

Bosnia and Herzegovina

<i>Selected Statistics and Indicators on Child Labor</i>	
Percent of children 5-14 estimated as working in 2000:	17.5% ⁵⁴³
Minimum age for admission to work:	15 ⁵⁴⁴
Age to which education is compulsory:	15 ⁵⁴⁵
Free public education:	Yes ^{546*}
Gross primary enrollment rate:	Unavailable
Net primary enrollment rate:	Unavailable
Percent of children 5-14 attending school in 2000:	76.3% ⁵⁴⁷
Percent of primary school entrants likely to reach grade 5:	Unavailable
Ratified Convention 138:	6/2/1993 ⁵⁴⁸
Ratified Convention 182:	10/5/2001 ⁵⁴⁹
ILO-IPEC participating country:	No ⁵⁵⁰
*Must pay for school supplies and related items.	

Incidence and Nature of Child Labor

In 2000, approximately 19.3 percent of boys and 15.7 percent of girls 5 to 14 were working in Bosnia and Herzegovina (BiH).⁵⁵¹ Children occasionally assist their families with farm work and various jobs.⁵⁵²

A significant number of children, especially ethnic Roma, live or work on the streets and are often forced to do harmful and exploitive work such as participating in begging rings.⁵⁵³ Roma children as young as 4 years have been known to beg on the streets, especially in larger cities.⁵⁵⁴ The majority of these children are under 14; most of the children do not attend school.⁵⁵⁵

⁵⁴³ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005.

⁵⁴⁴ Government of Bosnia and Herzegovina, *Decree on Promulgation of the Law on Amendments to the Labour Law*, No. 01-447/2000, (August 15, 2000), Article 12. See also Government of Bosnia and Herzegovina, *The Labor Law (RS)*, (November 8, 2000), Article 14.

⁵⁴⁵ U.S. Department of State, "Bosnia and Herzegovina," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78804.htm>.

⁵⁴⁶ Ibid.

⁵⁴⁷ UCW, *Country Statistics*, accessed November 1, 2006; available from http://www.ucw-project.org/cgi-bin/ucw/Survey/Main.sql?come=Tab_Type_and_Country.sql&ID_COUNTRY=27&IDGruppo=-1&Type=-1&ID_SURVEY=169.

⁵⁴⁸ ILO, *Ratifications by Country*, [database online] [cited November 14, 2006]; available from <http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?Bosnia>.

⁵⁴⁹ Ibid.

⁵⁵⁰ ILO, *IPEC Action Against Child Labour: Highlights 2006*, Geneva, October 2006; available from http://www.ilo.org/iloroot/docstore/ipcc/prod/eng/20061019_Implementationreport_eng_Web.pdf.

⁵⁵¹ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

⁵⁵² U.S. Department of State, "Country Reports- 2006: Bosnia and Herzegovina." Section 6c.

⁵⁵³ U.S. Embassy- Sarajevo, *reporting*, March 7, 2007. See also U.S. Department of State, "Country Reports- 2006: Bosnia and Herzegovina." Section 5.

⁵⁵⁴ Ibid.

⁵⁵⁵ 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, September 21, 2005, Paragraphs 57 and 65; available from [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/dd9baddc520d9878c1257018002db47e/\\$FILE/G0544039.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/dd9baddc520d9878c1257018002db47e/$FILE/G0544039.pdf).

Children in Bosnia and Herzegovina have been trafficked for sexual exploitation and occasionally for labor; those who transited to the country generally continued on to Croatia.⁵⁵⁶ Roma children, in particular, have been known to be trafficked into and within the country for forced labor.⁵⁵⁷

Child Labor Laws and Enforcement

The 1995 Dayton Accords (formally known as the General Framework Agreement for Peace [GFAP]) established two distinct entities within Bosnia and Herzegovina: the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS).⁵⁵⁸ BiH constitutional law supersedes entity laws where provisions are not uniform.⁵⁵⁹

The minimum age for work in both FBiH and RS is 15 years.⁵⁶⁰ In both FBiH and RS, minors 15 to 18 must provide a valid health certificate in order to work.⁵⁶¹ Both entities prohibit minors from performing overtime work.⁵⁶² The law also prohibits minors from working jobs that could have harmful effects on their health, life, or psychophysical development.⁵⁶³ 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.⁵⁶⁴ In both FBiH and RS, employers found in violation of the above prohibitions must pay a fine.⁵⁶⁵

The law prohibits forced or compulsory labor, including by children.⁵⁶⁶ The minimum age for compulsory military service in FBiH is 18; it is 16 years 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.⁵⁶⁷

⁵⁵⁶ U.S. Department of State, "Country Reports- 2006: Bosnia and Herzegovina." Section 5 and 6c.

⁵⁵⁷ *Ibid.*, Section 5.

⁵⁵⁸ U.S. Department of State, *Background Note: Bosnia and Herzegovina*, [online] September 2006 [cited November 2, 2006]; available from <http://www.state.gov/r/pa/ei/bgn/2868.htm>.

⁵⁵⁹ Government of Bosnia and Herzegovina, *Constitution of Bosnia and Herzegovina*, Article III, Section 3, para. b., (December 14, 1995); available from http://www.ohr.int/print/?content_id=372.

⁵⁶⁰ Government of Bosnia and Herzegovina, *Decree on Promulgation of the Law on Amendments to the Labor Law*, Article 12. See also Government of Bosnia and Herzegovina, *The Labor Law (RS)*, Article 14.

⁵⁶¹ *Ibid.*

⁵⁶² Government of Bosnia and Herzegovina, *The Labour Law (FBiH)*, Issue No. 43, (October 28, 1999), Articles 15, 32, and 51. See also Government of Bosnia and Herzegovina, *The Labor Law (RS)*, Articles 12, 41, and 69.

⁵⁶³ Government of Bosnia and Herzegovina, *The Labour Law (FBiH)*, Articles 15 and 51. See also Government of Bosnia and Herzegovina, *The Labor Law (RS)*, Article 69.

⁵⁶⁴ Government of Bosnia and Herzegovina, *The Labour Law (FBiH)*, Article 36. See also Government of Bosnia and Herzegovina, *The Labor Law (RS)*, Article 46.

⁵⁶⁵ Government of Bosnia and Herzegovina, *Decree on Promulgation of the Law on Amendments to the Labor Law*, Article 49. See also Government of Bosnia and Herzegovina, *The Labor Law (RS)*, Article 150.

⁵⁶⁶ U.S. Department of State, "Country Reports- 2006: Bosnia and Herzegovina." Section 6c.

⁵⁶⁷ U.S. Central Intelligence Agency, *The World Factbook: Military Service Age and Obligation*, [online] [cited November 3, 2006]; available from <https://www.cia.gov/cia/publications/factbook/geos/bk.html>.

The BiH Criminal Code forbids any form of trafficking with the consequential punishments ranging from 1 to 10 years.⁵⁶⁸ Under the Criminal Codes of the two entities, procuring a juvenile or seeking opportunity for illicit sexual relations with a juvenile is specifically prohibited and is punishable with up to 5 years imprisonment.⁵⁶⁹ In FBiH, persons caught recruiting or luring juvenile females into prostitution face imprisonment of between 1 and 10 years.⁵⁷⁰ 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 taking advantage of a persons' stay in another country.⁵⁷¹

FBiH and RS entity governments are responsible for enforcing child labor laws; however, neither FBiH nor RS have dedicated 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 were found in the workplace in 2005, the most recent date that such information is available. However, investigation of children working on family farms was not conducted.⁵⁷²

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 and which ones to send to the entity level.⁵⁷³

In 2006, the most recent date for which such information is available, of the 90 cases investigated and submitted to prosecutors, the courts handed down 32 verdicts, 21 of which resulted in convictions. Of the 21 convictions, 12 convicted traffickers received suspended sentences. The length of sentences imposed by the courts increased slightly from the previous year. One convicted trafficker was sentenced to 8 years' imprisonment for trafficking and 6 years for money laundering, the longest sentence ever imposed for trafficking offenses in Bosnia and Herzegovina. The judge also ordered seizure of the trafficker's apartment and payment of compensation to the victim. Police, prosecutors, and the anti-trafficking strike force coordinated their efforts in 2006, resulting in a successful raid of three well-known bars in central Bosnia.⁵⁷⁴ According to the U.S. Department of State, corruption among government officials has made it difficult to combat trafficking.⁵⁷⁵

⁵⁶⁸ Government of Bosnia and Herzegovina, *Criminal Code of Bosnia and Herzegovina, Article 186*, (March 2003); available from <http://www.legislationline.org/upload/legislations/38/85/b7c52e8a5d1d8aa1178b3e3fc470.htm>. See also U.S. Embassy- Sarajevo, *reporting, March 7, 2007*.

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

⁵⁷⁰ Government of Bosnia and Herzegovina, *Criminal Code (FBiH)*, Articles 224 and 229.

⁵⁷¹ Government of Bosnia and Herzegovina, *Criminal Code (RS)*, Article 188.

⁵⁷² U.S. Department of State, "Country Reports- 2006: Bosnia and Herzegovina." Section 6c.

⁵⁷³ *Ibid.*, Section 5.

⁵⁷⁴ U.S. Embassy- Sarajevo, *reporting, August 2, 2007*.

⁵⁷⁵ 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>.

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

The government is collaborating with the IOM to implement anti-trafficking assistance and prevention programs within the country. These efforts include raising media and public awareness of trafficking.⁵⁷⁶ IOM has also assisted the government in its management of counter-trafficking efforts such as developing a network of shelters for protecting victims and in the prosecution of traffickers.⁵⁷⁷ The government has increased its efforts against trafficking by: establishing a victim referral system, drafting bylaws regarding domestic trafficking victims, working with local NGOs to provide services to trafficking victims, incorporating trafficking awareness training into the public school curriculum, and providing training for police, prosecutors, judges, teachers, and social workers.⁵⁷⁸

The State Border Service provided better training for its officers stationed at airports and border crossings on victim identification, interviewing techniques, and referral procedures. These officers have been given materials to consult to assist them in evaluating victims.⁵⁷⁹

During the year, the Bosnian government, along with local NGOs, implemented a referral system that links trafficking victims with available shelter services and legal assistance.⁵⁸⁰

UNICEF is working in FBiH to assess services available to trafficking victims to ensure that efforts to remove trafficked persons from exploitive situations does not result in further victimization.⁵⁸¹ Specifically, UNICEF has worked to develop medical, legal, and counseling support services for children and minors.⁵⁸²

⁵⁷⁶ IOM, *Counter-trafficking in BiH*, [online] [cited March 23, 2007]; available from <http://www.iom.ba/CT4.html>.

⁵⁷⁷ Ibid.

⁵⁷⁸ U.S. Department of State, "Country Reports- 2006: Bosnia and Herzegovina." Section 5.

⁵⁷⁹ U.S. Department of State, *Trafficking in Persons Report- 2006: Bosnia and Herzegovina*, Washington, DC, June 5, 2006; available from <http://www.state.gov/g/tip/rls/tiprpt/2006/65988.htm>.

⁵⁸⁰ U.S. Embassy- Sarajevo, *reporting*, August 2005, Section 3.

⁵⁸¹ UNICEF, *FACTSHEET: TRAFFICKING The facts*, [online] [cited November 3, 2006]; available from <http://www.unicef.org/protection/trafficking.pdf>.

⁵⁸² Ibid.