

# Bosnia and Herzegovina

## Incidence and Nature of Child Labor

An estimated 17.5 percent of children ages 5 to 14 years were counted as working in Bosnia and Herzegovina in 2000. Approximately 19.3 percent of all boys 5 to 14 were working compared to 15.7 percent of girls in the same age group.<sup>544</sup> Children occasionally assist their families with farm work and various jobs, and some beg on the streets, especially in larger cities.<sup>545</sup> A UNICEF survey published in 2002 found that less than 1 percent of children between ages 5 and 14 participated in paid work, about 6 percent of children did unpaid work for someone who was not a family member, and 15.1 percent of children worked on the family farm or in the family business.<sup>546</sup> Such surveys may not capture children working in the worst forms of child labor. A significant number of children, especially Roma, live or work on the streets, often being compelled or forced to do harmful and exploitative work. The majority of these children are under 14; most of the children do not attend schools.<sup>547</sup>

The prostitution and trafficking of girls to, from, and within the country continues to be a problem. The country was a destination and transit point for girls and some teenage boys trafficked for sexual exploitation.<sup>548</sup> It was also a country of origin, though to a lesser extent.<sup>549</sup> Trafficked women and children most commonly come from Moldova, Ukraine, Russia, Romania and, increasingly, Serbia and Montenegro. They are often transit en route to Slovenia, Croatia, and Western Europe.<sup>550</sup> Many are trafficked throughout the former Yugoslav republics and back again in a seasonal pattern.<sup>551</sup>

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<sup>544</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children, please see the section in the front of the report titled "Data Sources."

<sup>545</sup> Romani children in particular rely on begging for subsistence. The Roma population in Bosnia and Herzegovina, estimated to be between 40,000 and 80,000, are an ethnic minority who face discrimination and lack access to social support. See U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Bosnia and Herzegovina*, Washington, D.C., February 28, 2005; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41673.htm>.

<sup>546</sup> 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, May 29, 2002; available from <http://www.childinfo.org/MICS2/newreports/bosniaherzegovina/b&h.pdf>, pp. 12, 54, 112. The definitions of child work used in this survey differ from those used in the UCW analysis presented in the first sentence. Please see the "Data Sources" section for more information on the definition of working children.

<sup>547</sup> United Nations Committee on the Rights of the Child, *Concluding Observations on the Rights of the Child, Bosnia and Herzegovina*, CRC/C/15/Add.260, March 6, 2005; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/dd9badc520d9878c1257018002db47e?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/dd9badc520d9878c1257018002db47e?Opendocument).

<sup>548</sup> U.S. Department of State, *Country Reports- 2004: Bosnia and Herzegovina*. Section 5.

<sup>549</sup> *Ibid.*, Section 5.

<sup>550</sup> U.S. Department of State, *Trafficking in Persons Report- 2005: Bosnia and Herzegovina*, Washington, D.C., June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm>. See also U.S. Embassy- Sarajevo, *reporting*, September 20, 2004, Section B under "Overview."

<sup>551</sup> U.S. Department of State, *Trafficking in Persons Report- 2005: Bosnia and Herzegovina*.

Education is free and compulsory until age 15.<sup>552</sup> The right to education is guaranteed by the constitutions of the country's two political entities: the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS).<sup>553</sup> Each entity established compulsory education requirements in its own specific laws.<sup>554</sup> Gross and net enrollment statistics are not available for Bosnia and Herzegovina.<sup>555</sup> In 2000, 76.3 percent of children ages 5 to 14 years were attending school.<sup>556</sup> Access to education remains especially limited for Roma children who frequently face hostile learning environments due to verbal harassment from other students, language barriers, segregated classrooms, and the inability to pay for the costs associated with schooling.<sup>557</sup> Though international efforts have been made to remove discriminatory material from textbooks, abolish school segregation, and enact other reforms, these efforts often are obstructed by government officials and nationalist politics.<sup>558</sup>

## Child Labor Laws and Enforcement

In both FBiH and RS, the Labor Law sets the minimum age for employment at 15 years, and minors ages 15 to 18 must provide a valid health certificate in order to work.<sup>559</sup> Both entities prohibit children from performing hazardous and overtime work.<sup>560</sup> The law also prohibits minors from working jobs that could have harmful effects on their health, life or psycho-physical development.<sup>561</sup> Night work by minors is banned, although temporary exemptions may be granted by the labor inspectorate in cases of machine breakdowns, *force majeure*, and threats to the country's two political entities.<sup>562</sup> In FBiH, an employer found in violation of the above prohibitions must pay a fine ranging from 2,000 to 14,000 convertible marks (USD 1,224 to 8,568).<sup>563</sup> In the RS, fines range from 1,000 to 15,000 convertible marks (USD 612 to

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<sup>552</sup> U.S. Department of State, *Country Reports- 2004: Bosnia and Herzegovina*, Section 5. See also *Constitution of the Federation of Bosnia and Herzegovina*, (May 8, 1997), Section II(A), Article II(3)(l); available from [http://www.ohr.int/const/bih-fed/default.asp?content\\_id=5907](http://www.ohr.int/const/bih-fed/default.asp?content_id=5907). See also *Statute of the Brcko District of Bosnia and Herzegovina*, (2000), Article 16; available from <http://www.ohr.int/ohr-dept/legal/const/doc/brcko-statute.doc>.

<sup>553</sup> The 1995 Dayton Accords (formally known as the General Framework Agreement for Peace [GFAP]) established two distinct entities within Bosnia and Herzegovina (BiH): the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). See U.S. Department of State, *Background Note: Bosnia and Herzegovina*, [online] August 2005 [cited September 28, 2005]; available from <http://www.state.gov/r/pa/ei/bgn/2868.htm>.

<sup>554</sup> 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 separately by each entity. The GFAP Annex 4 Article III lists the responsibilities of the institutions of BiH and the entities. GFAP Annex 4 Article III 3(a) states that "all government functions and powers not expressly assigned in this Constitution to the institutions of Bosnia and Herzegovina shall be those of the Entity." Consequently, the entities, not the state-level government, are responsible for such matters as education, health, and intra-entity law enforcement. In the FBiH, each of the 10 cantons also is responsible for health and education. See *Ibid.* See also *The General Framework Agreement: Annex 4: Constitution of Bosnia and Herzegovina*, (December 14, 1995), Article 3; available from [http://www.ohr.int/dpa/default.asp?content\\_id=372](http://www.ohr.int/dpa/default.asp?content_id=372).

<sup>555</sup> This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

<sup>556</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

<sup>557</sup> *Ibid.*, Section 5.

<sup>558</sup> U.S. Department of State, *Country Reports- 2004: Bosnia and Herzegovina*, Section 5.

<sup>559</sup> *The Labour Law (FBiH)*, Issue No. 43, (October 28, 1999), Article 15., 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. Article 12. See also *The Labor Law (RS)*, (November 8, 2000), Article 14.

<sup>560</sup> *The Labour Law (FBiH)*, Articles 15, 32, and 51. Articles 15, 32 and 51. See also *The Labor Law (RS)*, Articles 14, 41, and 69.

<sup>561</sup> *The Labour Law (FBiH)*, Articles 15, 51. See also *The Labor Law (RS)*, Article 69.

<sup>562</sup> 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., Article 36. See also *The Labor Law (RS)*, Article 46.

<sup>563</sup> As of June 20, 1 USD = 1.62 convertible marks (BAM). See *The Labour Law (FBiH)*, Article 140, as revised by *FBiH Law on Amendments to the Labor Law*, Article 49. For currency conversions, see <http://www.xe.com/ucc/convert.cgi>.

9,178).<sup>564</sup> The minimum age for compulsory military service in FBiH is 18; it is 16 years of age in times of war. In RS, the minimum age for compulsory military service is 18. For voluntary military service in both entities, 17 is the minimum age.<sup>565</sup>

Although there is no law specifically prohibiting the worst forms of child labor in Bosnia and Herzegovina, the government has been working to combat child trafficking. Neither FBiH nor RS has developed a list of the worst forms of child labor, but both entities follow the articles of the UN Convention on the Rights of the Child and the relevant labor laws in each sub-entity.<sup>566</sup> The government does not keep statistics on child labor violations, nor are there separate child labor inspectors. Rather, violations of child labor laws are investigated as part of a general labor inspection. According to both entities' labor inspectorates, no significant violations of child labor laws have been found in the workplace; however, they did not conduct any reviews of children working on family farms.<sup>567</sup>

The Criminal Code of Bosnia and Herzegovina criminalizes trafficking in persons. The State Prosecutor's Office has sole jurisdiction over all trafficking cases and has the authority to decide which cases to prosecute at the state level or to send to the entity levels.<sup>568</sup> Under the Criminal Codes of the two entities and the Brcko District, procuring a juvenile or seeking opportunity for illicit sexual relations with a juvenile is specifically prohibited.<sup>569</sup> In FBiH, persons caught recruiting or luring juvenile females into prostitution face imprisonment of between 1 and 10 years, while having sexual intercourse with a child under the age of 14 is punishable by imprisonment of between 6 months and 5 years.<sup>570</sup> In the RS, the punishment for persons convicted of rape or having sexual intercourse with a child is 1 to 15 years of imprisonment.<sup>571</sup> Under the RS Criminal Code, imprisonment 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.<sup>572</sup>

The Government of Bosnia and Herzegovina continued steady application of its anti-trafficking statute in 2004, the most recent date for which such information is available. Of 47 cases investigated and submitted to prosecutors, the courts handed down a total of 18 verdicts, 12 of which resulted in convictions.<sup>573</sup> The length of sentences imposed by the courts improved somewhat, but many continued to be one year or less.<sup>574</sup> However, according to the U.S. Department of State, corruption among government officials has made it difficult to combat trafficking.<sup>575</sup>

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<sup>564</sup> *The Labor Law (RS)*, Article 150.

<sup>565</sup> U.S. Central Intelligence Agency, *The World Factbook: Military Manpower, Military Age and Obligation*, CIA, [online] August 30, 2005 [cited September 25, 2005]; available from <http://www.cia.gov/cia/publications/factbook/fields/2024.html>.

<sup>566</sup> U.S. Embassy- Sarajevo, *reporting, September 20, 2004*. Section K under "Investigation and Prosecution of Traffickers."

<sup>567</sup> U.S. Department of State, *Country Reports- 2004: Bosnia and Herzegovina*, Section 6d., Section 6d.

<sup>568</sup> *Ibid.*, Section 5.

<sup>569</sup> *Statute of the Brcko District.*, Article 209. See also *Criminal Code of the Federation of Bosnia and Herzegovina*, (November 20, 1998); available from [http://www.ohr.int/ohr-dept/legal/crim-codes/default.asp?content\\_id=5130](http://www.ohr.int/ohr-dept/legal/crim-codes/default.asp?content_id=5130)., Articles 224, 228. See also *Criminal Code of the Republika Srpska*, (July 31, 2000); available from [http://www.ohr.int/ohr-dept/legal/crim-codes/default.asp?content\\_id=5129](http://www.ohr.int/ohr-dept/legal/crim-codes/default.asp?content_id=5129). Article 185.

<sup>570</sup> *Criminal Code (FBiH)*. Articles 224, 229.

<sup>571</sup> *Criminal Code (RS)*. Article 185.

<sup>572</sup> *Ibid.*, Article 188.

<sup>573</sup> U.S. Department of State, *Trafficking in Persons Report- 2005: Bosnia and Herzegovina*.

<sup>574</sup> *Ibid.*

<sup>575</sup> *Ibid.*

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

Recent state-level efforts have been made to address education and child rights, including the 2003 Framework Law on Primary and Secondary Education, and the Action Plan for Children 2002-2010.<sup>576</sup> Additionally, the government's 13 Ministries of Education developed an Action Plan in 2004 to address the participation of Romani children in education, though the plan has yet to be implemented.<sup>577</sup> In July 2005, the government addressed the inclusion of Roma in Bosnian society by adopting a National Roma Strategy. One component of the strategy is to prevent child begging and to enhance school enrollment.<sup>578</sup>

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/2/1993	✓
Ratified Convention 182	10/5/2001	✓
ILO-IPEC Member		
National Plan for Children		✓
National Child Labor Action Plan		
Sector Action Plan		

However, there are concerns about implementation constraints caused by a lack of financial resources, lack of political will, political divisions and the fragmentation of government policies.<sup>579</sup> Implementation of the Action Plan for Children, for example, suffers from technical and authority constraints.<sup>580</sup> The Committee on the Rights of the Child recommended the government undertake a national survey of the number of children who work and who live in the streets in order to design policies to prevent their exploitation. It also recommended that street children be provided with adequate nutrition and housing, as well as opportunities in health care and education, including vocational and life-skills training.<sup>581</sup>

A regional program also has been under way since February 2003 to combat worst forms of child labor in Bosnia and Herzegovina and other nearby countries.<sup>582</sup> Titled "Combating Child Labor in the Stability Pact Countries," the ILO-IPEC program is scheduled for completion in January 2007.<sup>583</sup>

The National Anti-Trafficking Coordinator has a mandate to coordinate victim protection efforts among NGOs, police, and government institutions, as well as law enforcement initiatives.<sup>584</sup> The government is collaborating with IOM and UNICEF to implement anti-trafficking assistance and prevention programs within the country.<sup>585</sup> The IOM, in cooperation with government authorities, the United Nations and NGOs, is operating a project to protect and assist trafficking victims by providing them with transportation, housing, and financial assistance. The project targets women and girls working in the commercial sex industry.<sup>586</sup> The IOM also trains government officials in counter-trafficking methods, law enforcement, and the proper treatment of victims.<sup>587</sup> In July 2005, the Bosnian government, along with local NGOs, adopted a referral system that links trafficking victims with available shelter services and

<sup>576</sup> United Nations Committee on the Rights of the Child, *Concluding Observations on the Rights of the Child*. Section 3.

<sup>577</sup> U.S. Embassy - Sarajevo, *reporting*, August 2005. Section 2.

<sup>578</sup> *Ibid.*, Section 2.

<sup>579</sup> United Nations Committee on the Rights of the Child, *Concluding Observations on the Rights of the Child*. Sections 10, 12, 16.

<sup>580</sup> *Ibid.*, Section 11.

<sup>581</sup> *Ibid.*, Section 66.

<sup>582</sup> ILO-IPEC official, email communication to USDOL official, November 8, 2005.

<sup>583</sup> *Ibid.*

<sup>584</sup> U.S. Department of State, *Country Reports- 2004: Bosnia and Herzegovina*, Section 5.

<sup>585</sup> IOM, *Shelter and Return of Trafficked Girls and Women in BiH*, [online] [cited October 20, 2005]; available from <http://www.iom.ba/Programs/OnGoing/trafficking.htm>.

<sup>586</sup> *Ibid.* See also Human Rights Watch, *HOPES BETRAYED: Trafficking of Women and Girls to Post-Conflict Bosnia and Herzegovina for Forced Prostitution*, Washington, D.C., November 2002, 4; available from <http://www.hrw.org/reports/2002/bosnia>.

<sup>587</sup> IOM, *Service Areas: Counter Trafficking*, [online] 2005 [cited October 20, 2005]; available from <http://www.iom.ba>.

legal assistance.<sup>588</sup> In its project on protection from extreme forms of violence, UNICEF is working with various international, private-sector and government bodies to protect children at risk of being trafficked or who are trafficking victims.<sup>589</sup> The government in 2005 also provided funding for six NGO-operated shelters throughout FBiH. However, the government did not implement a systematic screening system, allowing some subjects of trafficking to be denied proper protections and become subject to potential deportation. Deportation orders were rarely enforced in practice.<sup>590</sup>

The government is attempting to raise public awareness about trafficking. Working with NGOs and international organizations, the government aired public service announcements, sponsored talk shows on trafficking, and conducted educational campaigns targeting potential victims and school children.<sup>591</sup>

In January 2005, the State Border Service provided a 24-hour hotline for anonymous members of the public to report crime and unprofessional behavior by border agents.<sup>592</sup>

There were no social programs in Bosnia and Herzegovina to prevent the engagement of children in exploitative child labor.<sup>593</sup> The Action Plan for Children addresses discrimination in education against Roma children, but there is still concern about school drop-out rates, inadequate teaching staff and facility space.<sup>594</sup>

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<sup>588</sup> Sarajevo, *reporting*, August 2005. Section 3.

<sup>589</sup> UNICEF, *FACTSHEET: TRAFFICKING The facts*, [online] [cited October 20, 2005]; available from <http://www.unicef.org/protection/trafficking.pdf>.

<sup>590</sup> *Ibid.*

<sup>591</sup> *Ibid.*

<sup>592</sup> *Ibid.*

<sup>593</sup> U.S. Department of State, *Country Reports- 2004: Bosnia and Herzegovina.*, Section 6d.

<sup>594</sup> United Nations Committee on the Rights of the Child, *Concluding Observations on the Rights of the Child*, Section 56.