

Bosnia and Herzegovina

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

Although there is no information indicating that the Government of Bosnia and Herzegovina has established its own programs on the worst forms of child labor, IOM and UNICEF, among others, have developed their own assistance and prevention programs. IOM, in cooperation with government authorities, the UN and NGOs, operates a project to protect and assist trafficking victims by providing them with transportation, housing and financial assistance. The project targets women and children working in the sex industry.⁴⁰⁷ In addition, UNICEF has been working with the Ministry of Health, Education and Social Welfare to implement a project providing access to essential services for vulnerable groups, which has as one of its goals to increase the enrollment and retention of Roma children in the education system.⁴⁰⁸

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 17.7 percent of children ages 5 to 14 years in Bosnia and Herzegovina were working.⁴⁰⁹ Children occasionally assist their families with farm work and odd jobs, and Roma children beg on the streets.⁴¹⁰ The prostitution and trafficking of girls for exploitative work remains a problem.⁴¹¹ Reports indicate that there are isolated cases of children

⁴⁰⁷ The majority of assistance projects within Bosnia and Herzegovina are carried out by international organizations and NGOs, with the government authorities playing minor roles. The IOM has assisted over 300 trafficked women and children. Approximately 10 percent were girls under the age of 18. See International Organization for Migration, *Shelter and Return of Trafficked Girls and Women in BiH*, [online] 2002 [cited August 5, 2002]; available from <http://www.iom.ba/Programs/OnGoing/trafficking.htm>.

⁴⁰⁸ UNICEF, *Bosnia and Herzegovina: UNICEF in Action*, [online] 2002 [cited October 1, 2002]; available from <http://www.unicef.org/programme/highlights/cee/bosnia/support.htm>.

⁴⁰⁹ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. Less than 1 percent of children between ages 5 and 14 were paid for their employment, 6 percent of children participated in unpaid work for someone other than a family member, and 15 percent of children worked on the family farm or in the family business. See Government of Bosnia and Herzegovina, *Multiple Indicator Cluster Survey 2 (MICS 2): Bosnia and Herzegovina*, UNICEF, [online] 2000 [cited November 5, 2001]; available from <http://www.ucw-project.org/resources/index.html>. See also Government of Bosnia and Herzegovina, *Household Survey of Women and Children in Bosnia and Herzegovina 2000: A Multiple Indicator Cluster Survey: B&H MICS 2000*, UNICEF, [online] May 29, 2002 [cited October 2, 2002], 54; available from <http://www.childinfo.org/MICS2/newreports/bosniaherzegovina/b&h.pdf>.

⁴¹⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Bosnia and Herzegovina*, Washington, D.C., March 4, 2002, 1351-54, Section 6d [cited August 6, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8236.htm>.

⁴¹¹ The State Department reports that as many as 5,000 trafficked women may be working in the country. The average age of trafficked women is 22 years, ranging from age 13 to 36, with more than 12 percent of the women being minors. See *Ibid.*, 1351-54, Section 6f.

as young as 13 and 14 years old from Eastern Europe and the former Soviet Union who are trafficked to Bosnia and Herzegovina and sold into prostitution.⁴¹²

Education is free and compulsory until age 15.⁴¹³ The right to education is guaranteed by the Constitution, but specific laws on compulsory education requirements are established in the separate legislation of the country's two political entities, the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS).⁴¹⁴ In 1998, the gross primary enrollment rate was 103.6 percent, and the net primary enrollment rate was 97.4 percent.⁴¹⁵ In 2000, the primary attendance rate was 94 percent.⁴¹⁶ Access to education remains limited in war-affected areas, where one-third to one-half of schools have been destroyed.⁴¹⁷ Tension among different ethnic communities and local policies favoring citizens in the ethnic majority also prevent minority children from attending school in these regions.⁴¹⁸ However, in 2001, the Brcko District successfully integrated its elementary and high schools and developed a harmonized school curriculum.⁴¹⁹

⁴¹² The majority of trafficked women and girls in Bosnia come from Moldova, Romania, and Ukraine, but they also arrive from Russia, Belarus, Kazakhstan, and Bulgaria. See *Ibid.* See also Emir Imamovic, "Bosnian Brothels Flourish," *Balkan Crisis Report*, No. 201 (December 6, 2000). See also Alix Kroeger, "Vice Bars Raided in Bosnia," *BBC News*, March 3, 2001.

⁴¹³ U.S. Department of State, *Country Reports- 2001: Bosnia and Herzegovina*, 1347-51, Section 5. See also *Constitution of Republika Srpska*, Article 38, [cited August 6, 2002]; available from http://www.ohr.int/const/rs/default.asp?content_id=5908. See also *Constitution of the Federation of Bosnia and Herzegovina*, (May 8, 1997), Article 2(1)(m), [cited August 1, 2002]; available from http://www.ohr.int/const/bih-fed/default.asp?content_id=5907.

⁴¹⁴ The Dayton Accords established two distinct entities within the Republic of Bosnia and Herzegovina: the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). According to the Constitution of the Republic, the two entities are entitled to establish their own laws and government functions for matters not covered by the Constitution and provides that all provisions detailed in the national Constitution supersede those of the entities. Education is one area that remains highly decentralized in the country, as it is determined separately by the provisions of the RS Constitution and by the 10 canton units within the FBiH. Article 2(3)(l) of the Constitution of Bosnia and Herzegovina establishes the right to education for all persons, but compulsory education laws and curricula are established by the entities. Currently, the two entities have differing curricula, but an agreement has been reached to develop a common curriculum. See *The General Framework Agreement: Annex 4: Constitution of Bosnia and Herzegovina*, (December 14, 1995), [cited August 1, 2002]; available from http://www.ohr.int/dpa/default.asp?content_id=372. See UNICEF, *UNICEF Consolidated Donor Report for Southeastern Europe: Bosnia and Herzegovina: January-December 2000*, Area Office of the Balkans, March 2001, 59 [cited October 5, 2001]; available from <http://www.unicef.org/balkans/donrep-seeur-2000.pdf>.

⁴¹⁵ UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

⁴¹⁶ Government of Bosnia and Herzegovina, *Household Survey of Women and Children in Bosnia*, 25.

⁴¹⁷ UNICEF, *UNICEF Consolidated Donor Report*, 59.

⁴¹⁸ U.S. Department of State, *Country Reports- 2001: Bosnia and Herzegovina*, 1347-51, Section 5.

⁴¹⁹ Due to the strategic importance of the town of Brcko for both FBiH and the RS, the International Arbitration Commission declared Brcko to be a District of Bosnia and Herzegovina in March 1999. The District of Brcko has its own local government, which applies the laws of FBiH and the RS until adopting its own laws. The District of Brcko's successful school integration and harmonized curriculum stands as a model to the two entities. See *Ibid.* See also *Vlada Brcko Distrikta Bosne i Hercegovine*, [online] 2001 [cited August 1, 2002]; available from <http://www.brckodistrict.org/w3b.exe/english/0>.

Child Labor Laws and Enforcement

In both FbiH and RS, the Labor Law sets the minimum age for employment at 15 years, and minors between the ages of 15 to 18 must provide a valid health certificate in order to work.⁴²⁰ Also, in both entities, children are prohibited from performing hazardous and overtime work.⁴²¹ Night work by minors is also banned, although temporary exemptions may be granted by the labor inspectorate in regards to machine breakdowns, the elimination of consequences of force majeure, and protection of the political entity.⁴²² In FbiH, an employer found in violation of the above prohibitions must pay a fine ranging from 2,000 to 14,000 KM (USD 1,026 to 7,179).⁴²³ In the RS, fines range from 1,000 to 10,000 KM (USD 513 to 5,128) for hiring children under the age of 15 and requiring overtime work or hazardous work of a minor.⁴²⁴ The fines are raised to 2,000 to 15,000 KM (USD 1,026 to 7,692) for employers who allow underage workers to work at night.⁴²⁵

There is no comprehensive law against trafficking in persons, but under the Criminal Codes of the two entities, procuring a juvenile or seeking opportunity for illicit sexual relations with a juvenile is specifically prohibited.⁴²⁶ There have been allegations of both local law enforcement and international police facilitation of the trafficking of women.⁴²⁷

⁴²⁰ *The Labour Law (FbiH)*, Issue No. 43, (October 28, 1999), Article 15 as revised by *Decree on Promulgation of the Law on Amendments to the Labour Law*, No. 01-447/2000, (August 15, 2000), Article 12. See also *The Labor Law (RS)*, (November 8, 2000), Article 14.

⁴²¹ *The Labour Law (FbiH)*, Articles 15, 32, and 51. See also *The Labor Law (RS)*, Articles 14, 41, and 69.

⁴²² The Labor Law of the BiH Federation refers to protections of the interests of the Federation, while the Labor Law of the RS refers to protection of the interests of the Republic. See *The Labour Law (FbiH)*, Article 36. See also *The Labor Law (RS)*, Article 46.

⁴²³ *The Labour Law (FbiH)*, Article 140 as revised by *Decree on Promulgation of the Law on Amendments to the Labour Law*, No. 01-447/2000, (August 15, 2000), Article 49.

⁴²⁴ *The Labor Law (RS)*, Article 150.

⁴²⁵ *Ibid.*

⁴²⁶ In FbiH, persons caught recruiting or luring juvenile females into prostitution face imprisonment between 1 and 10 years, while having sexual intercourse with a child under the age of 14 is punishable by imprisonment between six months and five years. The FbiH Criminal Code mandates between 6 months and 10 years imprisonment for those convicted of rape or forced sexual intercourse. In the RS, the punishment for persons convicted of rape or having sexual intercourse with a child is imprisonment for 3 to 15 years. Under the RS Criminal Code, an imprisonment term of 1 to 12 years is authorized for individuals who for profit compel or lure persons under the age of 21 into offering sexual services, including by threat or use of force or by abusing the situation originating from the persons' stay in another country. In practice, traffickers are sentenced in Bosnia and Herzegovina usually to imprisonment for no more than six to eight months. See *Criminal Code of the Federation of Bosnia and Herzegovina*, (November 20, 1998), Articles 221, 22, 24, and 29 [cited August 5, 2002]; available from http://www.ohr.int/ohr-dept/legal/crim-codes/default.asp?content_id=5130. See also *Criminal Code of the Republika Srpska*, (July 31, 2000), Articles 185 and 88 [cited August 5, 2002]; available from http://www.ohr.int/ohr-dept/legal/crim-codes/default.asp?content_id=5129. See also U.S. Department of State, *Country Reports- 2001: Bosnia and Herzegovina*, 1351-54, Section 6f.

⁴²⁷ The Office of the UN High Commissioner for Human Rights documented the complicity of local police, international police, and the Stabilization Force in 14 out of 40 cases investigated between March 1999 to March 2000. In some cases, investigations were prevented by high level political involvement. Additionally, six police officers were suspended pending allegations that they gave warning of raids in exchange for the free sexual services. See U.S. Department of State, *Country Reports- 2001: Bosnia and Herzegovina*, 1351-54, Section 6f.

The Government of the Republic of Bosnia and Herzegovina ratified ILO Convention 138 on June 2, 1993, and ratified ILO Convention 182 on October 5, 2001.⁴²⁸

⁴²⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 27, 2001]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.