the socially jeopardized population. Out of this number there are 320 housing units built for such purposes, as follows: Prutace, 182 apartments; Grbavica, 60; Cerik, 32; Bukvik, 28; Brka, 10 and Ivica, 8. There are 140 flats owned by the State, or those for which there was no request for return, or such request was denied. These are also used for solving the housing situation of these two categories. There is also a special means of providing alternative accommodation for these two categories by renting them private property. There is a prescribed procedure and a determined rent level for the houses, so that there are approximately 90 residential units occupied by 186 families.

363. In addition to these ways of solving the housing problems of displaced persons in Brčko District, the Government allocated significant funds for solving the housing problems of displaced persons by prescribing the procedure that provides for financial support for a period of 12 months when displaced persons lose their right to alternative accommodation. This financial support amounts to KM 1,800 for a two-member family, KM 3,000 for a three-four-member family and KM 3,600 for families with five and more members. In this way, the housing problems of 294 families were solved by 31 August 2003.

364. A similar situation exists in the Federation of Bosnia and Herzegovina where, according to available data, there is a large number of homeless, evicted families (56,442), families that have no adequate accommodation, large numbers of families who occupy illegal lodgings without basic utilities (water, electricity, roads, etc.)

365. Many families in both Entities and in Brčko District have no genuine protection provided by the community when it comes to housing conditions. This is especially so in the case of the Roma population, whose numbers range between 9,000 and 18,000 in Bosnia and Herzegovina. Even though the Governments make efforts in this field, estimates are that the prospects of quickly solving the problems of accommodation are weak. The international community provided huge assistance in the area of housing, but seldom were the funds redirected to different purposes. There is a great responsibility and obligation before the Council of Ministers of Bosnia and Herzegovina and Entity and Brčko District Governments to make additional efforts and improvements in this area, in order to fulfil international standards and criteria in the area of housing.

### **Housing legislation**

366. The housing issue is regulated by laws and regulations at the level of the Entities and Brčko District. There are no provisions in these laws and regulations to define solutions to housing issues, except for involuntary or alternative means of a temporary character. Such solutions are unacceptable, except for the respect for basic rights of accommodation.

367. Relevant Federation laws are as follows:

- The Law on Housing Relations of Bosnia and Herzegovina;
- Amendments to the Law on Termination of Implementation of the Law on Abandoned Apartments (*Official Gazette of the Federation of Bosnia and Herzegovina*, Nos. 11/98, 38/98, 12/99, 27/99, 43/99, 56/01 and 15/02), the Law on Deserted Property owned by Citizens (*Official Gazette*, 11/98, 29/98, 27/99, 43/99 and 37/01) and the amendments made by decision of the High Representative on 4 November 2001 (*Official Gazette*, 56/01); the Law on Implementation of the Decision of the Commission for Property Claims for Refugees and Displaced Persons (*Official Gazette*, 49/99).

368. In Republika Srpska, the rights to accommodation are regulated by the following property laws: Law on Termination of Implementation of the Law on Occupation of Abandoned Property (*Official Gazette of Republika Srpska*, 38/98, 12/99, 31/99, 65/01, 13/02, 64/02 and 39/03), Law on Displaced Persons, Refugees and Returnees in the Republika Srpska (*Official Gazette*, 33/99 and 65/01), Law on Privatization of Public Apartments in Republika Srpska (*Official Gazette*, 11/00, 18/01, 35/01, 47/02 and 65/03), Law on Construction Land of Republika Srpska (*Official Gazette*, 41/03).

369. The laws and regulations in the area of housing that are in force in Brčko District are as follows:

- The Law on Housing Relations of the Socialist Republic of Bosnia and Herzegovina;
- The Law on Return of Abandoned Property;
- The Law on Buying Apartments and Right of Occupation of Public Property, Brčko District.

370. By its decision in 2000, the Council of Ministers appointed an expert team to carry out a study of housing policy in Bosnia and Herzegovina. The task of the expert team was to define, based on the current situation, and in consultation with the experts from the Stability Pact, the basis of the housing policy in Bosnia and Herzegovina and to propose to the Council of Ministers legal solutions for more effective coping with the issue on the Bosnia and Herzegovina level.

371. The expert team has a programme of activities, while consultations and an exchange of opinions with the experts from Stability Pact are going on. It is expected, based on activities of the expert team, that the Council of Ministers will propose the institutionalization of the issue at the Bosnia and Herzegovina level, by enacting a framework housing relations law and suggesting measures for amending lower-level regulations to address this type of social issue and facilitate the building of houses and dealing with other housing policy-related issues in Bosnia and Herzegovina.

372. The strategic planning in this area should also be regulated at the State level. The entire project is based on the fact that the funds for these purposes can be provided by the credits for EU projects, in which case the State would be a guarantee. The directorate, or any other department, with the Council of Ministers of Bosnia and Herzegovina that will deal with this area should be formed.

373. Through its Housing Fund, formed after the Law on Privatization of Public Apartments came into force, Republika Srpska collects the funds by redemption/repurchase of public, State-owned apartments, and then gives out soft loans and credits to citizens of Republika Srpska, exclusively for housing purposes.

## **Article 12**

### **The right to adequate health care**

374. Health is the state of complete physical, psychological and social well-being, not just absence of illness or infirmity. The health of the individual and of society proceed comprehensively out of an interaction of biologic basics, external factors of the environment (socio-economic conditions, conditions of life, the political and cultural environment) and, of course, the quality of health care. If the health of the population is one factor to characterize a society as poor or rich, then we can say that the state of health corresponds to the degree of economic development.

375. It follows that poverty, meaning poor socio-economic conditions, poor living conditions (housing and accommodation, work and general environment) and an unhealthy way of life influence directly a nation and its health potential.

376. If we assume that health is a condition of a progressive and wealthy society, so the health and economic status of an individual and society are mutually dependent. The state of health of different socio-economic groups is different even in the most developed countries and is not conditioned on the quality of health care alone. According to the census in 1991, 4,377,033 citizens lived in Bosnia and Herzegovina. By mid-2000, according to assessments of the Statistics Agency, 3,828,397 citizens lived in Bosnia and Herzegovina. The age structure of the population in the year 1991 was of a "border static/regression" type, with a narrow-peaked pyramid. According to the same source, the current age structure of Bosnia and Herzegovina's population remains at the 1991 level. The population of Bosnia and Herzegovina in 2002, therefore, may be characterized as biologically regressive.

377. The state of health of the population of Bosnia and Herzegovina in its post-war period is deteriorating constantly. The main reasons for such a situation are: the socio-economic situation, unemployment, migration, the large number of displaced persons, incomplete coverage by health insurance, unhealthy lifestyle and others. Even though the war directly influenced the state of health of the population, life expectancy in 2000 was between 71 and 75 years, which is identical to that in the year 1990 (World Bank, March, 2003). Immunization coverage for TB, diphtheria, tetanus, pertussis and poliomyelitis in the year 2000 in Bosnia and Herzegovina was quite high (95 per cent), but lower than in 1991 (98 per cent). With the death rate of newborn children of 16.4 per thousand in 1991, Bosnia and Herzegovina was among the countries with a relatively low mortality of newborn children. After the war, due to different types of registration, there were large variations of death rates for newborns in different regions. Therefore, the rate of 11 per thousand should be taken with caution. When the death rate of newborns of Bosnia and Herzegovina is compared with that of Western Europe, we can see that the former is twice as high. The death rate of babies is also one of the reliable indicators of health-care conditions in Bosnia and Herzegovina. In the pre-war period in Bosnia and Herzegovina, the death rate of babies was 10.7 per thousand. Such data after the war were not published; the estimates are that the death rates of babies are increasing.

378. On a "world health scale", which sets out the country's overall health condition, Bosnia and Herzegovina ranks at the 79th place.

379. When compared with the list of leading causes of death in Bosnia and Herzegovina before the war, and even with the most developed European countries, the current list of leading causes of death in Bosnia and Herzegovina is almost the same. In 1991, the first place on the list of leading causes of death and years lost due to disability, were diseases of the cardiovascular system (50 per cent), such as hypertension and coronary diseases. Malign neoplasm ranks second (18 per cent) and their number increased in last decades. In third place are other undefined conditions. The number of injuries and cases of poisoning also increased and holds fourth place on the list of leading causes of death. The three leading contagious diseases in Bosnia and Herzegovina are respiratory disease (influenza), contagious child diseases and enterocolitis.



380. Together with 46 European countries, Bosnia and Herzegovina started the programme to control TB in Europe, Euro TBC. According to the data in 2000, the incidence of TB in Bosnia and Herzegovina was 65.6 per 100,000, while the average rate incidence of TB for 46 European countries was 76 per 100,000. The rate of incidence of TB increased in Bosnia and Herzegovina after the war and it is directly connected with the increase of poverty. In this period, the death rate due to cardiovascular diseases also increased. In the year 2000 there were 12,500 cases registered, compared to 11,069 cases in 1991. Difficulties in obtaining health protection face especially older people, who live in conditions of poverty and therefore have more limited access to health protection. The number of fatal diseases is also increasing, so that mortality in 2000 was 275 per 100,000 compared to 175 in 1991. Car accidents, physical injuries and mental disorders are also on the increase. Available data show that there are over 47,000 people with bodily disability as a result of war. The number of injured in car accidents in 1991 was 234 per 100,000 people. There are projections that, in this area, the increase is significant.

381. Contagious diseases, by their nature, are of great importance for the community and demand implementation of special measures of control. This influences the pathology of society to a large extent. Deprived socio-economic conditions, inadequate supply of hygienically acceptable drinking water, inadequate waste management and improper housing conditions all increase the risk of the outbreak and spread of many contagious diseases.

382. The health of children cannot be observed without observing the state of health of the entire population. Besides mother's care, there are other factors, such as social surroundings and the physical environment that also influence the health of children, especially under current economic conditions, which are detrimental for children. Significantly, 8.5 per cent of the total population is children under age 5, and the birth rate is decreasing (there are differences between the cantons and regions). The death rate is considered low, even though there are regional crises.

383. According to the latest estimates, women comprise 51 per cent of the population, of which 25 per cent are at an age when they can have children. There are several common features of women of reproductive age: the tendency of decreases of the general and specific fertility rates because of deliberate abortion used as a family planning tool, increasing rates of unwanted pregnancies, with an increased number of rapes, sexual harassment and prostitution, which leads to an increase of contagious sex diseases. The problems of women's state of health are unequal access to health protection in rural and urban areas, low levels of education, lack of gynaecological health protection services/counselling for adolescents, low levels of health promotion and absence of a multidisciplinary, integrative attitude to problems of the health of women.

384. Over 10 per cent of the total population of Bosnia and Herzegovina is in the "third age" of life, which according to international standards puts people in the category of the old. This is a consequence of the decreasing birth rate and reproduction, as well as the large number of young people leaving the country. The elderly population faces specific health problems mostly connected with age, but also with their socio-economic situation. The leading diseases in 2001 are circulatory diseases, with a structural index of 26.2 per cent, diseases of the respiratory system, 18.3 per cent and bone and muscular diseases, 9 per cent, etc.

385. A special problem is providing health protection to the third-age population if they are returnees, bearing in mind that the health protection system is not fully defined between the Entities.

386. It is necessary to improve the health protection of the elderly population by providing primary health protection, home nursing through family-medicine departments, rehabilitation and medical care for this population group. Estimates are that almost 10 per cent of the total population of Bosnia and Herzegovina has a disability of some type and degree, which is the result of different causes. These persons are a very vulnerable group and in constant need of different types of health protection. The different services of support are undeveloped; it makes them even more isolated and affects their mental conditions.

387. The solution to this problem must be sought from several angles and be multidisciplinary, as it is not the sole problem of health protection but also a problem of social welfare, training and work, which represents action that prevents disability. The population of Bosnia and Herzegovina faces significant health problems and practices detrimental to health (smoking, alcoholism and drug addiction), asocial behaviour and violence, depression and suicide and a wide range of other different physical and mental disorders. The exposure of the Bosnia and Herzegovina population to risks such as smoking, increased blood pressure, diabetes, high cholesterol levels, physical inactivity, the risk of sexually transmittable diseases (AIDS), etc, which can influence the health potential of individuals and society as a whole, is increasing significantly. Unhealthy nutrition and inadequate drinking water affect health and, as the situation has not changed in years, the crisis grows and the negative factors predominate.

388. In accordance with the Constitution of Bosnia and Herzegovina, all competencies in the area of organization of health protection are at the Entities' level. In the Federation of Bosnia and Herzegovina, these competencies are divided between federal and cantonal levels, which decentralized the health sector, with the federal level having mainly a coordinating role. There is the same division of responsibilities between the federal, cantonal and municipality levels. Republika Srpska is divided into regions but the responsibilities are at the Entity level. In both the Entities and Brčko District, the health system is organized at three levels: primary, secondary and tertiary level.

389. The reform of the system of health protection started immediately after the war. Entity ministries of health prepared, in close cooperation with international organizations, the documents for reform of the health system with the aim of making health care more efficient and sustainable.

390. However, despite the orientation towards reforms (transformation of primary health protection into teams of family medicine specialists) the continued practice is to build expensive and well-equipped health objects in larger environments (clinics and hospitals), which results in a serious increase of costs and expenditures in providing health services, as well as a decrease in the degree of utilization, which is not in line with the economic potential of society.

391. Uneven territorial deployment of health equipment and personnel, especially physicians, causes uneven levels of health protection, which results in the rural population receiving health services from general practitioners, while in urban areas services are provided by medical personnel with specialist profiles.

392. Different levels of health care are insufficiently connected and coordinated and health-care protection is overrated, at the expense of primary protection. The shortage of specialized personnel is obvious, and is concentrated in large centres. Human resources planning and education is not coordinated, which results in hyperproduction of certain specialties and an increase of unemployment.

### **Health-care funding**

393. Health care is financed out of funds collected by contributions from workers' income as a percentage of income paid by the employer. Contributions also come from agriculture and out-of-budget transfers (Entities, cantons and municipalities) for certain categories of the population and for certain purposes. The obligatory health insurance funds are collected by the health insurance offices in cantons and Federation and Republika Srpska health insurance funds. Beside this kind of insurance, beneficiaries participate in the costs of health services. This participation is not financially significant because most of the beneficiaries (80 per cent) are exempted. Some health services are paid for directly, for example, medicines issued on prescription. Health services in private health institutions are paid in full on a commercial basis.

394. In the Federation, the law sets forth the limits on contributions (13 per cent of salaries or other type of income, 4 per cent paid by the employer). The cantonal parliaments define the categories for which the payment of contributions is obligatory. The rate of payment of contributions varies among the regions and among the payers. Pension funds, the Federal Employment Bureau, the armed forces and employers pay their dues partially, while some do not pay at all.

395. In Republika Srpska health insurance is centralized (uniform fund for health insurance, with branches in municipalities). The rate of contributions for health insurance is calculated on net incomes (the employed, 15 per cent, pensions 3.75 per cent and cadastral income of farmers at 15 per cent). The payments of health services are based on new contracts started.

396. As the Entity laws on health insurance are not harmonized, the change of residence of returnees and displaced persons results in the loss of their health insurance and access to health institutions.

397. The rate and base of contributions is not identical in all cantons and for all the insured. The rate and base for health insurance of those employed is 17 per cent on gross salary and is equal in all cantons. However, for other insured persons, such as pensioners, farmers, the unemployed registered in employment offices, recruited for service in armed forces and others, the rate and base is different throughout the cantons.

398. Based on data from cantonal health-care offices, the majority of those obliged to pay contributions (more than 50 per cent) do not fulfil their obligations and do not pay the contributions so that over 90 per cent of realized revenues from contributions for compulsory health insurance are revenues from contributions paid by employers. Even though the burden of compulsory contributions for compulsory health insurance is quite high on salaries and other remunerations, the realized revenues are significantly lower than envisaged by law.

399. The main reason is poor coverage of the population by insurance as well as non-payments of the registered payees. An example of the problem of financing, due to poor implementation of laws and regulations, is the Pensions Fund, which is the biggest debtor of compulsory contributions for health insurance, even though retired persons are at the same time the most frequent users of health care. This obligation is, or was, not fulfilled by some other Entities under obligation, such as employment offices, municipality and canton budgets for health insurance of refugees and displaced persons, invalids, civil victims of war, recruited persons, socially uncared-for persons, farmers, some private enterprises, those engaged in the black market and even some employed in institutions in the health-insurance sector who are not receiving salaries or who are on lay-off.

400. The coverage of population with health insurance is different in cantons, while at the level of the Federation of Bosnia and Herzegovina it is unsatisfactory, with just 85 per cent of the total population. The highest per cent coverage with health insurance in 2001 was in Zenica-Doboj Canton with 96.77 per cent, and the lowest was in Posavina Canton with 47.84 per cent. The average rate of realized revenues in 2001 at the Federation level per resident was KM 182.92, and per insured person, KM 220.87. Large deviations in the level of revenues raised are evident throughout the cantons, so that revenues per resident/inhabitant are from KM 99.27 in Herceg-Bosnian Canton to KM 341.32 in Sarajevo Canton, while revenue raised per insured person was from KM 148.12 in Tuzla Canton to KM 361.62 in Sarajevo Canton.

401. More than a third of total funds in Bosnia and Herzegovina, or 37 per cent, are allocated to primary health care, while 35 per cent are for secondary and 18 per cent for tertiary health care. One of the determining factors of health expenditure is the level of gross domestic product (GDP) and the share of health expenditure in GDP. GDP per capita in 2001 was KM 2,559.00. According to available data, the participation of health expenditure in 2001 was 8 per cent of GDP, which was approximately KM 205 per capita annually.

402. In case of accidents at work or professional diseases, insured persons are, as provided by law, entitled to health care and the implementation of measures of discovering and preventing such accidents and diseases, appropriate medical assistance and the right to use orthopaedic aid devices for medical rehabilitation. This is done with the goal of recovering working ability, compensating travel costs for rehabilitation or health care following accidents at work and professional diseases and compensation of salaries for the entire time while on medical leave.

403. Insured persons who are temporarily disabled for work due to other, non-professional diseases, injuries or accidents, or those isolated as carriers of infectious diseases, designated as escorts for sick persons going for treatment or rehabilitation and those who take care of a sick spouse or child, also have the right to receive compensation for salaries.

404. Personal-income compensation is determined as a minimum of 80 per cent of base compensation, and it cannot be lower than the minimum salary in the month for which it is determined.

405. Personal-income compensation is 100 per cent of base compensation in the following cases:

- For the period of temporary inability to work due to accidents at work or professional illnesses;
- For the period of temporary inability to work due to illness or complications that are the result of pregnancy or birth;
- For the period of temporary disability due to transplantation of live tissue or organs to another person.

406. Personal-income compensation due to accidents at work or professional-related diseases is calculated and paid from their own resources by the legal or physical person who is the employer of the insured person. Even though the agreement on implementation of health care between the Entities and Brčko District was signed, it is not implemented and only a small number of those insured use that right.

### **Mental health**

407. The frequency of mental health problems has considerably increased compared to the period before the war. When compared to indicators in the period before the war, mental health problems increased as a direct result of war, especially in vulnerable groups such as refugees, displaced persons, children, the elderly, youth and demobilized soldiers.

408. There are estimates that 15 per cent of the population of the Federation of Bosnia and Herzegovina suffered psychological trauma, especially post-traumatic stress disorder. The most frequent diseases are neurotic disorders connected with stress, which make up 61 per cent of the total number of cases; and affectation or mincing behaviour, which are 14 per cent of the total number. There are no precise data on, for example, the increase of violence resulting from mental disorders, such as the rate of increase of suicides and murders. Migration, unemployment, change of family conditions, increase of violence and other high-risk factors are causes of almost all mental disorders and disorders of behaviour that result in suicides. The rate of suicide is 3.8 per 100,000 (2000) and 32 per 100,000 (2001). The most vulnerable group, with 71.8 per cent in 2001, and 64 per cent in 2000, is the working and active population between 15 and 64 years of age.

409. In epidemiological research, sex correlates the most as a risk factor for all types of mental disorders. Depressive disorders caused by neurosis are, on average, two to three times more frequent in women. Nutritional disorders are 8 to 10 times more frequent in women than men. In cases of disorders of different types, including those more frequent in men or women, as well as in those with equal frequency, the differences based on sex are manifested in risk factors and in clinical aspects. The differences based on sex in a neuropsychiatry profile, risk of repeating or frequency of appearance, seriousness of symptoms or disablement are all very important in prescribing treatments and special services. The social influence of mental disorders is additionally disproportional for women in the period of pregnancy, giving birth and lactation. Other elements of reproductive and mental health include reproductive symptoms (reproductive disturbances, such as vaginal secretions, are caused more by stress than by external factors, but

are always, as a rule, treated as physical and not psychological problems), violence and mental health (one of the most disabling and long-term forms of disorders of post-traumatic stress is the result of violence against women and children), reproductive operations and mental health (women that were subject to these kind of operations such as mastectomy, hysterectomy and any other gynaecological surgery can suffer from mental disorders), HIV/AIDS and mental health (mental disorders of persons with HIV as a result of stigma and discrimination which is a result of infection, as well as direct and indirect influences on the brain of HIV and other secondary infectious diseases).

410. Generally, women are the primary users of mental-disorder treatments and services but there is little data on epidemiological and clinical findings and research on issues of sex difference that are implemented through the policies of public health and relevant institutions. Absence of institutions and of appropriate care for persons with mental disorders is an obstacle to the return of refugees with such needs.

**Table 6**

**Mental and behaviour disorders in the Federation of Bosnia and Herzegovina**

	1990		2000		2001	
Mental and behaviour disorders	Number of disorders	Rate per 100 000	Number of disorders	Rate per 100 000	Number of disorders	Rate per 100 000
	51 435	2 240	56 460	2 470	48 464	2 100

**The implementation of immunization against tuberculosis**

411. The average percentage of primary children vaccinated with BCG in 2000 was 91 per cent and is falling when compared to 92.5 per cent in 2001. The highest per cent vaccinated was in Livno Canton, 99.5 per cent, and the lowest in Tuzla Canton, 89.5 per cent. Together with 46 European States, Bosnia and Herzegovina started the programme to control TB in Europe called Euro TB. If we look at the data from 1999 to 2001, we will see the increase in number of those suffering from TB, as the following table shows in its data for the Federation of Bosnia and Herzegovina.

**Table 7**

**TB patients in the Federation of Bosnia and Herzegovina**

1999		2000		2001	
Total	Number of cases per 100 000	Total	Number of cases per 100 000	Total	Number of cases per 100 000
297	113.2	340	113.4	368	120.6

The rate of TB cases in the post-war period is increasing when compared to the pre-war period, which is directly connected with the poverty of the population.

### **Most frequent mortality causes and rates**

412. Bosnia and Herzegovina has no national health policy or national health-care programme.

413. The maternal death rate before the war in 1990 was 21.4 deaths per 100,000 residents in Bosnia and Herzegovina. The data on maternal death rate after the war are not reliable, but according to available data, where the cause of death is determined, the maternity death rate in 2000 was 8 per cent per 100,000. Data presented above are to be taken with caution due to unsatisfactory information on the causes of deaths.

414. The leading causes (in per cent) of the death of infants in Bosnia and Herzegovina in 2002:

- Certain conditions of a perinatal nature - 67.7 per cent;
- Congenital malformations, deformations and chromological abnormalities - 12.6 per cent;
- Diseases of circular system - 2.1 per cent;
- Symptoms, signs and other abnormal and laboratory findings and diagnosis that are not categorized - 6 per cent;
- Certain infectious diseases - 3.9 per cent;
- Other diseases, conditions and injuries - 7.8 per cent.

(Source: Table 18: Statistics Bulletin 5, 2003, Bosnia and Herzegovina Statistics Agency.)

415. The leading cause of death (mortality) in 2002 was diseases of the circulatory system, with 53.1 per cent of the death rate. Malign neoplasm were causes of death in 17.5 per cent of cases, injuries and poisonings, 3.2 per cent, and diseases of the digestive system 2.7 per cent. All other diseases were causes of death in 13.5 per cent of cases. There are still no standard data on specific death rates for every disease.

416. The general death rate in 1991 in Bosnia and Herzegovina was 7 per cent. In the post-war period, there is a slight increase of this rate so that in the year 2002 the rate was 7.9 per cent. This data should be viewed as preliminary.

417. The leading causes of death in Bosnia and Herzegovina in the year 2002:

- Diseases of the circulatory systems - 53.1 per cent;
- Malign neoplasm - 17.5 per cent;

- Symptoms, signs and other abnormal and laboratory findings and diagnosis not categorized - 9.9 per cent;
- Injuries, poisonings and other external causes of morbidity - 3.2 per cent;
- Diseases of digestive system - 2.7 per cent;
- Other causes of death - 13.5 per cent.

(Source: Table 17: Statistics Bulletin 5, 2003, Statistic Agency of Bosnia and Herzegovina.)

**Table 8**  
**Leading groups of diseases in the Federation of Bosnia and Herzegovina**  
**in 1999-2001**

Diseases	1999		2000		2001	
	Rate of disease per 10 000 inhabitants	Structure Index (%)	Rate of disease per 10 000 inhabitants	Structure Index (%)	Rate of disease per 10 000 inhabitants	Structure Index (%)
1. Diseases of respiratory system	3 461	36.2	3 347	35.2	3 095	35.7
2. Diseases of circulatory system	850	8.9	917	9.6	853	9.9
3. Diseases of genital-urinary system	706	7.4	668	7.0	503	5.8
4. Diseases of digestive system	554	5.8	536	5.6	512	5.9
5. Diseases of bone and muscular systems	429	4.5	503	5.2	459	5.3
6. Diseases of skin and subcutaneous tissue	419	4.5	421	4.4	429	5.0
7. Infectious and parasitic diseases	398	4.2	324	3.4	245	2.8
8. Endocrine and metabolic diseases	259	2.7	253	2.7	220	2.5
9. Diseases of the eyes	256	2.7	285	3.0	247	2.9
10. Ear and mastoid diseases	254	2.7	241	2.5	238	2.7

418. Comparative analysis for the period 1999-2001 shows a high rate of chronic, massive and non-infectious diseases in the Federation of Bosnia and Herzegovina.



**Table 9**  
**Leading groups of diseases, Republika Srpska, 1999-2001**

Diseases	1999		2000		2001	
	Number of cases (N)	(%)	Number of cases (N)	(%)	Number of cases (N)	(%)
1. Diseases of respiratory system	3 568	29.00	289 054	33.60	283 716	31.2
2. Diseases of circulatory system	103 746	8.42	85 169	9.89	110 651	12.2
3. Diseases of genital-urinary system	106 505	8.65	96 164	11.20	102 345	11.3
4. Diseases of digestive system	291 787	23.70	62 561	7.27	68 932	7.6
5. Diseases of bone and muscular systems	62 497	5.07	54 633	6.34	61 249	6.7
6. Diseases of skin and subcutaneous tissue	35 370	2.90	31 436	3.65	36 043	4
7. Infectious and parasitic diseases	33 654	2.70	27 025	3.14	27 188	3
8. Endocrine and metabolic diseases	Soo-T98 <sup>a</sup> 43 895	3.56	25 560	2.97	Soo-T98 <sup>a</sup> 43 344	4.8
9. Diseases of the eyes	31 364	2.54	FOO-F99 <sup>b</sup> 27 123	3.15	24 057	2.65
10. Ear and mastoid diseases	FOO-F99 <sup>b</sup> 29 805	2.40	Soo-T98 <sup>a</sup> 39 580	4.60	2 529	2.8
Other diseases	135 291	11.00	122 092	19.20	126 499	14
Total	1 230 790	100	860 397	100	909 316	100

<sup>a</sup> Soo-T98 - Injuries and accidents, poisoning and consequence of external factors.

<sup>b</sup> FOO-F99 - Mental and behaviour disorders.

Comparative analysis for the 1999-2001 period shows a high rate of chronic, massive and non-infectious diseases in Republika Srpska.

419. If the three-year period of leading causes of death is examined, it is obvious that this phenomenon has not changed significantly. When compared with the list of leading and the most frequent causes of death in Bosnia and Herzegovina before the war, even with most European countries, the current list of leading causes of death is almost the same. Diseases of the cardiovascular system, such as coronary diseases and hypertension, were in first place with 50 per cent of the leading causes of death and lost years due to disability (DALY) in Bosnia and Herzegovina in 1991. Malign neoplasm is in second place with 18 per cent and its number increased in the last few decades. The symptoms and other undefined conditions are in third place on the list. Injuries and poisonings are also increasing and they are in third place of specific causes of deaths.

**Table 10**

**Chronic mass contagious diseases in the Federation of Bosnia and Herzegovina  
for the 1999-2001 period  
(the rate per 100 000 inhabitants)**

	1999	2000	2001
Malign neoplasm	230	320	230
Thyroid function disorders	448	418	385 diseases of circulatory systems
Diabetes	1 493	1 548	1 358
Chronic lung diseases	1 758	1 797	1 316
Anaemia, caused by lack of iron	2 035	1 881	1 734
Mental and behaviour disorders	2 238	2 428	2 100
Chronic diseases of digestive system	4 153	2 321	2 852
Bone and muscular diseases	4 286	4 947	4 594

420. It is evident that diseases of circulatory systems are first with 8,300 per 100,000 persons, while the rate of bone and muscular diseases is also increasing, followed by the diseases of digestive systems and mental and behaviour disorders. All the rates had a tendency to decrease in 2001 when compared to 2000, with the exception of chronic diseases of digestive systems, whose rate is increasing.

#### **Contagious diseases**

421. The total number of registered infectious diseases in the year 2001 was 55,733, which was 2,415 per 100,000 inhabitants. The most frequent diseases in the Federation of Bosnia and Herzegovina in 2001 were influenza, enterocolitis, varicellae, scabies and angina streptococci, which made up 90 per cent of the total number of registered infectious diseases. There were 21 epidemics of infectious diseases registered, with 52,050 cases registered in 1999, 39 epidemics with 42,614 registered cases in 2000, and 31 epidemics with 36,572 registered cases in 2001 (these figures include the influenza cases).

422. If the rate of infectious and parasitic diseases in a three-year period in the Federation of Bosnia and Herzegovina is observed, it becomes evident that the trend is, more or less, constant with the exception of parotitis epidemical and virus hepatitis A. The rates of these two diseases are showing a tendency to increase in the years 2000 and 2001 and, as a consequence, they appear as epidemics.

423. In the 1996-2002 period, there were 51 people registered with AIDS in Bosnia and Herzegovina and almost all of them died. There are estimates that there are approximately 350 persons who are HIV-positive in Bosnia and Herzegovina. In order to prevent and fight HIV/AIDS, the Council of Ministers of Bosnia and Herzegovina formed an Advisory Committee to fight against HIV/AIDS. The adoption of a strategy to fight against HIV/AIDS in Bosnia and Herzegovina is expected in 2004.

**Table 11**  
**Morbidity related to infectious diseases, the Federation of Bosnia and Herzegovina, 1999-2001**

Type of infectious disease	1999	2000	2001
	Rate of disease per 100 000 inhabitants	Rate of disease per 100 000 inhabitants	Rate of disease per 100 000 inhabitants
1. Influenza	2 342	1 719	1 547
2. Enterocolitis	194	162	156
3. Varicellae	176	188	179
4. Scabies	158	97	81
5. Angina streptococci	93	74	74
6. TBC plutonium	78	68	69
7. Parotitis epidemic	51	153	131
8. Toxiinfectio alimentaris	43	47	37
9. Scarlatina	19	18	22
10. Virus hepatitis A	19	69	32
11. Other infectious diseases	984	99	89
Total	3 274	2 695	2 415

**Table 12**  
**BCG immunization coverage, 1991-2002 period**

Immunization	Year	BCG (in %)
Vaccination	1991	94
	1999	94.78
	2000	89.68
	2001	92.50
	2002	91.9
Revaccination	1991	92
	1999	no revaccination
	2000	no revaccination
	2001	no revaccination
	2002	no revaccination

*Source:* Federal Office for Public Health.

424. The law on infectious diseases that is in force was taken over by succession from the Republic of Bosnia and Herzegovina. The new draft law on infectious diseases is under consideration.

425. As one of the consequences of war, there are high rates registered of amputations, lesions of the spinal cord and bone marrow, traumatic injuries of brain, lesions of peripheral nerves and multiple traumas. It is important to emphasize that most of these burdens were borne by youth and the most productive groups of the population. Currently, there are 38 centres for physical

rehabilitation in communities in the Federation of Bosnia and Herzegovina, formed through the project of the Federal Ministry of Health called "Rehabilitation of victims of war". However, it must be noted that these kinds of facilities are not present equally in different parts of the country, while in some regions they do not exist at all.

### **Immunization against diphtheria, tetanus and pertussis**

426. The average per cent immunized against diphtheria, tetanus and pertussis in the Federation of Bosnia and Herzegovina in 2000 was 73.9 per cent, which is significantly lower than the 91.7 per cent immunized in the year 2001. The widest coverage was registered in Livno Canton with 89.8 per cent immunized, while the lowest was in Sarajevo Canton with 59.7 per cent.

427. The low percentage of immunized children was a consequence of the crises that followed the case of one child from Sarajevo who was infected with encephalitis after being administered a live vaccine of Australian origin distributed by UNICEF. After tests were done in the United States of America, it was proved that the vaccine was the trigger for genetic changes which followed.

### **Immunization against children's paralyses**

428. The average percentage of people immunized by oral polio vaccine in 2002 of all cantons in the Federation of Bosnia and Herzegovina was 81.8 per cent, which is considerably lower compared to the 92.3 per cent rate in 2001. The widest coverage immunized was in Una-Sana Canton with 94.0 per cent, while the lowest was in Sarajevo Canton, with 61.9 per cent.

### **Immunization against measles**

429. The average percentage of children vaccinated against measles in 2002 was 86 per cent, and is lower compared with 2001, when it stood at 91.7 per cent. The lowest number of those covered with immunization was noted in the Sarajevo Canton with 62.8 per cent, and the highest in the area of Goražde with 96.2 per cent.

**Table 13**

### **Immunization against measles (morbili), in percentage**

Immunization (percentage)	Year	DTP	Polio	Measles (morbili)
Vaccination	1991	94	93	95
	1999	95.06	95.06	80.74
	2000	82.23	85.15	88.61
	2001	91.79	92.30	91.70
	2002	73.9	81.8	86
Revaccination	1991	95	96	98
	1999	92.69	92.69	74.88
	2000	78.89	89.22	90.03
	2001	89.2	90.6	83.5
	2002	62.6	81.8	87.2

### **Water's adverse impact**

430. The harmful effects of water, originating from an imbalance and unequal distribution of natural elements (water regime, climatic, geological, topographical and human activities) are evident in the wider area of Bosnia and Herzegovina. It is characterized by developed landscapes with relatively high slopes which, in addition to the unbalanced distribution of precipitation, lead to an unbalanced off-flow. The watersheds of hillside waters on low mountains around the Sava River are critical, and so are the upper, higher sections of basins of the direct inflows to the Sava. We often witness the coinciding of flood waves from such inflow rivers, and their consecutive inflows, sometimes even followed by flooding of the Sava River itself. The human effects and the conditions for retaining flood waters are getting worse and worse. Woodcutting is increasing, communications in the flood-prone areas are being created and exploited intensively (buildings, industry, traffic, etc.). All this contributes to accelerating off-flows, as the retaining of waters is being reduced through cutting off inundations by intentional regulating of small water basins. Due to the lack of coordination in human activities, the conditions in the lower basins of all watercourses are becoming more complicated.

431. Active flood-defence is rarely present, and the conditions for its construction are getting more and more difficult (especially in terms of water accumulation and retention). The conditions for possible transfer of waters from one basin to another are also present, plus there is the problem of providing facilities for flood-prevention within one basin (due to facilities being located in one section of the basin, whereas the effects of water are striking another section, belonging to a different administrative unit/municipality).

### **The elderly and disabled persons**

#### **The elderly**

432. According to the estimates of the Entity statistics agencies, the proportion of old persons in the overall population structure in Bosnia and Herzegovina is over 10 per cent. This means that, by international standards, Bosnia and Herzegovina is classified as having an "old population". This is a consequence of the reduced birth rate and the emigration of young people abroad. Older persons have specific health problems, mainly related to their age, but there are also the problems caused by the difficult social and economic conditions.

433. Most of the illnesses in 2001 were circulatory-system disorders, at 26.2 per cent, then respiratory-tract disorders, at 18.3 per cent, followed by bone and muscular disorders, at 9 per cent. A separate problem is providing health care for this population segment, especially those in the category of returnees. We do not have a comprehensive and thoroughly defined method of providing health care through an arrangement between the two Entities.

434. It is necessary to promote the health protection of the elderly population through primary health protection, as a part of family medicine, and to ensure the programme of home treatment, rehabilitation and medical care provided to this population.

**Persons with disabilities**

435. There are no accurate data, but some assessments indicate that almost 10 per cent of the total population in Bosnia and Herzegovina is made up of persons with disabilities of different kinds, levels of disability and causes. Those persons are a very vulnerable category, and they have permanent needs for various forms of health protection. The underdevelopment of various support services leads to their isolation, which has an additional effect on their psychological state. Resolving this problem must be viewed from several angles and across sectors, because this is not only a health sector problem, but also a matter of social protection, training for work and life, and preventive work on the causes of the disability.

**Factors that influence health conditions****Food and physical activity**

436. Childhood and adolescence are the critical periods in terms of health and for promotion and prevention of possible diseases. Many behaviours involving health risks may occur as early as this period. Some behaviours, or lack of them, such as physical activity, affect the health of children their whole lives. In 2002, through research on the health behaviour of school-age children, which was implemented by the Public Health Institute of the Federation of Bosnia and Herzegovina, for the first time the information was provided on nutrition and eating habits of schoolchildren in the Federation. The main goal of this research was to develop an information system related to the health and lifestyle of the young generation.

437. For the purposes of this report, which has not been published yet, here are selected data on eating habits and physical activity among the school-age children. The target groups of this research were two age groups, averaging 11.5 and 13.5 years old, while the sample comprised a total of 3,200 pupils. The results showed that 60.5 per cent of pupils have breakfast five working days a week, boys and girls quite equally. However, the number of boys and girls who say they never have breakfast is rather high, at 14.8 per cent.

438. The same research discloses that the percentage of physically inactive students, defined as those who are never active or are active only two or fewer days a week, is 27.2 per cent. This percentage is lower among boys, at 21.3 per cent, than among girls, at 33 per cent. In the case of girls, there is a statistically significant change in terms of physical activity from the sixth grade to the eighth.

439. At the level of Bosnia and Herzegovina and the Federation, an action plan for children from 2002 to 2010 was adopted. For the purpose of implementing institutional reforms in terms of child protection, a Council for Children was established under the Council of Ministers of Bosnia and Herzegovina. An action plan for children in terms of health protection of mothers and children needs to put an emphasis on implementation of prevention programmes and clearly stated goals that are in accordance with the Convention on the Rights of the Child and goals of WHO:

- Reduced mortality and morbidity rate among children and mothers;
- Improved nutrition;

- Improved availability of potable water and sanitary system;
- Prevention of risky behaviour related to sexually transmitted disease, with special regard to HIV/AIDS;
- Prevention of smoking, drug abuse and alcoholism.

440. Research on risk factors has for the first time enabled an assessment of nutrition and eating habits in the diet of adults in the Federation of Bosnia and Herzegovina. The target population in the research on risk factors in non-contagious diseases was the population of the Federation of Bosnia and Herzegovina of the ages 35 and 64 years. The sample size was 3,020 persons. Anthropometric measures, included measuring height, weight, waist and hip measurements, and the recommended weights of the body mass index (BMI) were used to evaluate the condition of people.

441. In general, 21.5 per cent of respondents were found to be overweight, 41 per cent to have excessive weight, and 36.9 per cent to be normal weight or underweight. The percentage of overweight respondents, particularly those who were obese, shows a statistically significant increase over the years. Further, the percentage of overweight people is generally higher among women, while the percentage of those who are overweight is higher among the men, with BMIs ranging between 25 and 30.

442. Research has shown that 15.1 per cent of the respondents are physically active in their free time more than once a week, where physical activity is defined as exercise that leads to heavy breathing or sweating. According to the age groups, there are more physically active men (19.6 per cent) than women (12 per cent). The research results clearly indicate that, among the adult population of the Federation of Bosnia and Herzegovina, there is no malnutrition. On the other hand, most adults lead a sedate lifestyle that has its reflection in the prevalence of overweight persons who are exposed to the risk of having non-contagious diseases that are among the five leading groups of diseases. Non-contagious diseases are also the main causes of deaths in the population.

443. All this suggests that there is a need to implement preventive public health programmes. This is foreseen under the action plan for food and nutrition in the Federation of Bosnia and Herzegovina, which is being finalized.

444. In Republika Srpska, research on the health behaviour of school-age children was implemented in 2002 by the Health Protection Institute of Republika Srpska, Banja Luka. This research has gathered information on the diet of school-age children in Republika Srpska. The target groups were three age groups - 11, 13 and 15 years old - and the sample covered a total of 5,134 pupils.

445. The research results show that 86 per cent of the respondents have breakfast every day, and 94 per cent of the respondents brush their teeth one or more times a day. Also, 88 per cent of them are engaged in physical activities more than twice in a week, for 60 minutes. The number of children who are not engaged in physical activities is 4.2 per cent, and those who are physically active less than twice a week is 22.9 per cent.

446. At the level of Bosnia and Herzegovina, and in Republika Srpska, the Action Plan for Children for 2010 was developed. The Action Plan, in terms of health protection of mothers and children, should place an emphasis on implementation of prevention programmes that are also set out in the Action Plan of the Federation of Bosnia and Herzegovina.

447. Research on risk factors for non-contagious diseases was conducted in Republika Srpska during 2002. The target population were the inhabitants of Republika Srpska, aged between 25 and 64, and the sample size was 5,952 respondents. There were 1,143 respondents younger than 18 (19.25 per cent), while 4,328 respondents were older than 18 (90 per cent). The anthropometrics included measuring height, weight, waists and hips. For the evaluation of nutrition, the recommended values of the body mass index (BMI) were used.

448. In general, the body mass index above 27 is seen in 55.7 per cent of the respondents, or 650,000 people. Research has shown that 6.7 per cent of respondents are physically active, 42.1 per cent suffer hypertension, and 55 per cent of respondents suffer from cholesterol levels that exceed 5.5 mmol/l (millimoles per litre).

449. The results obtained show that there is no malnutrition in our territory, while on the other hand, most lead a sedate lifestyle reflected in the prevalence of overweight persons who are exposed to the risk of having chronic non-contagious diseases that are among the five leading groups of diseases. The chronic non-contagious diseases are also the main causes of death in Republika Srpska.

### **Smoking and health**

450. In the analysis of the health condition of the population in the Federation of Bosnia and Herzegovina, a significant place has to be given to monitoring the trends of acquiring harmful habits, such as smoking, drinking and the use of psychotropic substances. The evaluation of positive and negative trends is done through official health statistical data, as well as through research studies, and its purpose is to evaluate the level of exposure of the population to the effects of certain risk factors, as well as for defining the preventive programmes directed to the most vulnerable groups of population.

451. According to the results of research on the risk factors for non-contagious diseases among the adult population of the Federation of Bosnia and Herzegovina, which was conducted in 2002 by the Public Health Institute of the Federation of Bosnia and Herzegovina, smoking is still the most widespread harmful habit in the Federation of Bosnia and Herzegovina. A significant percentage of respondents, 37.6 per cent, smoke every day, and the percentage is high among the younger population. According to research on health behaviour conducted among school-age children in the Federation of Bosnia and Herzegovina, smoking was viewed from two positions: records of smoking habits in the past and the present. In terms of past smoking habits, 20.8 per cent of respondents confirmed they had smoked, among them more boys (25.3 per cent) than girls (16.3 per cent). The percentage of smokers increased with the age of children, from 12 to 14 years. However, it is important that, with respect to research on current smoking habits, 90.6 per cent of the respondents deny smoking, 87.7 per cent of boys and 93.5 per cent of girls.



452. In the analysis of the health condition of the population of Republika Srpska, a significant place is taken by monitoring the trends of harmful habits, such as consumption of tobacco, alcohol and psychoactive substances. The evaluation of positive and negative trends is done through the official health statistics or through research studies, the purpose of which is to provide elements for evaluation of the level of exposure of the population to the effects of specific risk factors, and for defining preventive programmes directed towards the most vulnerable groups of the population. According to the results of research on the risk factors of non-contagious diseases among the adult population of Republika Srpska, which was implemented by the Health Protection Institute in autumn 2002, smoking is the most widespread harmful habit among the adults in Republika Srpska; 33.6 per cent of the population smokes every day, or 420,000 persons older than 18.

453. In the research conducted among the school-age population in Republika Srpska, smoking has been observed from two angles: smoking in the past and one's current smoking habit. In terms of the existence of a smoking habit in the past, 14.2 per cent confirmed their smoking (4.1 per cent smoked at the age of 11, 11.6 per cent at the age of 13, and 26.8 per cent at the age of 15), while 4.2 per cent of respondents said they were currently smoking (0.7 per cent at the age of 11, 1.4 per cent at the age of 13, and 10.6 per cent at age 15).

#### **Alcohol and health**

454. According to the research on risk factors of non-contagious diseases among the adult population in the Federation of Bosnia and Herzegovina, 29.5 per cent of the respondents confirmed that they consumed some alcohol, regardless of the amount of alcohol consumed, during the year preceding the survey, without any significant differences among the age groups. There were significant differences between male and female respondents; 54.1 per cent of male and only 12.5 per cent of female respondents said that they consumed alcohol.

455. A significant indicator of alcohol consumption and its effect on the population's health is the incidence of diseases related to alcohol as a risk factor. According to the information provided by the Public Health Institute of the Federation, among the population older than 19, mental disorders and behavioural disorders caused by alcohol show a trend of steady increase from 1998 to 2002, the incidence rate being 101.3 per 100,000 people. The growing trend has also been observed in terms of the incidence of alcohol-caused liver diseases from a rate of 65.5 per 100,000 people, to a rate of 67.2 per 100,000 in 2002.

456. According to the results of research on the risk factors among the adults in Republika Srpska, in recent years, 78 per cent of the adult population consumed alcohol, while 10 per cent (109,000) of people consumed alcohol on a daily basis.

457. The research carried out among schoolchildren in Republika Srpska shows that 41 per cent of the respondents drink beer (31.5 per cent of the respondents at the age of 11, 42.4 per cent at the age of 13, and 48.7 per cent at the age of 15), 33.4 per cent drink wine (22.8 per cent of respondents at the age of 11, 36 per cent at the age of 13, and 41.3 per cent at the age of 15). Hard drinks are consumed by 12 per cent of the school-age population (8.7 per cent at the age of 11, 14.3 per cent at the age of 13, and 13 per cent at the age of 15).

**Narcotic drugs and psychotropic substances**

458. The current socio-economic environment in post-conflict Bosnia and Herzegovina leaves it open to drugs and other addiction conditions. This trend analysis uses the outcomes of relevant research. As narcotic-drug and psychotropic-substance misuse is usually coupled with HIV/AIDS, the 2001 UNICEF Quick Assessment and Response Project implemented in the Federation of Bosnia and Herzegovina covered 676 young people in Tuzla, Mostar and Sarajevo. Out of 212 persons using narcotic drugs, 128 men and 83 women - average age 18 - confirmed that they used drugs for the first time when they were 15. Among all respondents, 67.9 per cent had sexual intercourse, 35.3 per cent believed they were at risk of HIV and other sexually transmitted diseases, and only 4.2 per cent were tested for HIV. As to the kind of narcotic drugs and psychotropic substances they used, it was cannabis (52.8 per cent), ecstasy (18.4 per cent), diazepam (9.4 per cent). Also, 50 per cent of respondents indicated the use of two or more kinds of narcotic drugs at the same time, while 37.7 per cent of respondents confirmed having sexual intercourse when under the effects of drugs.

459. As support for a more efficient fight against risky behaviour and detrimental habits, under the auspices of the Federal Ministry of Health in 2001 a document titled "Federal Alcoholism and Narcotics Addiction Prevention Programme", was sent for parliamentary adoption.

**Improvement of environment and industrial hygiene**

460. All population groups are exposed to environmental risk factors, but particularly children, pregnant women, chronic patients and the elderly.

461. Water has an enormous impact on people's health. That is why the water-supply problem is a priority in the Federation of Bosnia and Herzegovina, where some estimates indicate that about 50 per cent of the population is linked to the water-supply system. Water sanitation control is carried out for only about 55 per cent of the population, including microbiological, chemical and radiological controls at satisfactory levels. With uneven zones of sanitary protection and the old way of water chlorine purification, the leading problem appears to be the lack of a single water-supply facilities registry. This impedes full inspection into the status and measures adopted with a view to improving the current water supply in the Federation of Bosnia and Herzegovina. Water-supply quality may be estimated by the epidemiological situation in respect to some water-related diseases, primarily intestinal contagious diseases. A somewhat better epidemiological situation in the last two years could be a sign of a certain improvement of the water-supply system.

462. The review of the results of microbiological and chemical analysis of public health laboratories in the Federation of Bosnia and Herzegovina, including into the mandatory-reporting system (unlike other institutions carrying out water chemical quality control) we can see a relatively high level of microbiologically and chemically unhealthy samples. Most contaminants are coliform bacteria and faecal streptococcus, and among chemical ones, there are: ammonia, nitrates, nitrites, rare heavy metals and other toxic agents. Core causes of water sources pollution are related to human activities, such as dumping liquid waste materials from industry and communities. Irregular waste disposal, in addition to inappropriate water supply and sewerage pipes, influences water quality, resulting in more exposure of the

population to microbiologically and chemically contaminated water. The analysis of foodstuffs, including water, cover their microbiological, chemical and radiological analysis before they appear in the market, while sales analysis means some analysis after the foodstuffs are placed on local and foreign markets, i.e. when they are available to consumers.

463. The ecological health concept necessitates that part of health activities be directed to the improvement of interaction between man and his environment, given the ever-degrading environment as a consequence of both traditional and modern hazards at work. Under conditions of increased population, intensified migrations and modernization, there is an increased use of eco-toxic substances, radioactive matters and so on. The changed environmental quality directly influences human health through water, air, soil and through the food chain, indirectly.

464. The promotion of the health of each individual and community in Republika Srpska should be a goal of all development strategies. Environmental factors can support dynamic balance, i.e. health and health resources (water, air, food, soil and accommodation); but if they change, and endanger the health balance, reducing health potentials and causing illness, we call them health hazards.

465. Quality of life and people's welfare depend on environmental quality being classified into four levels:

- Survival environment, meaning the suppression of huge epidemic trends;
- Basic security environment, characterized by epidemic-trends suppression and accidents and undernutrition-caused health conditions;
- Effective-results environment, i.e. appropriate nutrition, work stimulation and environment (healthy lifestyles);
- Comfortable environment, offering incentives and aesthetic amenity.

## **Water**

466. The role and importance that water has in human life made WHO set criteria for needs and quality of drinking water because of the impact water has on human health. It proved the importance of water as a globally irreplaceable resource. An adequate supply of hygienically clean water for drinking is an imperative of modern life, a measure of wealth and well-being.

467. In Republika Srpska, 51.4 per cent of households are linked to city water supply, 27.7 per cent to local water supply, while wells are the drinking-water source for 13.45 per cent of households. Breaks in the drinking-water supply are faced by 41.6 per cent of households (42.2 per cent in urban and 41.1 per cent in rural areas). Republika Srpska does not have a single water-facilities registry, while a number of facilities do not have appropriate technical-technological documentation, or have not established sanitary zones of protection for sources and disinfection. Many central water-supply facilities have significant losses (25-60 per cent) due to their old distribution network. Problems with drinking water and its hygienic quality are most often linked to improper liquid and solid-waste disposal from industry and households, the lack of or non-compliance with water-supply facilities zone protection,

inadequately built military facilities and reservoirs, lack of material resources for their maintenance and operation, inadequate maintenance of the technological production process, the water conditioning process, and especially, non-implementation or improper implementation of the disinfection process.

468. Under the applicable law, the public health control of water quality is done by six laboratories of the Republika Srpska Institute for Health Protection (Banja Luka, Doboj, Lukavica, Zvornik, Srbinje and Trebinje). They are responsible for reporting, monitoring, checking and bringing the data in relation to the epidemiological situation on the ground. In compliance with hazard analysis critical control points principles, water-supply utilities regularly check facilities in the processes of preparation, production and distribution of drinking water to the end-user. In previous years, microbiological inspections detected most often contaminants as follows: increased total or aerobic mesophyllic bacteria, *E. coli* and faecal streptococcus, while chemical analyses detected organic contents, ammonia, nitrate, nitrite, iron, and other toxic matters (disinfection processes by-products). In total, we can say that about 50 per cent of the population is covered by public health control.

**Table 14**

**Water analysis**

Physical/chemical analysis				Microbiological analysis		
Year	Total	Unsatisfactory samples		Total	Unsatisfactory samples	
		Number	Percentage		Number	Percentage
1998	1 831	258	14.09	2 380	538	22.6
1999	2 077	245	11.79	2 638	484	18.34
2000	3 481	332	9.53	4 522	892	19.72
2001	3 720	330	8.87	4 711	927	19.67
2002	3 833	770	20.8	4 946	910	18.39

*Source:* Republika Srpska Health Protection Institute Hygiene and Health Ecology Service, Banja Luka.

469. Conclusions worth noting about water quality include:

- About 50 per cent of Republika Srpska's population is linked to the water-supply system. Inadequate access and insufficient quantities of healthy water are still an issue in some parts of Republika Srpska;
- No single water-supply facilities registry exists;
- The basic problem of all water-supply facilities is uneven sanitary zones of drinking-water source protection subject to WHO requirements, which calls for 95 per cent of sources to be protected;
- Public health monitoring covers somewhat more than 50 per cent of the population, which indicates qualitatively and quantitatively inadequate information on drinking-water reliability;

- Insufficient monitoring for chemical, biological and radiological parameters, as provided for by WHO and European Union; the lack of equipment and knowledge in diagnostics in institute laboratories prevent detection of numerous modern hazards whose presence and toxicity remain unknown to the public in general.

470. Recommendations include the following:

- To develop a single water-supply facilities register in Republika Srpska for each facilities type;
- Multi-phase projects are needed to strengthen institutionally the referent laboratories through provision of equipment, staff education, and expanded range of detected contaminant (pesticides residuals, metals, metalloids, radionuclides, and other toxic matter);
- Health/ecological standards should be put in place to raise support for sanitary inspection and protection of drinking-water sources, in line with WHO recommendations;
- To establish continuous, systematic drinking-water monitoring for public water facilities, in line with legal regulations;
- To carry out actions to screen the situation with regard to water bottling or water already on the market, in line with the new rule book.

## **Air**

471. In the Federation of Bosnia and Herzegovina there is no single detection and measurement system for basic parameters of air pollution (sulphur dioxide and floating particles). Continuous measuring is carried out, at this time, only in Sarajevo, Zenica and Kakanj. A special problem appears with the uncontrolled development of traffic. Industrial polluters' emissions are still considerably lower than in the pre-war period, when it often exceeded ceilings. Over the last three years the sulphur dioxide level is not expected to increase over 100 micrograms per cubic metre in Sarajevo, Zenica and Kakanj. Sulphur dioxide concentration above the ceiling provokes respiratory problems in the population, particularly chronic patients and children. In the Federation there is no single detection system for basic indicators of air pollution, either sulphur dioxide or floating particles.

472. Even though in Republika Srpska there is no air monitoring system or quality interpretation for health, measures carried out in some locations indicate that in some urban areas air polluting is of a higher intensity. No registers of polluters exist, and existing legislation is not in line with WHO recommendations and European Union standards.

473. Air quality control has been carried out at times in a limited number of municipalities (20 per cent), and it is continuous in Banja Luka (city administration 1989 decision). The most important factor in air pollution are industry and energy facilities, traffic and, in heating season, individual heaters. Solid fossil fuels are most frequently used for heating, which contain 2.5-4 per cent sulphur and which produce large quantities of sulphur

dioxide and ash (20-30 per cent). Large quantities of sulphur dioxide are emitted in the air because lubricants are in use for heating. Use of oil with tetra-ethyl lead causes much pollution, with lead containing carbon monoxide, nitrogen oxide and polycyclic nitro-hydride. Detection found that, in Banja Luka alone, 250 tonnes of lead are emitted into the air every year. Even though there is a legal obligation of continued measuring of all air polluters, it does not happen in practise. Only in 10 per cent of municipalities, has monitoring of smoke from industrial and energy facilities, applying the Bergman method, been carried out from time to time. Monitoring of air pollution is carried out through measurements in seven eco-posts.

474. The average annual concentration of sulphur dioxide does not vary a lot by location, but an increase of gas emissions from motor vehicles goes along with increased traffic density, which is the main reason for the move from air quality class I to class II. In respect to pollution with black smoke (soot), the city zone can be divided into two zones: (a) the zone of clean air, and (b) a zone of low- to medium-polluted air during the year, and in winter season, extremely polluted air. Due to incomplete data on major polluters, and in view of changed climate conditions and a limited number of parameters, this factor's effect on human health cannot be evaluated, even though analysis of epidemiology research indicated a high correlation of air quality with health conditions of children under age 6.

**Table 15**

**Concentration of air polluters in eco-posts in Banja Luka, 1998-2002**

Year	Sulphur dioxide		Soot	
	C <sup>a</sup>	Cm <sup>b</sup>	C	Cm
1998	19	55	39	117
1999	16	38	20	82
2000	18	52	22	90
2001	17	48	22	68
2002	18	46	20	41

*Source:* Institute for Protection and Ecology, Banja Luka.

<sup>a</sup> C: average monthly concentration.

<sup>b</sup> Cm: highest average daily concentration during a month.

475. Emission from construction material, and the effects of smoking, household dust, open flames and burning objects (carbon, nitrogen dioxide) and such are not included in the monitoring and interpretation of effects on human health of air in closed living spaces and working environments.

476. Conclusions that we can draw include the following:

- In this Entity, there is no monitoring that would include the new parameters of air quality control, meaning the addition of nitrogen, oxygen, heavy metals (lead, cadmium), volatile organic substances (VOC), and persistent organic pollutants (POPs);

- There is no interpretation of air quality regarding its effects on human health, although an overview of the results may indicate that there were no critical changes of the measured parameters;
- The registry of pollutants has not been set up.

477. Recommendations worth implementing include:

- To make a registry and cadastre of pollutants and introduce continual monitoring;
- To pay attention to the particles of the size of up to 10µm, the smoke fractions that affect the health of population when assessing the allowed values;
- To harmonize the current legislation with WHO recommendations and EU directives;
- To continuously collect data on various factors that have negative effects on the most vulnerable groups and assess the level of the jeopardy they are in;
- Activities should be directed to the sources of pollution (in accordance with the emission) and participation in drafting the land plans and choosing technologies in terms of possible reduction of the emission;
- To monitor the benzene and benzo(a)pyrene as indicators of carcinogenic substances in the air and work on reduction of emissions from mobile pollutants (adjusting vehicles, means of transportation, driving and the transportation regime);
- To make a pollen map of the Entity, taking into consideration the phytographic areas, and making a calendar of pollen occurrence; notify the public on movements of the pollen in time and in different seasons;
- To inform the public regularly on the level of air pollutants and raise their awareness about their effects on health and actions directed at decreasing them.

### **Waste materials**

478. The method of disposal of solid and liquid waste materials in the Federation of Bosnia and Herzegovina is not satisfactory. Around 50 per cent of the population, especially the urban population, is connected to the sewage system, while the rural population in most cases dispose of liquid waste by depositing it in permeable or semi-permeable tanks. Only 15 per cent of the liquid waste is being purified before its release into the rivers or lakes. Around 40 per cent of solid waste is deposited in accordance with the sanitary/hygienic rules, according to the data provided by the Public Health Institute of the Federation of Bosnia and Herzegovina. Special wastes represent a specific problem, e.g. expired drugs. It is thought that there are around 740 tons of such waste on the territory of the Federation of Bosnia and Herzegovina. Complex plants that should be used for burning such waste are non-existent, except for the burning kilns whose capacity is too small. Because of that, waste is being put into plastic or metallic barrels, sealed by concrete mixture and buried deep in the ground. This solution is not fully satisfactory because there is a threat of contaminating underground waters.

**Solid waste**

479. The estimated annual quantity of solid waste in Republika Srpska is 400 kilograms per capita. The managed solid-waste depots are located at 28 municipalities. Around 700,000 people from different regions are covered by organized collection, removal and waste handling that includes 44 depots (45 public utility companies), and none meet the sanitary/hygiene requirements. There are a number of "wild" depots and ash dumps in other municipalities.

**Table 16**

**Coverage of public waste disposal systems, number of depots  
and number of public utility enterprises by regions/cities**

City/region	Population	Depots	JKP
Trebinje	24 500	5	5
Foča/Srbinje	22 200	6	7
Pale	39 200	3	3
Bratunac	45 000	6	6
Bijeljina	101 000	3	3
Doboj	109 000	5	5
Banja Luka	350 000	16	16
Total	690 000	44	45

*Sources:* Republic Statistical Institute, Institute for Land Planning of Republika Srpska, Banja Luka, Institute for Waters, Bijeljina, Health Protection Institute of Republika Srpska, Banja Luka, the company "Dvokut", Sarajevo, Federation of Bosnia and Herzegovina.

480. Most households use the services of organized waste removal (45 per cent), 7.6 per cent dispose of the waste in designated locations, 15.2 per cent use the "wild" depots, 24.4 per cent burn their waste, while 3.2 per cent of households dispose of their waste in some other way.

481. There is not a single depot for depositing toxic chemical materials. A special problem is related to outdated drugs and sanitary material after their expiry date, including those brought into the country as humanitarian aid; the quantity of such drugs is assessed at several tons. Their disposal is, for the time being, impossible because there is no incinerator. Those drugs have been kept in sealed barrels near health institutions and funds have been earmarked for only half of them to be transported and disposed of outside Republika Srpska. In rural environments, the population does not feel the problem of waste because they use most of it (processing, reuse as animal food or solid fuel, or for composting), while in urban environments one may observe the trend of growing amounts of waste per capita, the same as in neighbouring highly developed industrial countries. The reality is that waste has become one of the global public health problems of modern society today, particularly when it comes to hazardous (medical, radioactive, pharmaceutical) and potentially dangerous waste.



## **Food hygiene**

482. The five-year trend for different contagious diseases in the territory of the Federation of Bosnia and Herzegovina clearly indicates that the situation has been similar over the years, and that this year's morbidity rate of 44.09 per cent, where deaths have been caused by alimentary toxic infections, shows no change compared to the year before. Again this year, alimentary toxic infections are in the eighth place of the leading contagious diseases in the Federation. However, two epidemics of the alimentary toxic infections were seen in 2002, which is less than had been seen in years before.

483. Data on the hygienic acceptability of foodstuffs and objects of general use gathered in five public health laboratories in the Federation of Bosnia and Herzegovina show that the percentage of unsatisfactory samples in production has been significantly lower in 2002 than in the years before. Namely, of the total number of the examined production samples, only 6 per cent have found to be chemically unsatisfactory, and 2.6 per cent were microbiologically unsatisfactory. This, as well as fewer epidemics, may be ascribed to the permanent improvement of the food production process, where HACPP principles were introduced into practice. New production plants also use modern and internationally recognized technologies. Further, an additional reason for this might be found in the intensive government campaigns to buy domestic products, which are in line with the recommendation of this public health report.

484. However, since a number of institutions that also perform hygienic quality control of foodstuffs do not fall under the system of mandatory reporting in public health, we must note that the overview of the actual situation is not complete. The control and supervision of the hygienic correctness of foodstuffs are still accompanied by many problems related to limited and insufficiently educated staff, insufficient equipment and outdated and non-harmonized laws.

485. Through the initiatives of the Stability Pact and its member countries' project, Strengthening Food and Feeding Safety in South-Eastern Europe within the framework of Health Network of the South-Eastern Europe, the conditions are being created to adopt an umbrella law on food, and food and feeding policies at the national level. At the Entity level, the responsibility for implementation of the project shall be vested upon the Entity ministries of health and public health institutes of the Federation of Bosnia and Herzegovina and Republika Srpska.

486. There is an evident lack of harmonization between the existing legislation and the EU standards and WHO recommendations, in terms of providing sufficient quantities of healthy, safe food, and which cover all elements of the food chain, the implementation of which is necessary in order to preserve and improve health of the population. Due to their extremely high importance, foods are considered to be high-risk factors of the environment. They clearly have high importance in terms of causing both contagious diseases, and even more, massive occurrence of non-contagious diseases among the population.

487. Although tons of food are produced in Republika Srpska each year, either through large-scale or small-scale production, significant quantities are still being imported. The supervision of the production and trade of foodstuffs (including drinking water as the most important food) is carried out by sanitary, market and veterinary inspectors. Only a few

laboratories carry out food control under HACCP as a form of internal control during the technological process. Public health control is mostly performed by the laboratories of the Health Protection Institute of Republika Srpska, which are authorized to check the sanitary correctness and the microbiological examinations are also done by the Veterinary Institute.

488. The reasons for less-than-satisfactory quality of food were the increased levels of pesticides or heavy metals: cadmium, lead and arsenic, while at the same time, the declarations on the original packing of the food were incomplete or non-harmonized. The conclusion is that the total number of foodstuffs analysed in public health institutions is insufficient and significantly below the number prescribed by law (15 samples for 1,000 people).

489. Relatively frequently, infections and poisoning are registered that result from food transfer. Radiological and toxicological analysis of food had not been done during past years owing to insufficient equipment. Evaluation of health correctness is done, in accordance with the applicable legislation, exclusively on the basis of organoleptic chemical and microbiological analysis.

**Table 17**

**Results of food testing for microbiological and physical/chemical parameters in Republika Srpska, 1998/1999/2000**

Physical/chemical analysis				Microbiological analysis		
Year	Total	Unsatisfactory samples		Total	Unsatisfactory samples	
		No.	%		No.	%
1998	2 286	253	11	3 927	537	13.67
1999	2 418	220	11.1	3 225	547	16.96
2000	2 647	398	15	5 243	528	10.07
2001	3 004	446	14.8	5 872	661	11.25
2002	4 712	618	13.1	7 128	892	12.51

*Source:* Report, 1998/1999/2000, Health Protection Institute of Republika Srpska, Banja Luka.

490. The individuals involved in the process of food production are supervised at the local level by the Sanitary Inspectorate of the Department for Inspection Affairs. The staff has to undergo sanitary examination (swabs from the throat and nose, checking stools for parasites and protozoa) and clinical examination, regularly, meaning at least twice a year, as well as additional tests should the doctor find them indicated. After the examination has been completed and the laboratory findings received, the sanitary book is issued or appropriate recommendations are given in terms of the continued treatment of the patients in case the examination has revealed some disease.

491. All staff involved in the process of producing food, or who work in the facilities where meals are being cooked (catering facilities) have to attend the lectures on hygiene/sanitary basics and to take the final exam before entering the work relationship. Their knowledge has to be

rechecked occasionally over time. As a part of the supervision of facilities and staff for production of food the following is taken: food samples; swabs of the work surfaces, work clothes, dishes and hands of the persons who are involved in the production process.

492. Monitoring food-caused diseases, when it comes to microbiological contamination, is performed by the Epidemiology Service of the Health Protection Institute on the basis of the reports sent on regular basis from the health centres. The microbiology laboratory of the Health Protection Institutes performs the analysis of secretions and stomach contents, as well as of the food remnants that are suspected of causing the illness. For the time being, the monitoring of the diseases caused by the chemically contaminated foodstuffs is not in place, because such contaminations belong to the group of chronic, long-term contamination that in most cases show their consequences only after prolonged exposure, and there are no preconditions for monitoring them (TDI, NOEL) in spite of the fact that SZO has been pointing out more and more that this is needed.

### **Work environment**

493. The system of health protection for workers is a complex one, so the data on health in the workplace are still very scarce. Although the Cantonal Institutes for Work Medicine, where they exist, do collect some of the relevant data, the summary of statistics in the Federation of Bosnia and Herzegovina is only partially done, and that is under the responsibility of the Public Health Institute of the Federation of Bosnia and Herzegovina.

494. Presently, only the data on the incidence of injuries are available, and can be followed for the last five years. In 2002, the injuries incidence rate increased from the previous year. We still lack data on the types of work injuries by types of work, nor do we have the data on morbidity as a result of injuries and accidents at work. Because of that, it will be necessary to work on improving health reporting in the area of work medicine and monitoring the harmful practices in the workplace.

495. The situation in Republika Srpska cannot be compared with the countries of Western Europe, but it can be compared with the neighbouring countries where production has shrunk. What is identical for all is that the organization and problems of the employed workers with specific pathologies also reflect a well-known system of reporting, workers' illness registration, a reduced number of epidemiologically targeted studies among professionals after treatment, reduced joint involvement of preventive medicine workers (the number of whom is diminishing or who are being laid off, particularly in small- or medium-sized industries). In terms of the workers'-disease structure, one may distinguish the train drivers in railway transport for vibration disease, diseases of the respiratory system, combined with inhalation of hazardous dust and chemical substances, work intoxication and various allergies.

496. Absence from work, coupled with getting ill, generally show the characteristics of a growing trend, particularly in the metallurgy, construction and textile industries. Many registered diseases, taken together, increase the level of lost work days related to work conditions - respiratory diseases, hypertension and ischaemic diseases of the heart and locomotor system diseases. Partial physical disability of people is connected with the growing trend of disability and the increased number of persons affected by work-related diseases.

497. Having examined the presently available data given in table 18 below, one may infer the percentage of the sick people among the employees by the kind of disease and in accordance with the applicable International Classification of Diseases.

**Table 18**

**Leading diseases of working people in Republika Srpska in 1999  
(according to the International Classification of Diseases)**

Code of the group of disease	Kind of disease	%
J00.....J99	Respiratory system diseases	25.1
I00.....I99	Circulatory system diseases	10.9
M00.....M99	Diseases of muscular-skeletal systems and tendons	10.4
N00.....N99	Diseases of the urinary-genital system	8.0
K00.....K99	Diseases of digestion system	7.2
Z00.....Z99	Factors affecting health condition	6.6
S00.....S99	Injuries, intoxication and consequences of external factors	5.8
F00.....F99	Mental disorders and behaviour disorders	4.0
L00.....L99	Skin and under-skin tissue diseases	3.6
H00.....H99	Eye diseases	2.9
-----	Other diseases	15.5
Total		100

*Source:* Republika Srpska data from the prescribed form 3-05/1 RS, related only to the workers who are receiving their treatment in the services of workplace medicine of the Health Centres and Work Medicine Centres.

498. Health care for workers has provided a targeted contribution to diagnostics and treatment for diseases, but also to prevention. This means the evaluation of health hazards, and activities devoted to their reduction and elimination.

499. Worker health regulations have not responded to the requirements of new economic conditions, economic and fiscal initiatives and mechanisms for the improvement of work conditions. Workers in hazardous production processes still enjoy certain privileges: reduced working hours, extended annual vacations, early retirement. A positive attitude and motivation in high-risk jobs, however, meant serious problems and difficulties in the implementation of programmes covering work conditions.

### **Ionizing radiation**

500. The Centre for protection against ionizing radiation of the Public Health Institute of the Federation of Bosnia and Herzegovina examines the sources of ionizing radiation. Personal dosimeters allow medical control of persons working on the sources of ionization and radioactive biosphere. Controlling the sources of radiation is subject to legislation. So far, 15 radioactive lightning rods have been removed. Radioactive fire detectors, as well as a large number of lightning rods, are not under control because their owners have not been identified, and in addition, many companies are broke and cannot pay for the controls.

501. The control of ionizing and non-ionizing radiation - the new Law on Protection from Ionization in Republika Srpska, adopts the IAEA recommendations concerning the supervision and control of ionization sources, and it establishes monitoring. The activities directed to reduction of the unnecessary exposure of the population to widely used sources of ionizing radiation in medicine, industry and research are insufficient.

502. We observe an increase in so-called natural radiation, which has been made even higher in our country as a consequence of the war events that have led to some undesirable mutagenic-teratogenic or carcinogenic consequences for the population, which is confirmed by the registered level of carcinomas. In Republika Srpska, the control of personal dosimeters is not being done. However, within the Health Protection Institute of Republika Srpska in Banja Luka, a department for radio-chemistry has started working. This department has to harmonize its work, equipment and personnel with the requirements of national institutions and the real needs on this area of health protection. Table 19 shows the activities of this department.

**Table 19**  
**Review of controlled sources of ionizing radiation**

Source	2001		2002	
	Total number	Examined	Total number	Examined
RTG machines	206	206 (100%)	206	206 (100%)
CT machines	10	10 (100%)	10	10 (100%)
Radioactive lightning rods	215	0	215	0
Industrial sources of radioactivity	Unknown	66	Unknown	66
Radioactive fire detectors	11 879	0	11 897	50

503. During the last two years, 215 radioactive lightning rods have been registered, and 15 of them have been dismantled, however, the radioactivity levels have not been controlled. There are no actual data on the number of industrial sources and the number of radioactive fire detectors because of the lack of documentation.

504. According to the current register, there are 193 radioactive lightning rods in Republika Srpska that contain cobalt 60 at standard radioactivity level, ranging from 3.7 to 7.4 GB, or 152 whose half-life is 13 years. Before the war, there were over 600 ionizing fire-detectors that contained the crystallized europium (Eu). During the war, a number of radioactive lightning rods with large fire-detectors, which had been located in large factories, were destroyed. When cleaning the ruins, the radioactive material has been dispersed from the ionizing fire-detectors without any control and disposed of together with the rest of the debris. The locations where such materials have been deposited are in most cases inappropriate and can only be considered as a provisional solution until better locations are found. The new Law on Protection from Ionizing Radiation is expected to provide for supervision and minimization of the unnecessary exposure of the population to the widely used sources of ionizing radiation in medicine, industry and research.

**Table 20****Testing of persons working at ionizing radiation sources**

Type of testing	2001		2002	
	Total number of persons working on the sources of ion radiation	Under supervision	Total number of persons working on the sources of ion radiation	Under supervision
Thermoluminiscent dosimetry	630	613 (97%)	715	694 (97%)
Medical examinations	630	128 (20%)	715	460 (64%)

505. Regarding the testing of persons working at ionizing radiation sources, measured doses received on thermoluminiscent dosimetry (TLD) are within the prescribed limits. The medical examinations have showed no harm to health condition of the persons working on the sources of ionizing radiation.

**Table 21****Radiological control of food and potable water**

Sample types	Samples taken, 2001	Samples taken, 2002
Food	170	349
Potable water	27	31

506. Regarding the radiological testing of food and potable water, in 2002, along with 349 food samples tested, an annual mentoring of 24 samples were checked for 5 radioisotopes. All samples were free of radiation. Potable water was tested for total beta activity. All samples were free of radiation. Due to lack of the alpha/beta counters, it was impossible to determine the total alpha/beta activity of water, which would be necessary, according to the legislation.

507. The above leads to the conclusion that significant progress has been made in 2002 in terms of implementation of radiation controls, compared to the previous period. The work on the International Atomic Energy Agency (IAEA) projects has improved. The annual dose an individual receives is a result of background radiation. It ranges from 1-10 mSv, averaging 2.4 mSv. More important is the presence of radon in air in closed premises, and that should be controlled.

508. Exposure to ionizing radiation in medicine, industry and research, everywhere where the radiation is used, is increasing. However, the protection and control of the sources of radiation is also being improved, so it is believed that the risks of exposure to ionizing radiation for persons working on the sources of radiation are reduced.

509. Based on the research on health conditions by the national experts, published papers, the World Bank poverty study in Bosnia and Herzegovina and the World Health Organization report, it has become fully clear that the poverty rate in Bosnia and Herzegovina is high. Health is one of the social sectors that is directly dependent on others, and especially on the economy. All problems in the health sector may be brought down to those that result from health conditions, dissatisfaction of the participants in the systems, and financial issues. The solution for the problems is sought in changing the methods of collecting and spending money, improved management, involving the community, making it also responsible for its own health and improving the effectiveness of the system that would respond to the needs of the overall society.

510. In order to achieve this goal, a health development strategy for Bosnia and Herzegovina is currently being developed as a part of the Poverty Reduction Strategy Paper. It also includes the change of the current legislation and adoption of new legislation.

### **The threat of unexploded mines and explosive devices**

511. Unexploded mines and explosive devices in different areas are a specific threat to the health of children and the health of the country as a whole. There are estimates that there are approximately 1 million unexploded mines in Bosnia and Herzegovina, of which 70 per cent in the Federation of Bosnia and Herzegovina were registered in 16,000 to 20,000 minefields.

512. The next risk factor is uncontrolled sources of ionizing radiation. There are no exact data in this field. The registration of ionizing radiation is in process. The Law on Protection of Ionizing Radiation and Radiation Security was adopted in 1999. This law established an administrative unit for protection from ionizing radiation and radiation security within the Federal Ministry of Health, as well as the centre for protection from ionizing radiation, which is based with the Public Health Office.

513. Based on data from the mine detection and removal centre of Bosnia and Herzegovina, there were 63 accidents, with 34 killed and 37 wounded in 2001. In the previous three years, there were 125 registered accidents, with 71 killed and 113 wounded. Among the victims, 90 per cent are adult (30 years old male on average), while children are about 20 per cent of the victims. The group that is exposed the most to this kind of threat are the returnees, especially in rural areas.

**Table 22**

#### **Number of killed and injured by mine and other explosive devices in the period 1998-2002**

	1998	1999	2000	2001	2002
Killed	30	14	21	24	17
Injured	50	26	44	37	35

*Source:* Mine Action Centre of Bosnia and Herzegovina.

514. During the period from 1998 to 2002, on the territory of the Federation of Bosnia and Herzegovina, 298 persons were injured, 106 of them fatally. It is evident from table 22 that the number of injured and killed did not increase in the last five years. However, the fact that every year mines are taking lives points to the seriousness of this problem.

**Table 23**

**Breakdown of those killed and injured in the period 1993-2002**

Age groups	1998	1999	2000	2001	2002
Children 0-18 years	24	9	28	12	11
Adults 19-39	32	15	17	25	15
Adults 40-60	19	11	16	13	21
Over 60	7	3	3	5	5
Unknown	8	2	0	6	0

*Source:* Mine detection and removal Centre of Bosnia and Herzegovina.

515. The database of WHO and analyses of leading indicators shows the obvious fact that traffic accidents still present one of the leading risks for the health of people in the Federation of Bosnia and Herzegovina. According to the Federal Ministry of Interior, there is a high rate for injuries in traffic accidents in the Federation of Bosnia and Herzegovina. This data shows that there was 6,360 injured in 1998 and 6,677 in 2002.

516. In the 2000-2002 period, a significant increase in the total number of traffic accidents as a result of the consumption of alcohol was registered. According to the same source, on the territory of the Federation of Bosnia and Herzegovina, the number of accidents caused by consumption of alcohol was 21,669 in 2000 and 25,772 in 2002, which means an increase in the injury rate from 59 per 100,000 in 2000 to 71 per 100,000 in 2002.

517. There were many activities detrimental to health registered in Republika Srpska as a consequence of war and the post-war period. These are manifested in the high death and disability rates, especially in priority areas. As the data from the Mine Action Centre of Bosnia and Herzegovina (BHMAL) shows, 4,679 minefields were registered in Republika Srpska after the war. The estimates, however, are that this is only 60 per cent of the real number of minefields. As regards specific danger to health, out of the total number of those who suffered from this type of accident, some lost their lives while others lost both or one leg or foot (see table 24). The biggest number of accidents happened in 1996, and since then the tendency has been to decrease. It is also evident that the number of accidents is largest in the months of March, April, June and July, and this trend continues from year to year.

518. Conclusions to be drawn include that:

- The existing laws and regulations are not harmonized with the recommendations of SZO and the EU and are not implemented completely;
- The registration of accidents is insufficient, even though the laws prescribe it as compulsory to be done based on aetiology and based on place of occurrence (working place, in households, in traffic, industry or natural catastrophe).



**Table 24**

**Statistics on rates of injury as a result of mine explosions  
in Republika Srpska (1996-2002)**

Year	Number of accidents	Deaths	Seriously injured	Slightly injured
1996	187	51	131	68
1997	99	46	62	13
1998	29	9	20	5
1999	9	9	9	3
2000	18	14	9	5
2001	19	9	7	2
2002	18	9	7	4
Total	381	148	246	100

*Source:* Database of International Red Cross.

**Table 25**

**Number of those involved in accidents, by age categories**

Group	1996	1997	1998	1999	2000	2001	2002
Children (0-18)	27	13	8	10	1	0	8
Adults (19-39)	58	25	24	24	23	11	11
Adults (40-60)	39	28	25	14	8	10	1
Over 60	18	8	10	7	3	2	0
Unknown age	9	0	2	0	0	3	0

519. The following recommendations are to implement:

- Continuous collection of comprehensive data about priority areas, those injured and killed in mine and other explosive-devices accidents;
- More public campaigns to inform the population, emphasize the danger, give directions on prevention and avoidance of accidents;
- Awareness-raising through the process of rehabilitation and reconciliation of those exposed to danger.

**Article 13**

**The right to an adequate education**

**Education in Bosnia and Herzegovina during the war**

520. Given the circumstances, the once highly centralized and unified education system was divided into three separate education system during the war. The general institutional-legal education framework, i.e. the education structure, remained the same in all three systems, but

significant differences appeared in plans and curricula, particularly for mother-tongue instruction and literature, history, geography, music and the arts. Schools in the territories controlled by Bosnian Croats used plans and curricula of the Republic of Croatia, while schools in territories controlled by Bosnian Serbs used the plans and curricula from the Federal Republic of Yugoslavia. Schools in territories controlled by Bosniaks used the plans and curricula of the Republic of Bosnia and Herzegovina, until new plans and curricula, along with significant number of textbooks were developed in 1994. Since living and working conditions were extremely difficult, very often even risky, during the war, the education process was interrupted almost throughout the country.

### **Dayton education provisions**

521. According to the Dayton Agreement, major administrative power was vested with the Entities, and this included competence for education, science and culture. In the Federation of Bosnia and Herzegovina, in accordance with its Constitution (chap. III, art. 4b), education is decentralized by devolving the competencies to the cantons. In Republika Srpska, education is centralized at the Entity level.

### **Constitutional provisions**

#### **Constitution of Bosnia and Herzegovina**

522. The broad range of rights and freedoms promoted and guaranteed by the Constitution of Bosnia and Herzegovina and international documents that are integral parts of the Constitution, include the right of education (art. II.3 "I" of the Constitution of Bosnia and Herzegovina).

523. The Constitution specifies the responsibility of the State of Bosnia and Herzegovina and both Entities to ensure the highest level of internationally recognized human rights and fundamental freedoms (art. II.1. of the Constitution). This means that the guarantees of the human rights and responsibility for non-discrimination in exercising such rights are vested in the State and the Entities, and that the authorities at all levels of decision-making have to make sure that the human rights and freedoms protected by the Constitutions are protected, including the right to education.

524. The Bosnia and Herzegovina Constitution, further, defines the concrete allocation of responsibilities between the State and the Entities and mutual relationships between the State and Entity institutions. All governmental functions that are not explicitly placed upon the institutions of Bosnia and Herzegovina belong to the Entities (art. III.3 (a) of the Constitution). In this sense, the special and concrete responsibilities for the organization and administration of the education system lies with the Entities, i.e. federal units.

525. Further, the constitutional provisions promote inter-Entity coordination in matters that do not fall under the responsibility of Bosnia and Herzegovina, as stipulated by its Constitution. Also, the Constitution provides for the possibility of Bosnia and Herzegovina taking over the responsibilities in the matters on which the Entities agree, and establishing new institutions of Bosnia and Herzegovina to perform such responsibilities (art. III. 4.5. (a) of the Bosnia and Herzegovina Constitution).

526. The Constitution of the Federation of Bosnia and Herzegovina furthers the concept of education decentralization by its allocation of responsibilities between the Federation authorities and authorities of the federal units - the cantons. By providing for exclusive responsibility of the Federation, the responsibilities allocated between the Federation and the cantons, and the special responsibilities of the cantons, a general reallocation of authority at all decision-making levels has been made.

527. In accordance with their constitutional provisions, the Federation authorities and the cantons are responsible, jointly or individually, or through the cantons under coordination by the Federation authorities, to guarantee the implementation of human rights, including the right to education. In terms of responsibilities allocated, the Federation and cantonal authorities agree on a permanent basis (art. III.2. (a), and 3. (1) and (2) of the Bosnia and Herzegovina Constitution).

528. In the area of education, cantons are particularly responsible for the following:

- (a) Determining educational policy;
- (b) Adopting education regulations; and
- (c) Ensuring education (art. III.4. (b) of the Bosnia and Herzegovina Constitution).

All the cantonal constitutions also inaugurate and promote human rights and freedoms through the continued obligation of the cantons and local self-governance units to provide their full protection and implementation.

529. The responsibilities identified as special responsibilities of the cantons in the area of education may be delegated and transferred to the Federation authorities, or to the local self-governance units (article V.1. 2 (1) of the Bosnia and Herzegovina Constitution). All the cantonal constitutions provide for this possibility, as well as for the obligation of transferring specific responsibilities to those municipalities within the canton where the majority population, in terms of ethnic composition, is the minority in the canton as a whole.

530. The mechanisms for transferring the responsibilities to local or federal authorities vary from the obligation to adopt a special law on transfer of responsibilities to the procedure of mutual agreement, acceptance of responsibilities and adoption of special law, to a one-sided decision to transfer the responsibilities. However, the stated constitutional provisions are still of mostly a rhetoric character. According to the information available to date, not a single canton has transferred any concrete cantonal responsibility in the area of education to the Federation authorities, or has done so to a negligible degree only at the lower levels of authority and decision-making, and through provisions of special educational laws (for instance, the local self-government units as founders of educational institutions at some levels of education; participation in (co-)financing various segments of students' standard - transport, food, etc.).

### **Constitution of Republika Srpska**

531. The Constitution of Republika Srpska guarantees to each citizen the right to education. Education is compulsory for all children under 16 years of age. Both primary and secondary education are free of charge. In addition, "secondary and tertiary education is accessible to all under equal conditions" (article 38 of the Constitution). Article 7 of the Constitution prescribes

the use of the Serbian language as the official language, and the Cyrillic letter “on the territories where other language groups live, their languages and alphabets are also in official use”. One must mention here the inability to meet the constitutional obligation to provide primary education free of charge. Namely, only a small number of students (social cases) receive free textbooks, and the transport of students (who come from a distance exceeding 4 km) is not organized in the best way possible.

### **Statute of Brčko District**

532. In accordance with article 9 (g) of the Statute of Brčko District of Bosnia and Herzegovina, the functions of the Brčko District have been specified, including education. Article 13 of the Statute recognizes the right of all to enjoy all rights and freedoms guaranteed by the Constitution and laws of Bosnia and Herzegovina and laws of the Brčko District, without any discrimination on any grounds.

533. Article 16 of the Statute of Brčko District specifies that each person has an equal right to education without discrimination. Primary education is compulsory and free. Secondary education is free. Private schools and academic institutions may be established in accordance with the law.

534. In accordance with article 47 of the Statute, the mayor, in accordance with the organizational plan (art. 9), establishes various departments, including the educational department.

### **Education legislation reform**

535. The above-listed constitutional provisions give, therefore, the general framework of education decentralization that enables the continued development of the process, towards lower and higher decision-making levels. As it has been said above, the Bosnia and Herzegovina Constitution and the Federation of Bosnia and Herzegovina Constitution encourage and support such processes by specifying the obligation or leaving the possibility to delegate the current and establish new responsibilities and institutions in education.

536. In this sense, and for the purpose of ensuring an adequate legal framework for the organization of the education system in Bosnia and Herzegovina and establishment of effective mechanisms for managing education as a whole and continuous instead of fragmented and partial process, the document on initial strategic goals of the reform of education (presented to the Peace Implementation Council for Bosnia and Herzegovina in Brussels in November 2002), foresees among other things, the reform of the current education legislation in Bosnia and Herzegovina.

537. The reform of legislation on education would ensure harmonization and modernization of the numerous closed and stereotyped education laws, which are inappropriate for the requirements of a decentralized education. On the other hand, the reform of education legislation is expected to ensure equal access to education for all people in Bosnia and Herzegovina and their exercise of the right to education, and to guarantee the necessary requirements and preconditions for harmonization and achieving education quality in accordance with European and the world standards.

### **Education laws and regulations review**

538. In the field of education, the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina has been adopted. The draft Law on Higher Education is currently under preparation, while the Entities and Brčko District have adopted the following laws: Law on Pre-Primary Education, Law on Primary Education, Law on Secondary Education and Law on Higher Education.

539. Inter-Entity Agreements include:

- (a) The Statement of Intent, Brussels, November 2000;
- (b) The Letter of Intent to access the Bologna Declaration 2001/2002;
- (c) The Agreement on the common core curricula, 8 August 2003, Sarajevo;
- (d) The Bologna Declaration, April 2002.

### **Provisional Agreement on Children Returnees**

540. On 5 March 2002, the Entity ministers of education signed the Provisional Agreement on Meeting Special Needs and Rights of the Returnee Children. The purpose of this agreement was to ensure the necessary requirement to increase the number of returnee children who are enrolled in schools throughout Bosnia and Herzegovina, particularly in schools where they are in the minority.

541. The provisional agreement ensures the condition for employment of more returnee teachers and specifies that the ethnic composition of the school boards has to reflect the ethnic composition of the local population. The provisional agreement also specifies that the ministries of education need to issue the implementation instructions and designate representatives of their ministries, who would be responsible for resolving the problems of the returnee children.

542. The agreement also provides the possibility for the returnee parents to have their children attend education in the “national group of subjects”. This means that the students can attend the classes in their mother tongue, with literature, history, geography, nature and science, and religion in accordance with the curricula of their respective ethnic groups.

543. The Coordination Board, comprising the representatives of all Entity and cantonal ministries of education, was established to ensure full implementation of the agreement. A comprehensive implementation plan was developed to be signed on 13 November 2002 by Entity and cantonal ministers of education. The Plan outlines the conditions that are necessary for organizing and financing the education of the returnee children in the national group of subjects.

### **Framework Law on Primary and Secondary Education in Bosnia and Herzegovina**

544. The right to education, as a fundamental human right, and education as an activity that carries the attribute of an activity of special social interest cannot be exclusively a concern of the Government at the regional or local level. The key to achieving effective social responsibility and functions in education lies in redefining the roles at all levels of authority and creating the capacities to promote the education legislation and, consequently, the education system.

545. In accordance with the constitutional responsibility of the State of Bosnia and Herzegovina to ensure protection of the right to education, the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina was adopted that specifies the “basic principles of pre-primary, primary and secondary education, adult education and establishment and operation of the institutions for provision of educational services in Bosnia and Herzegovina”. (The text of the Law is attached as an annex.)

546. Proposing and passing of such a general law at the national level is the first and the most important step towards the creation of an adequate legal framework for legitimate actions of all educational stakeholders, and also, among other things, it enables the State of Bosnia and Herzegovina to stand at the “entrance” and the “exit” of its own educational system and to be responsible for its quality, as is the practice in European and other countries.

547. The law inaugurates the common core curricula and other educational standards, and defines the appropriate structure for their implementation, monitoring and development, which are the important preconditions for harmonization of the currently parallel educational system. This should achieve the necessary level of consistency and specialty of the educational system of Bosnia and Herzegovina, and harmonize and achieve appropriate educational quality. This will be measurable and comparable at national and international levels.

548. The educational legislation of the Federation of Bosnia and Herzegovina is very broad, as a consequence of the parallel implementation of the new cantonal legislation and a larger number of the former federal regulations, mostly the secondary legislation. Almost all cantons have adopted their own regulations as the basic laws for almost all levels of education (see list attached in annex). In addition, many cantons have adopted a significant number of the secondary-level regulations and by-laws. In the cantons that have not passed all required by-laws, the former federal legislation is applied.

549. In Republika Srpska, the following laws have been adopted: the Law on Primary School, the Law on Secondary School, and the Law on Higher Education.

550. In Brčko District, the education field is regulated by the Law on Education in Primary and Secondary Schools of Brčko District in Bosnia and Herzegovina.

551. As a part of the reform of education legislation in Bosnia and Herzegovina, a process of harmonization and modernization of the current education legislation in the Entities, i.e. cantons, will be conducted. This process will incorporate the development and implementation of legislation at all levels of education, based on European standards and norms, and founded on international conventions on human rights.

### **Previous regulations**

552. The earlier republic/federal regulations in the field of education have been implemented as the applicable cantonal regulations until the cantonal regulations have been adopted. Since all 10 cantons have adopted their own basic/fundamental laws in the area of education, the republic/federal laws have ceased to apply.

553. In cantons that have failed to adopt all required by-laws in the area of education, a certain number of old republic/federal by-laws are still in force and applied as cantonal by-laws until the adoption of the cantonal ones.

554. All applicable laws in the Entities and in Brčko District that are related to education specify that education is a matter of general social interest and, in connection with this, primary education is compulsory for both boys and girls.

555. Ineffective and non-transparent provision of funds for financing educational activity defines the conditions in which future teachers will work. Overall, there is an evident discrepancy between education and the real needs of the teaching practice; there is too much formalism in the professional development of teachers, and problems that are the result of the overextensive curricula that are often changed in an improvised manner, without the appropriate textbooks and modern teaching aids. In addition, inadequate pedagogical standards, missing infrastructure for educational institutions, and the poor status of teachers all contribute to undermining the conditions for implementation of a teaching process of high quality, although they are the key for successful reform of education at all levels and for implementation of the International Covenant on Economic, Social and Cultural Rights in Bosnia and Herzegovina.

556. The Framework Law on Primary and Secondary Education in Bosnia and Herzegovina was adopted in June 2003. It provides for obligatory education to replace the current eight-year primary education. A nine-year primary education has already started in Republika Srpska, and will be applied in the Federation of Bosnia and Herzegovina starting from next year. It was the obligation of the Entities and cantons in the Federation to pass their respective laws on primary and secondary education in accordance with the above-stated Law by the end of 2003.

557. The Framework Law specifies the basic principles of pre-primary, primary and secondary education, adult education, and establishing and operating institutions for providing educational services in Bosnia and Herzegovina. Under the Framework Law, in its article 16, it is said that primary education is obligatory and free of charge for all children. In addition, we must note that, as part of a comprehensive reform of education that is currently under implementation in Bosnia and Herzegovina, a reform is planned of the present (Entity and cantonal) educational legislation for all education levels, from pre-primary to higher education. A draft Law on Vocational Education and Training in Bosnia and Herzegovina, as well as the draft Framework Law on Higher Education in Bosnia and Herzegovina are both currently ongoing.

558. The reform of the educational system in Bosnia and Herzegovina is implemented in accordance with European standards and common core curricula have been developed. The Entity ministers of education have signed the Agreement on Development and Implementation of the Joint Strategy for Modernization of Primary and General Secondary Education in Bosnia and Herzegovina, known under the name of the "Jahorina Agreement".

559. Also, it is very important to mention that the strategy, policy and main direction of education development are being identified in the Federation of Bosnia and Herzegovina. With the help of the international community (OSCE), the educational authorities at all levels (cantons and Entities) signed a document entitled "Educational Reform" before the Peace Implementation Council, in Brussels, on 21 November 2002. This document promotes the priorities and the main directions of the development of education in Bosnia and Herzegovina, in order to make sure that all children and the young have the possibility of receiving a good quality education in an integrated multicultural environment, without any discrimination and prejudice. This should provide rational and sustainable financing and implementation of the framework law in the field of education, based on international conventions on rights and right of the child. For the purpose of achieving the assigned tasks and directions of changes at all levels of education, several projects are currently under implementation.

560. Through a European Union project, which is a form of technical assistance to educational reform (EC-TAER) in Bosnia and Herzegovina, and in cooperation with the educational authorities of the Entities, cantons and Brčko District, and the international organizations (the European Commission and OSCE), a joint strategy for the modernization of primary and secondary general education is under implementation. The recommendations were developed for the educational authorities in Bosnia and Herzegovina under the name "Green Paper" (May 2003). Following a public discussion, the work on writing the "White Paper" has started, which provided for concrete tasks and specified priorities that need to be fulfilled in the area of primary and secondary education, as well as in terms of harmonization of the education system of Bosnia and Herzegovina with the educational system of the member countries of the European Union. This document was adopted in October 2003. In terms of the secondary vocational education, a European Union project titled the "EU-VET" programme is currently under implementation. The purpose of this project is to define the new way of vocational education and developing the appropriate curricula and teacher training programmes. The project is being implemented in five selected pilot schools, in both Entities in parallel.

561. In the Federation of Bosnia and Herzegovina, there were more activities in establishing a system of basic education for persons who had not completed primary school (within the PHARE VET programme, the non-governmental sector), but this was not a systematic approach to resolving the problem.

562. The same article of the same law above specifies that the responsible educational authorities are obligated to implement the necessary measures in order to provide the conditions for extending the period of compulsory education to the level of secondary education.

563. Under article 18 of the law, it has been said that, during the period of compulsory education, the responsible authorities will take all necessary measures to provide to the students the conditions for free access and participation in education, particularly in terms of ensuring access to free textbooks, manuals and other didactic materials. Specifically, the law fails to define that those levels of education are payable, but in practice, some actions have been noticed that ultimately result with different forms of collection (minimum amount for insuring the school property of damages occurring during the school year) and for purchase of textbooks, notebooks and teaching materials. The students - part-time students of secondary schools for adults - bear educational costs for each year, the amount of which is determined by the responsible Ministry of Education.



564. In recent years, a number of colleges have been opened (private primary and secondary schools) that charge a full price for education costs. Only a very small share of the population can afford education at such colleges. Secondary education is accessible and available to all, provided that the students meet certain entry criteria. It is free of charge in the same way as primary education is, but the parents have to cover additional expenses related to the implementation of practical training, which is compulsory in most secondary schools. The expenditures related to students' transport are also higher because the network of secondary schools is not so developed as the network of primary schools.

565. Higher education is, in principle, free for full-time students, while part-time students have to pay for their studies. Considering that the Constitution vests the responsibility for education with the cantons, many of them have legislated certain irregularities close to segregation in their provisions.

566. For example, one of the cantons has adopted a law wrongfully determining that registration can only be done for the persons who live within the canton. Different cantons have specified enrolment criteria that were not unified throughout Bosnia and Herzegovina or the Federation of Bosnia and Herzegovina, thereby causing difficulties on the occasion of the students' moving to other cantons (horizontal transferability of students).

567. Any person who has failed to complete primary education for any reason can receive this kind of compulsory education in designated primary schools by taking exams and paying minimum expenses.

568. On the basis of article 17 of the Framework Agreement on Primary and Secondary Education in Bosnia and Herzegovina, it has been determined that secondary education is accessible to all, depending on the success achieved in primary school, individual interests and abilities.

569. The major difficulty has been (and, practically, still is) the lack of legislation at the national level (regulations on the cantonal level) that would guarantee equal rights to education to all, in accordance with the accepted international documents and conventions. Consequently, until the school year 2003/04, there were 52 schools under the same roof, divided along ethnic lines, and other forms of discrimination against returnee children and Roma children, primarily in terms of exercising the right to receive regular education of good quality (non-existence of school buildings or appropriate teaching aids in the areas of return, discrepancies in curricula, unemployment of parents, etc., and limited or non-existent opportunity of receiving education in one's mother tongue).

570. In November 2002, all ministers of education signed the document "Educational reform in Bosnia and Herzegovina" the global goal of which is to offer a good quality education equally accessible to all, at all levels of the education system. A common core curriculum has been adopted and the two schools under the same roof have become administratively unified (there still is sporadic resistance). The common core curricula have been implemented since the beginning of 2003/04 in all schools in Bosnia and Herzegovina.

571. One possible difficulty in the educational system in Brčko District was instruction in the mother tongue. This problem was overcome by the equal use of Serbian, Croatian and Bosnian languages and the Latin and Cyrillic alphabets during the teaching process and extra-curricular activities in all primary and secondary schools in the Brčko District.

572. One positive example is that foreign citizens and apatrides (persons without nationality) are entitled to receive primary and secondary education in Brčko District in accordance with the provisions of the Law on Education, and international conventions, inter-State agreements and contracts made by Bosnia and Herzegovina, and contracts and agreements made by the Assembly of the Brčko District.

573. A student who had been attending a school abroad may move to a primary or secondary school in Brčko District after having first conducted the process of verification of the certificates of completion of younger classes in the school he had been attending. The verification of diplomas is not done for those students who move to a school in Brčko District from any other part of Bosnia and Herzegovina.

### **Primary education**

574. Primary education in Bosnia and Herzegovina in school year 2002/03 was realized in a total of 1,864 primary schools with 364,914 pupils and 20,874 teachers, out of whom there are 13,502 women and 7,372 men. (Further data can be found in the statistics attachment in the annex.)

575. Primary education is obligatory and has a general educational character and serves as a basis for further education. Primary schools can be public or private, and as a public institution it is usually formed by cantons or municipalities. Other than regular primary schools there are: special primary schools and institutes, parallel primary schools (music and ballet), and primary schools for adults. Primary education in regular primary schools starts for pupils of age 7 and lasts eight years. For children disturbed in development, primary education lasts from age 7 to 15.

576. Even though equal opportunities for schooling are provided for male and female children, the fact is that there are some differences in education coverage between urban and rural areas. Namely, primary education is obligatory, but there is evidence that in undeveloped rural areas insufficient effort has been employed to ensure education for girls.

577. It was noticed that, even before the war, in rural areas of Bosnia and Herzegovina (Bihać region, East Bosnia) that female pupils leave primary schools in order for the reason of their occupation in agriculture and households. One reason for early leaving of school is the distance of some rural locations from schools. Therefore, measures to be implemented under the appropriate legislation refer, primarily, to a full implementation of all legislation and human rights observance international guidance, particularly the Convention on the Rights of the Child.

578. It is in the spirit of the European Convention to require a higher level of guarantee and protection for rights of the child, and to apply the principle of a child's best interests in any case.

579. The inspection services, working within a competent ministry, have received no reports on women's rights violations in respect to girls' education.

580. In the Federation of Bosnia and Herzegovina, at the beginning of school year 2002/03, 243,262 pupils were enrolled in regular schools. Music and ballet schools (so-called parallel schools) enrolled 4,207 pupils, and institutes for children with special needs enrolled 958 pupils. The total number of regular primary schools is 1,052, of which there are 385 central and 667 regional schools.

581. In Republika Srpska, it covers children aged 7-14, and is free and accessible for everyone; it is organized in public schools and financed from the Republika Srpska budget. Primary education is realized through: primary schools, special primary schools for children with development problems, and departments for primary education of adults (after 16).

582. In parallel with primary education, primary education in art - music and ballet - can be obtained. The Law on Primary Schools provides for the right to primary education of adults, as well as the right to additional education of children of Republika Srpska nationals living abroad. In Republika Srpska there are a total of 741 primary schools, of which there are 476 four-grade and 265 eight-grade schools. The total number of classes in these schools is 5,395, and these are 770 combined forms (children of different ages attend same class). The percentage, of combined classes, 14.27 per cent, indicates that the number of single-age pupils is insufficient for the teaching process. This analysis used the Republika Srpska Statistics Institute's data for school year 1999/2000.

583. Education in forms I-IV is carried out by a teacher with finished pedagogical academy or teachers' faculty. In senior forms (V-VIII) education is carried out for individual subjects by teachers with finished pedagogical academy or teachers' faculty.

584. The school plan and curriculum is developed in the Serbian language; in cases when a class of at least 20 pupils does not have Serbian as its mother tongue, the school organizes courses in their mother tongue (two school hours weekly). When a school is attended by pupils of only one ethnic group, education is carried out in their mother tongue with obligatory education in the Serbian language for two school hours weekly in forms III-VIII.

585. Secondary education is free of charge and is a part of the overall education system. It is carried out in grammar schools, art schools, vocational schools, military and religious schools. Secondary schools are public schools: school buildings and education professionals' salaries are provided for from the Republika Srpska budget, and material costs are paid by the local community. For pupils with development problems, special education is arranged with curricula adjusted to their abilities. Special primary and secondary schools are financed from the Republika Srpska budget.

586. The Brčko District Government, in accordance with the Law on Education in Primary and Secondary Schools of Brčko District, provides for primary and secondary education as compulsory and free of charge for all those obliged to attend the school - the children from 6 to 15 years of age.

587. The activity of primary education includes the upbringing and education of students of normal physical and mental development, and of students with disturbed psychological and/or physical development, primary musical education, additional education of particularly gifted students, and primary education of adults (this is also the response to the fourth question). The primary education being provided may be full-time, parallel, or schools for children who are developmentally impaired. Primary education for children with development difficulties as well as additional education for particularly gifted students, may also be organized in special classes formed for that purpose in primary schools of the district that implement special adjusted curricula. These are based on the principles of modern science and practice, a democratic multi-ethnic society, and experiences of highly developed and modern educational systems throughout the world.

588. Special care is taken of the Roma children, who receive each year a sufficient number of free complete sets of school textbooks and materials for the first grade of primary school. Concretely, in the 2003/04 school year, 30 Roma children have been covered by the six-week-long preparatory class, and all of them have received their sets of textbooks for starting school.

589. Secondary schools in the Brčko District have been described as follows: grammar schools, secondary technical and related schools, secondary vocational schools, and the possibility was left open for establishing a secondary religious school, mixed secondary schools, art schools, and a secondary school for children who are developmentally impaired.

#### **Statistical data on primary and secondary schools in Bosnia and Herzegovina**

590. The number of schools, students and teachers at the beginning of the 2002/03 school year in full-time primary schools is shown in the table below.

**Table 26**

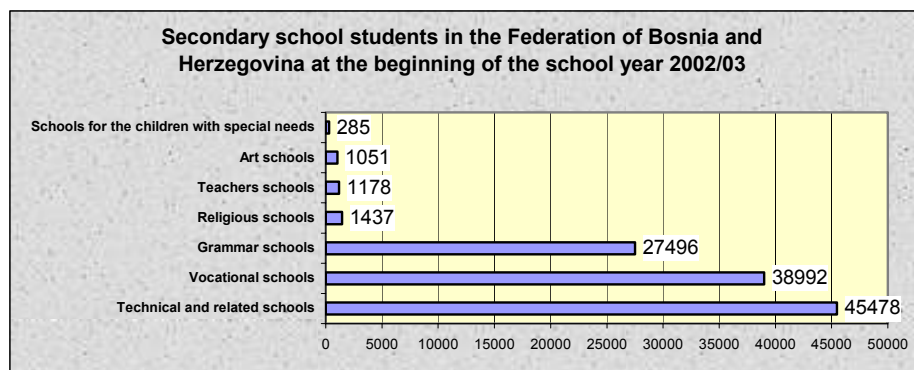
#### **Full-time primary students**

Political unit	Number of schools	Students	Teachers	Students/teacher
Republika Srpska	783	114 603	6 977	16
Federation of Bosnia and Herzegovina	1 066	243 204	13 515	18
Brčko District	15	7 107	382	19
Bosnia and Herzegovina	1 864	364 914	20 874	17

#### **Secondary schools**

591. Secondary schools in the Federation of Bosnia and Herzegovina: Early in the school year 2002/03, a total of 115,917 students enrolled in secondary schools. Of this number, 45,478 students enrolled in technical or related schools, 38,992 enrolled in vocational schools, 27,496 enrolled in grammar schools, 1,437 in religious schools, 1,178 in teachers' schools, 1,051 in art schools, and 285 enrolled in the schools for children with special needs.

**Figure 1**



592. The number of students, teachers and classes at the beginning of the 2002/03 school year in secondary schools is shown in the table below.

**Table 27**

**Secondary schools in the Federation of Bosnia and Herzegovina  
at the beginning of the 2002/03 school year**

Canton	Students	No. of schools	Teachers	Students/teacher	Classes	Students/class
1	2	3	4	2:4	5	2:5
1. Unsko-Sanski	13 040	22	737	18	472	28
2. Kanton Posavski	1 702	2	125	14	60	28
3. Tuzlanski	26 267	33	1 422	18	853	31
4. Zeničko-Dobojski	19 984	37	1 415	14	721	28
5. Bosansko-Podrinjski	1 498	3	118	13	57	26
6. Srednjobosanski	13 411	25	863	16	464	29
7. Hercegovačko-Neretvanski	11 004	29	910	12	417	26
8. Zapadno-Hercegovački	3 656	7	241	15	134	27
9. Kanton Sarajevo	22 626	38	1 631	14	808	28
10. Hercegbosanski	2 729	8	213	13	113	24
Federation of Bosnia and Herzegovina	115 917	204	7 675	15	4 099	28

**Secondary education in Republika Srpska**

593. Enrolment in secondary schools is made on the basis of an open competition and enrolment - a qualification exam in June and an additional August enrolment term.

594. In the grammar schools, students receive education needed in their work or continued education for three or four years. Also, in secondary vocational school, vocational education for work is provided over the period of one or years (simpler vocations). Specialist training for work lasts one year after secondary education. In art schools, the students receive education for work or continued education. The secondary art schools last four years.

595. In religious schools, which last four or five years, students receive secondary education for their work or continued education.

596. In military schools, students receive the secondary education needed for work or continued education. Enrolment and curricula are implemented in accordance with a special law. Private secondary schools are allowed. The responsible ministry issues its approval for the opening of private schools.

597. Regarding girls' education and their career options, all decisions on the type of education are made at the individual level, but the results of the patterns we find cannot be found only at the individual level. A. Milić believes that we have to rely on the processes of socialization through which girls pass, starting from the family through primary and secondary school and university, to employment (Milić, 1994:53). Regardless of the particular interpretation of the very imbalanced relation of forces on the market - whether as a cultural form that is manifested in a new way adjusted to new social conditions, or as a desertion of some profession by male labour due to low salaries, low dignity or better opportunities elsewhere, and filling of the same profession by female labour - at issue here for women is the imbalance that leads to segmentation of the labour market. Different female authors who belong to the feminist and the so-called gender school, state that such developments degrade the socio-economic position of women. However, that is not the only way of looking at the segregation of professions.

598. The concentration of women in certain professions has other consequences too. Primarily, it leads to increased competition within such professions and the weakening of the general competitiveness of women in the overall labour market. The situation in which the female labour force will be found depends, primarily, on the conditions in the economic system. Related to this are the consequently low salaries paid for such jobs.

599. There were 27 special primary schools in Republika Srpska as of the end of the school year 1999/2000. Two of them are four-grade, and 25 eight-grade primary schools. The total number of students in the first four grades of the special primary schools was 208, of whom 76 were girls; 204 students managed to graduate from the grade, of whom 75 are girls. In the higher grades of primary schools, during the school year 1999/2000, there were 289 students, of whom 94 were girls; 283 students graduated from the grade, 94 of them girls, which means that 100 per cent of them have graduated, as opposed to the boy students.

600. The total number of special primary schools in the school year 1999/2000 was 27; of which 25 were eight-grade schools, and the others, four-grade schools.

**Table 28**

**Students in special primary schools, divided by sex and success  
at the end of the school year 1999/2000**

Total, grades	Total, students	Girl students	Boy students	Graduated	Females who have graduated
I-IV grade	208	76	132	204	75
V-VIII grade	289	94	195	283	94

601. The special primary schools employ a total of 62 teachers; 26 female teachers teach in grades one to four, meaning 100 per cent. In the higher grades, fifth to eighth, there are 36 teachers in total, 25 of whom are women. This indicator shows that women work in the most difficult positions in education, and that there are much more of them performing such difficult tasks than men.

**Table 29**

**Teachers in special primary schools**

	Total	Women	Men
I-IV grade	26	26	0
V-VIII grade	36	25	11
I-VIII grade	62	51	11

*Source:* Ministry of Science and Culture of RS.

**Table 30**

**Special primary schools: review of the number of students by grade  
and sex at the beginning of the school year 2000/01**

Sex	Grade								Total
	I	II	III	IV	V	VI	VII	VIII	
Male	35	34	45	35	47	51	61	42	350
Female	17	18	22	19	25	24	27	32	184
Total	52	52	67	54	72	75	88	74	534

**Table 31**

**Overview of teachers in special primary schools by sex  
during the school year 2000/01**

Sex	I-IV grade	V-VIII grade	Total
Male	1	12	13
Percentage	3.33	27.91	17.81
Female	29	31	60
Percentage	96.66	72.09	82.19
Total	30	43	73

602. In 198 primary schools, only 25 directors are women, or around 15 per cent (in the field where the majority are women). In 16 primary schools in Brčko District, there are three women headmasters and seven women pedagogists, and in four secondary schools there is one woman headmaster, and one woman deputy headmaster and two women pedagogists. Secondary education in Brčko District is received in secondary schools, and is accessible to all students who have graduated from a primary school. Secondary education, like primary education, is free, meaning that the students of primary and secondary schools in Brčko District, or their parents or guardians, are not required to pay the enrolment or school fees, they have free transport for all those who live more than 4 kilometres away from the school. They have free public documents (students' books and diplomas). Their access to theatres and all other performances organized for primary and secondary school students is also free.

603. Secondary education of the students with developmental problems, as well as the education of gifted children can be organized in special classes of secondary schools in Brčko District that are especially formed for such needs and that use the specially adjusted curricula for each of those groups. In addition to the implementation of general education and appropriate professional training in secondary schools, various additional education programmes and professional development may also be offered.

**Table 32**

**Gross and net enrolment rate in the educational institutions (in per cent)<sup>a b</sup>**

	Bosnia and Herzegovina		The Federation of Bosnia and Herzegovina		Republika Srpska	
	Gross	Net	Gross	Net	Gross	Net
Primary	96.35	92.80	96.00	92.61	97.04	93.17
Secondary	83.77	72.64	85.52	73.70	80.39	70.60
Higher	36.61	24.22	38.67	25.55	33.27	22.06

<sup>a</sup> Gross and net enrolment rates at educational institutions have been presented on the basis of the LSMS survey, as published in the World Bank publication titled "Bosnia and Herzegovina poverty assessment", 2003.

<sup>b</sup> Post-graduate studies are not included in this rate.

**Higher education in the Federation of Bosnia and Herzegovina**

604. Before the war, higher education in Bosnia and Herzegovina was centralized. The founding, management and organization of universities were regulated by a single Law on Universities. Decentralization of education in Bosnia and Herzegovina has brought higher education into a very difficult position, thus opening a whole new set of questions and problems.

605. Higher education in Bosnia and Herzegovina is at the level of the Entity in Republika Srpska and at the level of the cantons in the Federation of Bosnia and Herzegovina, where there are five universities in total at the cantonal level, which comprise 62 higher education institutions. Among the higher education institutions are the faculties, academies and high schools.



606. In relation to the population, the number of students enrolled in 2002 is about 2.2 per cent. In most transition countries, this percentage is somewhere around 2 per cent, while in the developed countries it is at least 3 per cent. This parameter shows how far we are from the critical mass of educated young people that would be the core for economic prosperity and competitiveness in the country.

607. Higher and high education is received in higher schools, faculties and art academies. The enrolment plan is made on the basis of a proposal by the Ministry of Education. Enrolment is made on the basis of the results achieved during the enrolment examination and success achieved in grammar or secondary vocational schools. Teaching in higher schools and faculties is in Serbian. On the basis of the students' consent and approval by the Ministry of Education, the teaching may also be in one of the world languages. The Government is the founder of the higher schools, faculties or art academies.

608. Recently, we have seen some private higher schools and faculties opened. According to the Law on Universities, the faculties and higher education institutions enjoy a high level of autonomy that is reflected in adoption of the curricula, selection of teachers, as well as determination of the development strategy and planning the study projects and fundamental research (*Source*: Economic/Pedagogical Institute of Republika Srpska).

#### **Bologna Declaration - progress achieved and future activities in Bosnia and Herzegovina**

609. During the month of April 2002, Bosnia and Herzegovina sent a letter of intent to the Spanish presidency of the Bologna process, officially announcing the Bosnia and Herzegovina commitment to adopt the Bologna Declaration and take on all obligations stemming from it.

610. The document entitled "Educational reform in Bosnia and Herzegovina" was developed and presented to the Peace Implementation Council (PIC) in Brussels, on 21 November 2002, and was accepted by both Entities in Bosnia and Herzegovina. This document on implementation of comprehensive educational reforms provides clear guidelines for reform of higher education in Bosnia and Herzegovina from the position of the Bologna process.

611. Recently, the universities have harmonized their activities in the accelerated reform through the institution of the Coordination Board for Higher Education of Bosnia and Herzegovina. This institution justifies its existence by providing coordination and encouraging reforms in higher education.

612. All high school institutions and universities, have drafted, and most of them have already adopted, the "University institutional development plan for 2003-2010", into which they incorporated the Bologna processes. Due to the various levels of development of different universities in Bosnia and Herzegovina, the pace and priorities in implementation of the higher education reform plans also vary. Individual universities, while assessing the academic community and development level, developed dynamic reform plans accordingly.

### **Education of children with special needs**

613. Currently, the UNICEF project “Hospital - Friends of the Children” is in the phase of attempting to provide education to chronically-ill children who spend longer times in the hospital. The goal is to provide regular education to those children, to the extent possible, so that they do not lag too much behind the other children attending school regularly.

### **Problems in the education system**

614. The wide practice of transporting children to single-ethnicity schools instead of having them go to the school that is the closest to their homes is an obstacle to education in integrated and multicultural schools. In some parts of the country, the Government is paying for the transport of students to other municipalities, or even to another Entity, which is an expensive and unnecessary practice that makes the children waste too much time on transport.

615. There are many examples of children travelling 15 or 20 kilometres on bad roads to go to school where they are the ethnic majority, rather than go to schools that are located just metres from their homes. Transporting children to single-ethnicity schools not only undermines the sustainable return and reconstruction of the country, but also causes significant expenses that unnecessarily burden the cantonal and Entity budgets.

616. The most apparent form of segregation that undermines the education reform in Bosnia and Herzegovina is the phenomenon of “two schools under the same roof”. Since 2000, dozens of school buildings in the Zenica Doboje Canton, Central Bosnia Canton and Herzegovina-Neretva Canton have been literally divided into two schools. In June 2003, there were more than 50 cases of so-called “two schools under the same roof” in the Federation of Bosnia and Herzegovina. The divisions are present in almost all aspects of school life. In some cases, the school bells ring at different times, the students of different ethnicity do not share the computer equipment, language and other services. In the most extreme cases, the Bosniak and Croat students do not even go to school at the same time in the day.

617. This system of division not only affects the quality of education in the Federation, but is also an outrageous waste of money. The funds are being allocated from the taxpayers to pay salaries to two school directors, two school boards, and two groups of administrative and support staff. That same money could be much better used to improve the quality of work in the classroom and for general improvement of the education quality.

618. The schools must be unified in order to be able to respect the principles of the Education Reform Strategy. By signing the strategy, the Entity and cantonal ministers of education have agreed to “put a stop on the segregation and discrimination through education” and to stop wasting money, overlap and inefficiencies of the education system in Bosnia and Herzegovina.

### **Inclusive education**

619. Bosnia and Herzegovina is committed to have its schools open for students from all social and other environments and of all abilities or origins. Inclusive education is the key factor in the programme of education reform that makes sure that children are able to attend regular schools close to their homes, regardless of their physical, intellectual, social, emotional,

linguistic and other abilities. According to the principles of inclusive education, children with special needs would not go any more to special schools or be placed in boarding institutions. They would go to regular schools, together with other children. OSCE is also working on defining principles in the field, by raising awareness in the communities of the benefits of inclusive education. In this way, help is being provided to children with special needs to be included in regular schools throughout Bosnia and Herzegovina.

620. The Brčko District and some cantons have already put in force legal provisions that incorporate the principles of inclusive education. In addition, there are a number of organizations that work on ensuring better and broader access to education for children of different abilities. Recently, a post-graduate study on inclusive education was started at Sarajevo University, as well as a pilot project that supported the inclusion of children with less serious mental disabilities into the first and second grades of primary school. Sixteen municipalities throughout Bosnia and Herzegovina have undertaken the obligation to implement training for special education advisers, linguistic therapists and teaching staff in primary schools.

### **Roma: right to education**

621. The Roma community in Bosnia and Herzegovina is a victim of inherited discrimination, which contributed to the widespread poverty, unemployment, homelessness and lack of access to education.

622. At present, Roma children go to school only sporadically. There are almost no Roma children in the older grades of primary and secondary schools. Consistent with the report on evaluation for the year 2002 that was made by UNICEF, the Council of Europe and OSCE, in Tuzla Canton (where the largest percentage of the Roma children live), approximately 80 per cent of Roma children do not go to school. In addition, over 60 per cent of children are illiterate, and around 80 per cent of them have no vocational qualification. Only two Roma students attend the university.

623. Among the many reasons behind such low levels of inclusion of Roma children in the education system are the following: poverty, discrimination, name calling and harassment at schools, lack of trust in the Government, war and displacement, tradition and customs, language, etc. The educational authorities have started taking positive steps to remove the obstacles that prevent equal access to education. On the basis of the obligations from the Education Reform Strategy Paper, a team has been formed with the special task of developing a plan to provide education to all members of national minorities, and Roma children in particular. This team is working on the issues of equal access to education, textbook financing, the Roma language in schools and transport.

### **Non-governmental aid impact on the realization of the right to education**

624. There are some non-governmental organizations which had promoted the "life-long learning festivals". The first festival of that kind was held in the Tuzla Canton in 2001. The second and third festivals of life-long learning were held in Sarajevo, Tuzla, Banja Luka and Mostar in 2002 and 2003.

625. Civitas, Proni, Word Vision, and the Council of Europe are all actively involved through students' projects in primary and secondary schools, as well as in the permanent education of the teaching staff.

#### **Priorities and legal framework**

626. With regard to the long-term goals to be achieved through a comprehensive education system reform, the following steps need to be taken in this area:

- Implementation of the already adopted Framework Law on Primary, Secondary and High Education;
- Adoption of the State-level Law on Science;
- Harmonization of the Entity and cantonal education laws with the Framework Law;
- Completion of the adoption of other supplementary laws and by-laws.

#### **Article 14**

##### **Obligatory and free-of-charge primary education**

627. In Bosnia and Herzegovina, obligatory primary school education is available free of charge to all full-time students, while part-time students who wish to complete their education or change their vocation have to pay the fees in accordance with the current fee schedule.

628. Adoption of the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina and the excellent cooperation of sector ministries of both Entities and Brčko District in the area of education have contributed to the gradual removal of certain differences and difficulties from the previous period, with notable support from the international community.

#### **Article 15**

##### **Right to participation in culture and cultural achievements**

629. According to the Dayton Peace Agreement, culture in Bosnia and Herzegovina is under the jurisdiction of the Entities. Until the adoption of the new legislation, the old laws of the former Socialist Federative Republic of Yugoslavia and the Socialist Republic of Bosnia and Herzegovina were used, and in some instances still are. In Republika Srpska, several legislative acts have been adopted over the last 10 years, some of which have been subjected to so many changes (library and publishing activities, for instance), that the decision was made to adopt new ones. The same goes for most by-laws in this field.

630. In the case of the Federation of Bosnia and Herzegovina, most cantons have not adopted the legislation by now, in spite of being obligated to do so by the Dayton Peace Agreement.

631. Likewise, according to the Constitution of the Federation of Bosnia and Herzegovina, in the area of culture the canton may transfer its obligations to the municipalities it is comprised of where the majority population in terms of ethnic structure is not the same population that makes the majority in the canton as a whole. The canton may also transfer some of its responsibilities to the Federation level if that would contribute to their more effective and rational performance. So far, no canton has used this possibility, i.e. a decision has never been made according to which the responsibilities in the area of culture would be transferred either to some of the municipalities or to the Federation.

632. As a consequence, we have different regulations in this area, which is reflected in the unequal realization of rights of culture workers. This is most apparent in the example of freelance artists who have chosen to live off their artistic creation, i.e. have not entered a working relationship that would provide them with rights under the Law on the Employment Relationship. In certain cantons, freelance artists do not have social and health protection, while the Sarajevo Canton has adopted the Law on Freelance Artists and has fully defined their status since January 2001.

633. For the purpose of realizing the rights of each individual in Bosnia and Herzegovina to take part in cultural life and to exhibit his own culture, Bosnia and Herzegovina became a member of the World Intellectual Property Organization (WIPO), by signing the Convention on establishing the Intellectual Property Organization on 1 March 1992.

634. Since the adoption of the Dayton Peace Agreement for Bosnia and Herzegovina, legislation in the field of culture has been placed under exclusive responsibility of Republika Srpska, which has used this opportunity and made appropriate laws, although not in all fields. This area is of critical importance for the fate of the cultural institutions in Republika Srpska, because the existing institutions of the former Republic of Bosnia and Herzegovina seek to be "national", meaning State institutions. The Federation of Bosnia and Herzegovina has not adopted a single legislative act related to culture, and consequently, the "implementation of the old laws is extended". Since there is no will nor, it seems, the need to legislate in this area, Bosnia and Herzegovina's status in European and international cultural associations is not clear. Republika Srpska feels that its institutions should be represented in such associations, but this often collides with the practice of European legislation, where the existence of a single central national institution is a norm, regardless of the complex character of any particular country.

635. The following laws exist in Republika Srpska: the Law on Cultural Goods, the Law on Achievements (sic), the Law on Libraries, the Law on Museums, the Law on Publishing, and the Law on Theatre. The following are still to be adopted: the Law on the Status of Artists, the Law on Show Business and Artists, and the Law on Film Production.

636. It is necessary that the so-called umbrella laws, i.e. the laws at the Bosnia and Herzegovina level, are observed in Republika Srpska, such as the Law on Copyrights. This is one of the two laws that must be respected at the European level. The other law is the Law on Media. The problem with the copyrights is not so much in the law as such, but in its respect and implementation. Nothing has been done in Republika Srpska to suppress piracy and to respect intellectual property.

637. It is very important to have the Ministry of Education and Culture actively involved in all discussions related to legislation that would also apply to culture, such as the complex tax policy.

638. In order to manage the space of cultural legislation, it would be necessary to form a body of lawyers, to be comprised of the existing lawyers from the cultural institutions, accompanied by the ministry's legal staff. Such a body should review the current legislation and harmonize it with the European legislation, because, in general terms, it is too extensive and, to a great extent, outdated.

639. The Statute and the laws of Brčko District are in accordance with the provisions of the Constitution and Laws of Bosnia and Herzegovina (Constitutionality and Legality, art. 41 of the Brčko District Statute). The Assembly of Brčko District adopted a total of 74 laws during the period 2000-2003, but none of them were in the field of culture.

640. The sub-department for Sports and Culture (Department for Health, Public Safety and other services) of the Brčko District Government has the functions and authorities in the field of culture. As early as in 2002, this sub-department proposed that its legal team develop the Law on Cultural Goods in Brčko District. This law has not been drafted to date, since it had not been among the priority laws.

641. There is no overview of current legislation in the field of culture in Brčko District. All cultural institutions in Brčko District are under the sub-department for Sports and Culture ("Home of Culture", gallery, library) and are financed from the budget that is adopted by the Assembly on the basis of the annual plan and the report submitted by the sub-department.

642. Non-governmental cultural organizations (national cultural associations and societies that have cultural programmes) are also in some part financed from the budget of the sub-department, by grants to non-profit organizations. When implementing the annual plan of the sub-department, account was taken that all citizens of Brčko District are entitled to participate in cultural life, and that equal representation should be given of the following:

- Alphabets (Latin or Cyrillic);
- Languages (Serbian, Croatian, Bosniak);
- Ethnic identity (free presentation of one's own culture and tradition of one's peoples, in the extent they themselves feel needed);
- Religious identity (free public manifestation of religious practices, holidays and cultural programmes with religious content).

In addition, all citizens are entitled to participate in the joint multi-ethnic programmes.

### **Culture and cultural activities funding**

643. Each year, the Entity Governments plan the budgets for culture that are distributed to cultural institutions and projects in accordance with specified criteria. The Government of Bosnia and Herzegovina has made a decision on adopting a programme for spending funds, together with criteria for distributing the funds, as specified by the budget of the Federation of

Bosnia and Herzegovina for the 2003 budget of the Federation Ministry of Culture and Sports (*Official Gazette of the Federation of Bosnia and Herzegovina*, No. 13/03). This has opened the possibility for cultural institutions to apply for funds to implement various cultural events that include a significant number of cultural workers. When allocating budget funds, particular attention is paid to the activities of national cultural societies, so the members and supporters of such societies are thereby provided with the opportunity to preserve their cultural identity and their own culture.

644. In addition, foundations have been established in the area of culture that encourage the development of different cultural activities and allow the availability of funds for assisting cultural development and participation of each individual in cultural development. So the Government of Bosnia and Herzegovina, based on realistic parameters for cultural potential, has initiated and ensured initial funds for the operation of the Foundation, and ensured the legislative preconditions (the Law on Foundations, *Official Gazette of the Federation of Bosnia and Herzegovina*, No. 16/98) for registration of the Cinematography Foundation Sarajevo (*Official Gazette of the Federation of Bosnia and Herzegovina*, Nos. 2/99, 55/02 and 23/03) and the Foundation for Publishing (*Official Gazette of the Federation of Bosnia and Herzegovina*, Nos. 53/00 and 43/03).

645. The foundations are independent agencies entered as such in the public registry of the Federation Ministry of Justice. The foundations have independent boards of directors that include distinguished cultural workers. The foundations are expected to encourage the development of those cultural activities, but at the same time, to remove the decision-making hub from the governmental structures. At the level of Bosnia and Herzegovina, the Law on Foundation was adopted (*Official Gazette of Bosnia and Herzegovina*, No. 32/01).

646. Each country financially supports professional associations of artists, and through them, it helps them resolve the matters related to their status, primarily their location, *atelier*, social and pension insurance. This area requires urgent regulation. Not a single transition country has established their citizens' professional associations without some financial aid, and this is the basis without which there will be no institutions of culture. Also, the professionals are institutions in themselves. That is why it is necessary to define this area by special law on rights and obligations of independent artists that would, first of all, regulate the incentives to artistic creation, and, according to the fields of artistic creation, their operation within the professional association for the purpose of achieving the common interests.

647. As in the case of the cultural institutions, professional institutions, during the period before this war, were organized by the Republics or on the regional level. This determined the painstaking path of creating the Republic associations of professional artists and associated workers. Not neglecting the regional aspect, which is the basis of any good organization in Republika Srpska, the work of the current association (of authors, painters, actors, librarians in Republika Srpska) needs to be revived, and the association of workers in the area of musical and performance activities and association of literary translators of Republika Srpska need to be established.

648. The funds for supporting cultural development in Brčko District are modest, insufficient, disproportional to the other existing funds (for instance, economic and social funds) and compared to the overall budget of Brčko District. The cultural development funds in

Brčko District do not have a permanent inflow of money due to an underdeveloped system of coordination with possible donors or sponsors. Therefore, although the existing funds of the Sub-Department for Sports and Culture, which were mentioned above, are public and available to all who submit a valid project, they cannot stretch far enough to contribute to the development, but rather simply maintain the current status of the culture.

649. The difficulties that the fund users, as well as the implementers, face may be overcome by:

- Simplifying the current slow, complex and unadjusted specification of needs, and the resulting inefficient procedure of considering the applications by citizens and organizations;
- Reorganizing the current jobs of the employees in culture (making the institution independent and provided with broader authority and their own plans and budgets);
- Introducing expert services and hiring professional advisers for different issues in the area of culture;
- Separating the funds earmarked for sports from those intended for culture;
- Clearly defining the cultural goods and needs for their survival through the legislation.

### **Right to intellectual property**

650. The laws in the area of intellectual property that make it possible to anybody to realize the rights of intellectual property in Bosnia and Herzegovina are the following:

(a) National laws:

- The Law on Industrial Property in Bosnia and Herzegovina (*Official Gazette of Bosnia and Herzegovina*, No. 03/02);
- The Law on Copyrights and Related Rights in Bosnia and Herzegovina (*Official Gazette of Bosnia and Herzegovina*, No. 07/02);

(b) International conventions and agreements:

- The Paris Convention for the Protection of Industrial Property (Bosnia and Herzegovina joined on 1 March 1992);
- The Madrid Agreement concerning the International Registration of Marks (Bosnia and Herzegovina joined on 1 March 1992);
- The Nice Agreement concerning the International Classification of Goods and Services for the Purpose of Registration of Marks (Bosnia and Herzegovina joined on 1 March 1992);



- The Locarno Agreement Establishing an International Classification for Industrial Designs (Bosnia and Herzegovina joined on 1 March 1992);
- The Treaty on Cooperation in the Area of Patent Law (PCT) (Bosnia and Herzegovina joined on 7 September 1996);
- The Bern Convention for the Protection of Literary and Artistic Works (Bosnia and Herzegovina joined on 1 March 1992);
- The Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (Bosnia and Herzegovina joined on 6 March 1992).

651. For Bosnia and Herzegovina, the laws on intellectual property are new laws in a new area, adopted only a few years ago. Therefore, they are, in principle, in harmony with the solutions provided by national legislation and the national laws of other countries of the European Union in the area of intellectual property. The legislation in this area is a good basis for protection of moral and material rights of the authors and performers from all areas of intellectual property, both in Bosnia and Herzegovina and abroad, because it is harmonized with the Paris Convention and the Agreement on the Trade Aspects of Intellectual Property Rights (TRIPS).

652. There is not a single law in Brčko District in the area of science and scientific and research work. The existing masters and doctors of science do not receive any salary supplements based on their professional training, and they do not have any advantage when seeking employment in Brčko District. They have nobody to apply to for possible scientific and research projects. Professional development is not encouraged - once an employee receives an academic title, he/she cannot automatically change position. The M.A. and M.Sc. graduate working in education and culture receive the same salary as any other university-educated employee, and their titles are not emphasized because, according to the public competition, they are hired to the jobs foreseen by the current systematization of jobs, and there is no additional piece of legislation that would regulate the rights of experts with this profile.

653. For instance, the salaries of PhDs with the Faculty of Economics in Brčko District (Banja Luka University) are equal to the salaries of the cleaning ladies working in the administration of Brčko District. Although there are plans to establish a Department for Higher Education in the Government of Brčko District, this procedure has not yet been initiated. There is an instruction of the Mayor according to which a person may apply to the Government for 5,000 KM of support for writing the doctoral thesis. This indicates that the ruling structures are aware that there is a pressing need to change the current status.

654. Involving scientists from Brčko District in international courses is only sporadic, more a consequence of personal initiative and a person's own connection with scientific institutions and the shrewdness of the most energetic ones to remain in the scientific circles when it becomes possible to adopt a systematic solution.

655. Preservation of the natural heritage of mankind would also be secured by adopting the Law on Cultural Goods that would, in addition to material and spiritual goods, cover natural cultural goods (rare plant and animal species and their habitats, specific ethnogeographical regions, natural locations, historical monuments of nature, etc.). Considering that those goods are not clearly defined, it is possible to interpret and apply other laws that have been adopted (for instance, the Law on Physical Planning) to the detriment of natural heritage, the value of which cannot be identified in due time.

656. Until the establishment of Brčko District, there was an archaeological and ethnological collection within the Cultural Centre in Brčko, which gathered experts who archived, processed, presented and spread information both on scientific advances and on the heritage of the people and that area. Although the Sub-Department for Sports and Culture asked in all their budget proposals money for reconstruction of this small museum, the limitation persisted: inability to open new jobs imposed by general parliamentary decisions or recommendations of the supervisor.

657. The work of such an institution would extend implementation of current legislation at the level of Bosnia and Herzegovina that is lacking in Brčko District, such as: the Law on Institutions; the Law on Museums; the Law on Archives; the Law on Compensation and Use of a Freelance Author's Works; the Law on Conditions for publishing Personal Files, Portraits, Photographs, Films and Phonograms; the Law on issuing Guarantees for Foreign Exhibitions of Special Cultural or Artistic Value; the Law on Copyrights; the Law on Protection and Use of Cultural, Historical and National Heritage; the Law on Financing the Needs and Interests of the Society in the Field of Culture; and the Law on Registering Scientific, Cultural, Educational and Technical Cooperation with Foreign Countries.

658. The legislation for protection of intellectual property rights, by regulating the rights of intellectual property, gives holders moral and material rights. These moral rights include the rights of the holder of intellectual property to be recognized and designated as the creator of the work, creation or invention, the right of the holder to oppose any deformation or change of the work, creation or invention that would harm his honour or dignity. Moral rights are not transferable and are not limited in time.

659. The material right is the right of the holder of intellectual property to exploit his work, and this right is realized by publication, copying, putting into circulation, transferring or in any other appropriate way. Those rights are transferable, in whole or in part, and limited in time. Transfer of such rights is done through the author's contracts made in writing.

#### **Mechanisms for implementation of the legislation and regulation of protection of the intellectual property rights**

660. The Office for Intellectual Property of Bosnia and Herzegovina, under the Institute for Standards and Intellectual Property, is responsible for awarding intellectual property rights on the basis of specified administrative procedures. On the basis of the Law on Establishing the Institute for Standards, Measurement and Intellectual Property, the plan is to separate this office from the institute and to establish a separate Institute for Intellectual Property of Bosnia and Herzegovina as an independent government administrative agency by the end of 2003, in accordance with the common practice in other countries. The mechanisms that are available in

terms of implementation of the legislation in the field of protection of intellectual property rights are the Court of Bosnia and Herzegovina, measures by the customs administration and services, the Office for Intellectual Property of Bosnia and Herzegovina, administrative disputes and procedures, inspections, criminal procedures and penalty provisions.

661. The problems related to protection of intellectual property in Bosnia and Herzegovina include:

- The slow pace of implementation of the laws adopted in the area of intellectual property (particularly in the area of copyrights and related rights, where the rights are violated on a massive scale and no appropriate measures are taken to prevent and remedy such a situation);
- Insufficient coordination between the mechanisms in charge of implementation of the laws, such as the Office for Intellectual Property of Bosnia and Herzegovina, the responsible courts, customs administrations, inspection services, line ministries, such as, for instance, the Ministry of Foreign Trade and Economic Relations, the Ministry of Foreign Affairs and Ministry of Internal Affairs, the Ministry of Trade and Tourism, the Ministries of Finance and Justice, privatization agencies and those for development of small- and medium-sized enterprises;
- Insufficient specialization and poor efficiency of the judiciary who are the “stumbling block” in the chain of combating violations of intellectual property rights and piracy;
- Insufficient activity on the part of the responsible organizations (the Office for Intellectual Property of Bosnia and Herzegovina) on permanent education of the population on the terms, significance and procedures for acquiring the intellectual property rights;
- Insufficient communication between the internal structure of the Government, appropriate ministries and non-governmental organization in connection with intellectual property;
- Negligible number of specialized cadres in the Office for Intellectual Property, among the judges and expert witnesses;
- Complexity in controlling the violation of the intellectual property rights due to the specific organization of Bosnia and Herzegovina as a country.

#### **Ways of organizing cultural activities in Republika Srpska**

662. There is no branch association in Republika Srpska to serve as a unique body for music-scene activities. Therefore, it would be necessary to organize such an association to promote enhanced activity by professionals and artists from the relevant field. While acknowledging professional criteria and creating conditions for high artistic achievements, an artists' association would help create its own professional production, which would contribute to Republika Srpska artists' credibility in securing their positions in general.

663. Although formal, the stage artists' assembly failed to exercise any significant influence in Republika Srpska; no important issue concerning artists' individual status, performance, literary heritage was raised through the assembly, so it really exists only on paper. Its activation is expected to happen with the arrival of a new generation of artists graduating from the Academy of Arts.

664. There is no systematic application of laws in Brčko District guaranteeing protection of the moral and material interests of persons stemming from his/her own scientific, literature or artistic work. Natural persons and legal Entities are not aware of the importance attached to the term intellectual property, and thus far no initiative has been undertaken either by internal structures, sector ministries or the NGO sector.

665. In respect to promotion and development of cultural policy, the Brčko District Government undertook the following measures: the Assembly adopted the Law on Associations and Foundations (2002), which covers also cultural associations; it financed restoration of devastated village culture clubs and development of new ones (e.g., for Roma population); it financed and organized large-scale cultural projects like the International Arts Colony, Bosnia and Herzegovina Theatre Festival, Days of Spiritual Music, Exhibition of Urban and Rural Amateur Crafts; it reimbursed costs of cultural associations re-registration; it supports procurement of equipment and co-finances travels abroad of rural cultural associations; it co-finances book printing, and the production of cultural events advertising material; it supports individuals (arts, literature) on request. Through the appropriate programmes, it supports amateur activity through advice, guides and recommendations.

666. However, the users' needs get more complex, and the number of appropriate experts in the Sub-Division for Sports and Culture and their authorizations and capacities continue to stagnate. To keep the pace with the environment and meet requirements, it is necessary to make legal and organizational adjustments and to upgrade.

667. The Association of Librarians of Republika Srpska was established on 10 October 1987 in Visegrad, where it has traditionally held its annual meetings, and where its seat is located. The association has a president, vice-president, and management. The main goals of this association are the following:

- To work on improving the status of librarianship;
- Fostering and supporting librarianship;
- Considering professional issues of interest for the work of libraries;
- Encouraging professional and scientific work of librarians;
- Developing experiences and exchange of opinions on current issues of librarian theory in the country and abroad.

668. The Association of Librarians of Republika Srpska awards the annual “Dorde Pejanović” prizes for contributions to development of librarianship in Republika Srpska, both to the libraries and to individuals. This association is soon to become a member of the International Library Association.

669. The founding assembly of the Association of Archivists in Republika Srpska was held on 26 October 2000 in Banja Luka. The assembly adopted the statute and programme goals and tasks, elected the board of directors and president of the association. The programme goals of the association are presented in the programme activities of the Archive of Republika Srpska. The *Gazette* of the Association of Archivists of Republika Srpska is the professional organ of the association, but none has been issued so far.

670. Cultural activities in the Federation of Bosnia and Herzegovina significantly contribute to strengthening the values of a democratic society by establishing cooperation between various parts of the civil society and its institutions, by creating public or cultural opinion in relation to the true values in culture and art, and their creators. By connecting different cultural, educational and media institutions, the conditions are created for strengthening an open and democratic society, a society that is recognizable by an intercultural dialogue that respects the differences, new criteria of value and approach to education through events that have an international character.

671. In the Federation of Bosnia and Herzegovina, there are a number of prominent festivals and events that are well received by the participants, artistic community, audience and the general public. Those are the following events of international significance: theatre festival MESS, the Sarajevo Winter festival, Sarajevo Film Festival and ARS AEVI project. Those festivals, events and projects affirm the artists and creators from Bosnia and Herzegovina in the world, and provide to the audience there new information on the achievements in art, and contribute to strengthening of culture as one of fundamental values in any democratic society. The programmes are implemented in all areas of culture through cooperation with cultural institutions in the country and abroad, and through active participation in numerous co-production exercises. The special value of these programmes lies in the fact that they provide an opportunity to young artists to present themselves and take active participation in cultural developments, make contacts and befriend others, and acquire new skills and experiences.

672. The International Theatre Festival MESS is a festival that has a 43-year tradition. The concept of the festival includes a cross-section of the most recent developments and trends in theatre art in the country and in the world. In addition to the theatre performances, some supplementary programmes are also organized, such as exhibitions, concerts, round tables, etc., for the purpose of achieving affirmation of the festival, as seen in the most prestigious international festivals of this type. In 2003, for instance, there were 14 performances from 12 countries that took part in the festival. The performances were given in Sarajevo and in Zenica before the full theatres. The festival was followed by over 200 domestic and foreign journalists, and about the same number of guests who took part in various festival activities.

673. The international festival “Sarajevo Winter” is a traditional meeting of artists from the country and from the world. During the 20 years of its existence, this festival has been connecting artists and visitors from all over the world. The programmes are implemented in all larger cities of Bosnia and Herzegovina. During the 45 days of the festival, over 90 programmes

involving over 1,400 participants from 30 countries are presented. Each year, those programmes are followed by around 35,400 visitors and guests and over 120 accredited journalists from some 60 media. The programme includes visual and stage shows, music, literature, film, video and TV programmes and conferences on different topics, such as the “Myth of Europe”, “Space as the infrastructure of our future”, etc. Some programmes are devoted to the young in the form of a competition for creations of students, and other activities. The youth programmes of this festival are included in the association Biennale of the Young of Europe.

674. The Sarajevo Film Festival is the most prestigious festival in Bosnia and Herzegovina. Through its programmes, it has achieved a desirable reputation among this kind of festivals in Europe. The programme includes commercial film creations, the best feature and documentary movies from international film festivals, programmes of regional productions, video projects and children’s programmes, including the newest hits. As a part of this festival, some supplementary programmes are organized, such as the workshops, seminars for film critics, for instance on digital technology, documentary film, etc.

675. Over the nine years of its existence, the Sarajevo Film Festival has been seen by over 75,000 visitors every year. Film-lovers have the opportunity to see around 130 film and video creations from Bosnia and Herzegovina and about 36 other countries. The festival is followed by approximately 230 guests and 200 media representatives each year.

676. The project “ARS AEVI” is an international project of the utmost relevance in the field of contemporary art in Europe and the world. Over the 10 years of its existence, this Sarajevo project has grown into a single international cooperation of artistic and cultural institutions, administrations of cities and regions, artists and intellectuals from Europe and the rest of the world. The purpose of this project is to create in Sarajevo a complex of architectural urban attractions that would be designed by the most famous architects of our time, where the most prestigious live artists and museums of the modern arts would make a collection for the future ARS AEVI museum in Sarajevo.

677. As of now, this collection comprises over 100 works of art and is growing into one-of-the-kind entrepreneurship that unifies the enthusiasm of artists, directors of reputable European museums, city mayors and a wide range of intellectuals who contribute to affirmation of this idea and its implementation. Some activities under this project are multicultural seminars, museology courses, exhibitions and presentation of architectural designs, educational programmes, workshops, etc.

678. A basis for considering publishing activity in Republika Srpska is the production in the last two years, which is registered by the ISBN agency of Republika Srpska, the National and University Library where, as of 31 December 2002, there were 102 publishers registered. The publisher who exhibited the largest production over this time was the Institute for Textbooks and Teaching Aids Srpsko Sarajevo that had published 141 titles. It is followed by: the Zadužbina Petar Kočić Banja Luka-Beograd, with 34 titles published, the Grafomark, Laktaši, with 24 titles published, and the Glas srpski, Banja Luka and Besjeda, Banja Luka, with 20 new titles published by each of them. In total, 441 books were published in Republika Srpska.

679. As of 30 September 2003, the situation in the ISBN agency is as follows:

In total, 142 publishers are registered. The most productive one is still the Institute for Textbooks and Teaching Aids, with 174 titles published during 2003; Besjeda published 28, and Glas Srpski 19 titles. They are followed by the faculty of philosophy of Banja Luka with 15 new titles, Zadužbina Petar Kočić, with 11 titles, and Grafomark 10.

680. So far, 463 books have been published in Republika Srpska, which represents a significant number, particularly if one assumes that some 20 new books will be published by the end of this year. But we cannot be happy with the situation of the publishing activity in Republika Srpska.

681. The Institute for Textbooks and Teaching Aids of Republika Srpska could be considered the best organization, whose legal status, role and tasks are properly regulated, and which has resolved the issue of financing its publishing activity in a most appropriate way. Among the State-owned companies involved in this activity are Glas srpski and Knjizevna zadruga from Banja Luka, and Oslobodenje from Srpsko Sarajevo. Only the institution Knjizevna zadruga is financed from the budget, while other publishers only occasionally and for specific titles receive modest financing. The following are also working in publishing: Besjeda, Zadužbina Petar Kočić, Književna zajednica Vaso Pelagić, Art-print, Gradif, National and University Library of Republika Srpska, the Association of People Suffering from Dystrophy, the Association of the Authors of the Srpska - Banja Luka branch, Media-Prelom, the city of Banja Luka (library "Baština"), Slovo, Bina and some other smaller publishers from Banja Luka, then the Grafomark from Laktaši, Književna zajednica Jovan Dučić from Trebinje, the branch of the Association of the Authors of Srpska in Srpsko Sarajevo, the Serb Cultural and Art Society Prosvjeta (headquarters and municipal boards in Teslić, Bijeljina, Gradiška, Bileća, Gacko, Kotor Varoš and other places), and universities in Srpsko Sarajevo and Banja Luka, and their individual faculties. This has not exhausted the list of publishers, but the list of those who fully meet all necessary requirements and publish only artistically, scientifically and socially valuable works is much shorter.

682. Until 1991, many literature magazines were issued in Socialist Republic of Bosnia and Herzegovina, and among them the most influential were the following: *Život*, *Izraz*, *Lica* and *Dalje* from Sarajevo, *Putevi* from Banja Luka and *Most* in Mostar. Today, the only magazines published in Republika Srpska, irregularly and burdened with debt, without paying authors' fees to the columnists and editors, are the *Srpska Vila* in Bijeljina (published by Prosvjeta), *Znacjenja* from Doboj (published by Maticna biblioteka) and *Duhovnost srpska* from Teslic (published by Prosvjeta). In the meantime, a literature magazine was started in Banja Luka under the name *Krajina* (published by the private company Art-print which deserves the words of praise for this achievement) that is still issued on regular basis, four times a year. The oldest and the most influential magazine, *Putevi*, which was to celebrate its fiftieth anniversary soon, has unfortunately been closed because the State has failed to provide funds for its financing, and the publisher has no interest in investing himself.

683. The unsatisfactory state of publishing activity is made even worse by the inappropriate method of financing. The funds allocated for this purpose are less than symbolic and the lack of strong criteria for allocation of those funds makes them even less significant. Some small

funding are provided by the Ministry of Education on the basis of competition that are used for financing some 15 books and 3 magazines a year (2,000 KM each for books of poetry, novels and essays, 1,500 KM for first books of young authors, and 3,000 KM for magazines), which is far from being sufficient, and covers only the costs of printing the book or one number of the magazine, but not the authors' fees. In addition, on an occasional basis, some publishers receive funds for specific books or publishing projects, while the participation in financing authors from Republika Srpska who are published in Serbia is made impossible due to the lack of payment transactions.

684. Currently, the most important thing would be for the State to recognize and define its national interest in publishing and to take a position concerning it, which, first of all, means a systematic resolution of financing the publishing activity. In doing this, one has to keep in mind that publishing valuable works of literacy from our heritage and modern literature typically does not pay off in terms of financing, and that it cannot even be imagined without very thoughtfully targeted budgetary funds in this area, just as museums, galleries, theatres and similar institutions of culture would be non-existent without the help of the State.

685. Newspapers and radio-television services are the area where nothing had been done so far, although society had allocated significant funds for their development and survival. In spite of that, the information media outlets have played a significant role in affirmation of culture, first among them being *Glas Srpski*, *Oslobodenje* and RT Republika Srpska, both as television and radio media. Their steady development is in the interest of Republika Srpska.

686. The TV outlets that are strong in production work, together with the Academy of Arts of Banja Luka, is seeking a way to create the Philharmonic Orchestra of Republika Srpska, as well as the accompanying National Orchestra of Republika Srpska and the Chorus of Republika Srpska.

687. Although RTRS is, above anything else, an information media, its production role is of particular importance in preservation and fostering its own musical identity. Of no lesser importance is the creation of new archive recordings of contemporary domestic composers in all musical genres, which has been done in accordance with the best European standards. In order to realize this concept, it will be necessary to find ways to sustain musical production where the following professional ensembles would operate: the Children's Chorus of RTRS, the Mixed Chorus of RTRS and some form of the Philharmonic Orchestra of RTRS.

688. The programme activities of such professional groups would significantly enrich the concerts offered by radio-television production, among those institutions in culture that can on an equal footing participate in the exchange of recordings with all other international and European houses of this type.

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