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Information received from Bosnia and Herzegovina on follow-up to the concluding observations on its third periodic report^{*}, ^{}**

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** The annex to the present document may be accessed from the web page of the Committee.



Follow-up information relating to paragraph 7 (a) of the concluding observations (E/C.12/BIH/CO/3)

State party's obligations

1. The Governments of the Federation of BiH (FBiH), Republika Srpska (RS) and Brčko District (BDBiH), which have the competence to conduct the largest number of activities for the protection of vulnerable groups of citizens, have adopted and are implementing numerous strategies and plans aimed at improving the position and rights of women, children, civilian victims of war, protection against domestic violence, protection of persons with disabilities, improvement of access to health services, early growth and development of children, foster care for children, improvement of mental health, improvement of social protection of children without parental care, economic empowerment of women, and in particular improvement of the exercise of the rights and employment of persons with disabilities.
2. At the level of the FBiH, in the area of social protection is currently being developed a strategy for the development of social and child protection. The sectoral strategy will define the strategic directions of further development of the social and child protection system in the Federation of BiH and ensure compliance with the relevant strategic documents of BiH, relevant international documents and internationally accepted sustainable development goals.
3. At its 132nd session held on December 3, 2021 the Government of Zenica – Doboje Canton has adopted a Conclusion accepting the Opinion of the Ministry of Labour, Social Policy and Refugees to pass the Law on Amendments to the Law on Principles of Social Protection, Protection of Civilian Victims of War and Families with Children.
4. At its 135th session held on December 23, 2021 the Government of Zenica – Doboje Canton has issued a Conclusion accepting the Opinion of the Ministry of Labour, Social Policy and Refugees on the Draft Law on Social Protection Institutions of the FBiH.
5. The Government of the Central Bosnia Canton regularly monitors the adoption of all new laws and regulations at the level of BiH and the FBiH in the area of health and social policy and aligns its laws, regulations and legal acts in order to apply it.

Follow-up information relating to paragraph 35 (a) of the concluding observations

Right to social security

6. Harmonization of regulations in the field of health care in Republika Srpska has been ongoing since 2012. In accordance with the RS Law on Social Protection, the rights in the field of social protection are continuously exercised by beneficiaries of the social protection system.
7. In June 2022, in Republika Srpska the new Law on Health Care (“Official Gazette of the Republika Srpska”, number 57/22) has entered into force and Article 28 prescribes the provision and realization of health care for population and nosological groups of special social and medical importance, in accordance with the regulations governing the field of health insurance.
8. The RS 2017–2026 Strategy for Improving the Social Position of Persons with Disabilities, as one of the goals in the field of social protection, envisages ensuring minimum social security for persons with disabilities according to equal criteria, regardless of the causes of disability. One of the activities to achieve this goal is to improve the rights of persons with disabilities through the introduction of disability benefits, which is also a step in reducing placement of persons with disabilities in institutions and support for the families of persons with disabilities.
9. The exercise of the entitlement to personal disability allowance in 2018 was regulated by the following decision of the RS Government: Decision on Approving the Placement of Funds for Improving the Position of Persons with Disabilities by Paying Personal Disability Allowance and in January 2019 a new decision was issued to regulate exercise of the entitlement to personal disability allowance. Since the determination of the entitlement to

personal disability allowance is a matter that has to be regulated by law, the Law on Social Protection has been amended.

10. The RS Law on Child Protection prescribes the following entitlements: financial assistance for baby supplies, maternity allowance, child allowance and increased allowance for children with disabilities, refund of paid salary compensation during maternity leave, refund of paid salary compensation during work with half-time for increased care of a child with developmental disabilities, meeting the developmental needs of children, pronatal policy allowance for third-born and fourth-born children. The RS 2018–2020 Program of Economic Reforms and the Memorandum concluded between the Union of Employers' Associations and the RS Government stipulates the obligation of the RS Government to fully refund the costs of gross salary to employers - beneficiaries of refunding of salary compensation under current law. According to the RS Law on Child Protection, in 2019 employers- beneficiaries of refunding of salary compensation under this law received the refunds in the amount of 80% of gross salary, after payment of salary compensation. The Draft Law on Amendments to the RS Law on Child Protection provides for new relieving of employers' obligations and creates better conditions for their operation and business environment. The proposed provisions of this Law provides that in 2020, employers - beneficiaries of refunding of salary compensation under valid law will get refund of the salary compensation in the amount of 100% of the gross salary, after payment of salary compensation to the employee. This legal solution will reduce the costs of maternity leave for all employers. In addition to the stated reason for the passage of amendments to the RS Law on Child Protection, there is also the fact that certain categories of unemployed persons, parents -caregivers or caregivers who care for children with disabilities or persons with disabilities are not able to get a job and in this way provide themselves and their families with means to meet their basic needs. The 2017–2026 RS Strategy for Improving the Social Position of Persons with Disabilities introduced a new entitlement in the field of child protection "allowance for a parent -caregiver or a caregiver". Prescribing this entitlement in this Law will indirectly improve the minimum social security of children with disabilities. The novelty in the field of child protection is that this allowance will be paid to a parent - caregiver or a caregiver who care for children with disabilities 24 hours a day. This allowance paid to a parent -caregiver or a caregiver will improve the position of their families, the support for the biological family would be improved and the introduction of the entitlement for children with disabilities works for the reduction of placement of children with disabilities in social care institutions. This would improve the financial situation of children with disabilities and the children would stay in their families. The development of foster care in the RS is based on experts' capacity building in this field, improvement of competencies and training to assess the general suitability of foster families for high quality foster care and tasks of foster parents in meeting specific needs of beneficiaries. The best interest of the child, the need for new knowledge, the creation of a support network, education, promotion of foster care and motivation are the basic characteristics of the process of foster care development in the RS, which will be essential in the future. The ethical and professional task of all public institutions and individuals working in the field of protection of children without parental care is to provide adequate protection to children growing up in risky circumstances and, in that sense, to find the right measure between the right of every child to grow up in their own family and an obligation of the society to protect the best interests of the child. Designing and developing an adequate model and system of social care for children, especially children without parental care, is a challenge for the community, experts and professionals dealing with these issues, so that working with children without parental care, despite the current level of development of supporting sciences and activities, very often contains numerous questions and concerns. The RS National Assembly adopted a proposal for the 2015–2020 Strategy for Improving Social Protection of Children without Parental Care, according to which the area of foster care implies providing financial, institutional and personnel preconditions for placement in families based on raising the quality of existing and establishing new models of family care services for children without parental care.

11. According to the RS Labour Law, during pregnancy, childbirth and childcare, a woman has the right to maternity leave for a period of one year continuously, and for twins and every third and subsequent child, for a period of 18 months continuously. This period represents the maximum length of maternity leave. The legislator provides for the possibility

for the child's parents to agree that maternity leave, after 60 days from the day of the child's birth, will continue to be used by the child's employed father instead of the mother. What should be emphasized is that the father of the child/children is exclusively a subsidiary beneficiary of the right to maternity leave. Therefore, he exercised the right, instead of the mother (his wife), under the same conditions that apply to the use of maternity leave and is entitled only to the remaining part of the unused maternity leave of the woman. This means that the child's father can use the maximum remaining nine or 15 months of leave (28 + 60 days – the woman had to use beforehand). The father of the child / children who is not employed cannot be a beneficiary of the right to maternity leave. During the use of maternity leave, a woman is entitled to a salary compensation equal to the average salary she earned during the last 12 months before the maternity leave. It follows from the above provision that when determining the salary compensation for maternity leave, the salaries earned by the woman in the last 12 months are taken. The compensation is adjusted monthly with the growth of average salary in the RS, which practically means that the percentage increase in average salary in the RS according to the RS Statistics Institute will result in the same percentage correction (increase) in salary compensation. In the event that a woman has not earned a salary for all of the last 12 months, the salary compensation is equal to the salary she would have earned if she had been at work. Also an adoptive parent or the person to whom the competent guardianship authority has entrusted the child for care has the right to salary compensation during maternity leave. Salary compensation during maternity leave is paid at the expense of the RS Public Fund for Child Protection. The calculation and payment of salary compensation is done by the employer at the same time as the calculation and payment of salary of other workers. After paying the salary, he submits a request for a salary refund to the RS Public Fund for Child Protection.

12. In the area of social protection, security and support, as a measure, in the strategic goal is foreseen the definition of the minimum social security for persons with disabilities, as well as in the "Strategy for Improving the Position of the Elderly in the Republika Srpska 2019–2028" in the Strategic goal 1. Reduction of poverty among the elderly, planned measure is to provide the minimum social security.

13. The field of social protection is under the exclusive jurisdiction of the entities, and based on the constitutional basis for the adoption of the Law on Social Protection, which is contained in the amendment XXXII, Article 68, para. 12, of the RS Constitution, according to which Republika Srpska regulates and provides social protection of the population.

14. The right to one-time financial assistance is the one provided most frequently in RS social protection system and the purpose of this right is to provide an adequate, efficient and quick response of the system, i.e. the competent center for social work, to the current social need of an individual or family.

15. The RS Law on Social Protection defines ("Official Gazette of the RS", nos. 37/12, 90/16, 94/19, 42/20 i 36/22), in Article 54 para 1 in conjunction with Article 18 para b) under 8 provides that the right to one-time financial assistance is provided to individuals, family members and the family as a whole, who are currently in a state of social need due to poverty, long-term unemployment, natural disasters, war suffering, refugees, migration, repatriation, death of one or more family members, long-term treatment, serving a sentence, discharge from an institution or other unpredictable circumstances.

16. Paragraph 2 of Article 54 of the Law prescribes that the amount of one-time financial assistance during the calendar year cannot exceed the three-month amount of financial assistance for beneficiaries from Article 24 of this Law, according to the number of family members. As particularly significant, paragraph 3 stipulates that, exceptionally, the director of the Center for Social Work, due to special circumstances, may approve a one-time financial aid in an amount greater than the amount determined in paragraph 2, with the provision that it may not exceed three times the amount from paragraph 2. of the aforementioned article. Individual rights from the Social Protection Act in 2021 and the right to one-time financial assistance in 2021 were realized by a total of 9,152 beneficiaries.

17. The Law on Employment Mediation and Unemployment Rights (Official Gazette of the RS nos. 30/10, 102/12 i 94/19) regulates all rights of unemployed persons and the conditions for their exercise, mediation in employment, exercising the right to unemployment

benefit and health insurance, the rights of unemployed persons and conditions for their realization, and other issues of importance for organized employment in Republika Srpska.

18. In applying this Law, other regulations and acts of the Institute and other organizations that perform certain employment tasks, no person may be discriminated against because of: race, skin color, gender, language, religion, political or other opinion and determination, ethnic or social affiliation or origin, property status, membership or non-membership in a trade union, political organization or association, as well as the state of physical or mental health, if the conditions of the job allow it, or any other circumstance that is not in accordance with the principle of equality of citizens before the law.

19. When it comes to the mentioned obstacles to exercising the right to work in Bosnia and Herzegovina, related to returnees, the Employment Agency of the Republika Srpska points out that all persons registered in the unemployment register exercise the same rights. Deadlines for applying to the bureau, when it comes to Republika Srpska, cannot be an obstacle to exercising the right to health insurance. Due to the change in the legislation, unemployment is no longer a basis for applying for health insurance. Citizens who exercised their right to health insurance through the Employment Service, instead of going to the Service, come directly to the Republika Srpska Health Insurance Fund for the possibility of applying for health insurance.

20. The Employment Office defines active policy measures as key activities, the main goal of which is to contribute to raising the level of activity on the labor market, stimulating employment, and increasing overall employment. When it comes to programs of employment, self-employment, training, retraining and retraining, etc. in accordance with the Law on mediation in employment and rights during unemployment and the Employment Strategy of the Republika Srpska 2021–2027. (“Official Gazette of Republika Srpska”, number 4/22), the Government of Republika Srpska adopts annual employment action plans in which measures, specific activities, target groups, performance indicators, time frame, activity holders, required funds and their sources are defined.

21. Returnees are not singled out as a special target group, but their participation in employment programs is enabled on the same basis as other target groups recognized by the Employment Strategy 2021–2027. year, employment action plans and individual employment programs.

22. In Federation of BiH, the Constitution of Federation of Bosnia and Herzegovina, in particular the provisions of Article II.2 n) provides that all people in the territory of the Federation of Bosnia and Herzegovina shall enjoy the right to social protection. Article III.2.e), in conjunction with Article III.3. (3) of the FBiH Constitution, provides that the Federal Government has the right to make policy and to enact laws concerning social policy.

23. According to the provisions of Article III.2.e) and Article III.3. (1) of the FBiH Constitution, the Federal Government and the Cantons are jointly responsible for social policy. The responsibilities are exercised jointly or separately, or by the Cantons, but in coordination with the Federal Government. Cantons and the Federal Government regularly are regarding the responsibilities. In this domain Cantons have the right to make policies and to enact laws (Article III.3. (4)), as well as to implement social policies and to establish social welfare services (Article III.4.j)).

24. In FBiH, the main law regulating social protection is the Law on the Protection of Civilian War Victims, the Law on Protection of Families with Children (Official Gazette of the Federation of BiH nos. 36/99, 54/04,39/06,14/09,45/16 i 40/18.

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

26. The Law on Foster Care in the Federation of Bosnia and Herzegovina (“Official Gazette of the Federation of Bosnia and Herzegovina no. 19/17) was adopted and its application began in March 2018. The Law defined foster care as accommodation provided in another family which was earlier defined within the Basic Law on Social Protection,

Protection of Civilian War Victims and Protection of Families with Children in the Federation of BiH (“Official Gazette” nos. 36/99, 54/04,39/06,14/09,45/16 i 40/18). The adoption of this Law created the preconditions for ensuring equal quality and equal access to foster care services throughout the Federation of Bosnia and Herzegovina, with regard to the same identification procedures as well as the unified method of selection and education of foster caregivers. A unique system has been created to monitor the work of the foster caregivers in all Cantons, which has not existed until now. Also, the Law defined four types of the foster care according to the needs of the care recipient as: traditional, specialized, urgent and occasional foster care. The law prescribes constant education of foster caregivers, which was not the case until now. All of the above, along with the comprehensive and systematic promotion of foster care, is the basis for an increase in the number of people who want to engage in the capacity of foster caregivers, and thus an increase in the number of children and adults placed in foster families, which ultimately contributes to their full socialization.

27. The Law on Parents and Caregivers in the Federation of Bosnia and Herzegovina (“Official Gazette of the Federation of Bosnia and Herzegovina”, number: 75/21), entered into force on 30 September 2021, and applying since December 30, 2021. In accordance with the provisions of the above mentioned Law, the Manual on proving the status of the status of parent-caregiver in the Federation of BiH (“Official Gazette of the Federation of BiH”, number: 6/22) and the Rulebook on the content and method of keeping records on parent-caregivers in the Federation of BiH (“Official Gazette of the Federation of Bosnia and Herzegovina”, no. 8/22).

28. By passing the above mentioned Law, the intention of the legislator was to systematically solve the issue of the status of parents- caregivers of persons with disabilities, who, according to the current situation, in many cases, take on the care and work of caregivers, experts and educators of their children, while denying them the basic right to work due to the need to provide 24-hour care for their children.

29. Also, the Law was passed with the aim of preventing the institutionalization of persons with disabilities in cases where parents place a person with disabilities in an institution in order to achieve the existence of the family. The status of parent-caregiver is defined for those parents who take care of a disabled person who is unable to independently perform basic life needs defined in Article 2, paragraph (1) of the Law and who, according to the findings of the Institute for Medical Expertise, cannot be trained for independent living. A parent-caregiver parent with recognized status has the right to a monthly allowance in the amount of the lowest net salary in the Federation of BiH. In accordance with the Labor Law, contributions for pension and disability insurance, health insurance and unemployment insurance are paid.

30. The Law on material support for families with children in the Federation of Bosnia and Herzegovina (Official Gazette of the Federation of BiH” number: 52/22) entered into force on September, 7 2022 and will begin to apply three months after its entry into force. This Law regulates basic material support for families with children, determines material rights for support for families with children, (child allowance and financial assistance for mothers who are not in employment), the procedure for exercising rights, conditions and manners to exercise rights, financing of material support for families with children, supervision and other issues of importance for the exercise of support for families with children in the Federation of Bosnia and Herzegovina. The Law establishes the financing of the right to child allowance from the budget of the Federation of Bosnia and Herzegovina, in order to ensure the availability and uniformity of this right throughout the territory of the Federation of BiH, regardless of the canton in which the beneficiary resides.

31. The aforementioned legislative activities were adopted with the aim of mitigating regional inequalities and eliminating the discriminatory effects of the system on vulnerable and marginalized individuals and groups, including equalizing or harmonizing various social benefits at the local level and ensuring the proper and sufficient level of public funds that will be allocated to the social protection system.

32. According to the available data of the Federal Ministry of Labor and Social Policy, in the Federation of Bosnia and Herzegovina in 2017, 403 children were placed in foster

families, in 2016, that number was 349, and in 2015, 379 children. According to the Constitution of the Federation of BiH, the FBiH Government and the Parliament of the Federation of BiH are responsible for the adoption of laws and regulations in the field of social policy. Currently, the adoption of new individual laws at the level of the Federation of Bosnia and Herzegovina in the field of social policy is in progress, which should alleviate regional-cantonal inequalities and eliminate discrimination among citizens living in the territory of the FBiH and to standardize and harmonize social benefits for all citizens who receive social benefits from the territory of FBiH in order to properly use public funds allocated for social protection.

Follow-up information relating to paragraph 45 (b) of the concluding observations

The COVID-19 pandemic

33. According to the Ministry of Civil Affairs of Bosnia and Herzegovina, until November 11th, 2021 the country had received 3.27 million doses of vaccine in total.

34. A major problem in the adequate and relevant monitoring of the vaccination process in BiH is the fact that these data are collected at several instances and that there is no single central database on vaccinated persons in BiH. The data published on foreign statistical portals, when it comes to Bosnia and Herzegovina, are mostly not precise because of the lack of uniform records. Thus, according to the data of the portal Ourworldindata, on December 4th, in Bosnia and Herzegovina, the percentage of those vaccinated with two doses of the vaccine was 22%, while data after that date, for our country, do not exist.

35. However, the official data that exist indicate that the response of the population to vaccination against COVID-19 differs in certain parts of Bosnia and Herzegovina.

36. According to the latest data from the Institute for Public Health of the FBiH on the immunization in this entity, as of January 2, 2022, 41% of the population was vaccinated with both doses of the vaccine against COVID-19 in Sarajevo Canton (SC), while slightly more than 3% received a third dose. In the Bosnian-Podrinje Canton (BPC), 42.4% of the population was vaccinated with the first dose, and 2.3% with the third dose of the vaccine. However, as the Institute confirmed for "Istinomjer" in October last year, the reports do not include data on persons vaccinated outside Bosnia and Herzegovina, because all cantons did not submitted it. However, it is a worrying fact that in four cantons the percentage of vaccinated does not even reach 20% – Posavina (17.8%), Una-Sana (16.4%), Canton 10 (12%) and Western Herzegovina (11.5%). Annex 1

37. According to the vaccination bulletin of the Institute of Public Health of Sarajevo Canton, the share of the population over 18 years of age vaccinated with both doses of the vaccine was 55.2% until January 10, while 5.7% of the population of Sarajevo Canton received the booster dose of the vaccine.

38. The Sarajevo Canton continuously conducts vaccinations in shopping centers on weekends, and to this date a several thousand citizens of this canton have been vaccinated. Vaccination have been carried out in a similar way in Tuzla and Mostar.

39. Until December 21, 2021, In Republika Srpska, around 40% of RS citizens received the first dose of the vaccine against COVID-19, 33.5% of them were vaccinated with both doses, and about 4% received the third dose.