

Bosnia and Herzegovina

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

The IOM, in cooperation with government authorities, the UN, and NGOs, initiated 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.²⁶¹ In addition, UNICEF has been working with the Ministry of Health, Education and Social Welfare to implement a Basic Education Project to improve the quality of schools and support children whose access to education has been severely limited by the war.²⁶²

Incidence and Nature of Child Labor

In 2000, UNICEF estimated that 17.7 percent of children between the ages of 5 and 14 in Bosnia and Herzegovina were working.²⁶³ There were reports of forced labor by children over 15 years of age during the 1991-95 war, which included digging trenches or evacuating the dead or wounded at the front lines, as well as agriculture, mining, manufacturing, and service industry work. There are no current reports of forced or bonded labor.²⁶⁴ The prostitution and trafficking of girls for exploitative work is a serious problem.²⁶⁵ Children as young as 13 and 14 years old from Eastern Europe and the former Soviet Union are trafficked to Bosnia and Herzegovina and sold into prostitution.²⁶⁶

²⁶¹ IOM, *Trafficking in Human Beings in Bosnia and Herzegovina*, at http://www.iom.int/offices/Bosnia_Herzegovina/Trafficking.htm on 9/27/01.

²⁶² UNICEF, *Country Profiles: Bosnia and Herzegovina*, at <http://www.unicef.org/programme/countryprog/cee-cis/bh/support.htm> on 9/27/01.

²⁶³ This figure includes children working only, as well as children both working and studying. It also includes children who perform household chores for more than 4 hours per day. An estimated 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 *Multiple Indicator Cluster Survey 2 (MICS 2), 2000* [hereinafter *MICS 2*], as found in *Understanding Children's Work Project* at <http://www.ucw-project.org/resources/index.html> on 11/5/01. See also draft report in same survey (March 14, 2000) at <http://www.childinfo.org/MICS2/natlMICSrepz/MICSnatrep.htm> on 10/5/01.

²⁶⁴ Anti-Slavery International, in consultative status with the UN Economic and Social Council Commission on Human Rights, *Forced Labour in Northern Bosnia* (Geneva, 1995) [on file].

²⁶⁵ There are no statistics to separate girl children from adult women trafficked into Bosnia, but it is reported that as many as 5,000 trafficked women may be working in the country. The State Department reports that the average age of trafficked women is 22.8 years, ranging from age 16 to 33, with less than 5 percent of the women being minors. Also, according to the State Department, there have been credible but unconfirmed reports that children are trafficked to work in begging rings, mainly in Sarajevo. See *Country Reports on Human Rights Practices for 2000—Bosnia and Herzegovina* (Washington, D.C.: U.S. Department of State, 2000) [hereinafter *Country Reports 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid=693>.

²⁶⁶ The majority of trafficked women and girls in Bosnia come from Moldova, Romania, and Ukraine, but

Education is compulsory until age 15.²⁶⁷ 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 and Republika Srpska.²⁶⁸ In 1998, the gross primary enrollment rate was 103.6 percent, and the net primary enrollment rate was 97.4 percent.²⁶⁹ In 2000, the primary attendance rate was 94 percent.²⁷⁰ Access to education remains limited in war-affected areas, where one-third to one-half of schools has been destroyed.²⁷¹ Tension among different ethnic communities and local policies favoring citizens in the ethnic majority also prevent minority children from attending school in these regions.²⁷²

they also arrive from Russia, Belarus, Kazakhstan, and Bulgaria. See *Country Reports 2000* at Section 6f. See also Emir Imamovic, "Bosnian Brothels Flourish," Balkan Crisis Report No. 201, Institute for War and Peace Reporting, December 6, 2000, and Alix Kroeger, "Vice Bars Raided in Bosnia," *BBC News*, March 3, 2001.

²⁶⁷ See *Country Reports 2000* at Section 5. See also Constitution of Republika Srpska, Article 38, at <http://www.bihpress.ba/GIH/POLITIKA/CONSTITUTIONSRS/2.htm> on 9/27/01. See also Constitution of the Federation of Bosnia and Herzegovina, Article 4, at <http://www.bihfedomb.org/eng-cons/constit.htm#annex> on 10/30/01.

²⁶⁸ The Dayton Accords established two distinct entities within the Republic of Bosnia and Herzegovina: the Federation of Bosnia and Herzegovina 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 provided 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 Federation. Article 2(31) of the Constitution of the Republic 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 was recently reached to begin developing a common curriculum. See Constitution of the Republic of Bosnia and Herzegovina [hereinafter Constitution of Bosnia and Herzegovina] at http://www.uni-wuerzburg.de/law/bk00000_.html on 9/27/01. See also UNICEF, *Consolidated Donor Report for Southeastern Europe: Bosnia and Herzegovina, 2000* [hereinafter UNICEF Consolidated Donor Report], at <http://www.unicef.org/balkans/donrep-seeur-2000.pdf> on 10/5/01.

²⁶⁹ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

²⁷⁰ MICS 2 draft report.

²⁷¹ UNICEF *Consolidated Donor Report*.

²⁷² *Country Reports 2000* at Section 5.

²⁷³ Act of 15 August 2000 to Amend and Supplement the Labor Code (Text No. 265), *Sluzbene Novine*, 2000-08-30, No. 3, 1088-1092, as cited on NATLEX database at <http://natlex.ilo.org/> on 9/27/01.

²⁷⁴ *Country Reports 2000* at Section 6d.

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 15 years.²⁷³ Children are prohibited from performing hazardous work and night work.²⁷⁴ The Constitution forbids forced or bonded labor by children.²⁷⁵ There is no comprehensive law against trafficking in persons, but under the Criminal Code, procuring a juvenile or seeking opportunities for illicit sexual relations with a juvenile are specifically prohibited.²⁷⁶ Bosnia and Herzegovina ratified ILO Convention 138 on June 2, 1993, and ratified ILO Convention 182 on October 5, 2001.²⁷⁷

²⁷⁵ Constitution of Bosnia and Herzegovina at Article II (31).

²⁷⁶ The punishment for violators is imprisonment for three to five years. See *Country Reports 2000* at Section 6f and *Criminal Code of Bosnia and Herzegovina*, Article 96 (1, 2), as cited in the Protection Project Database.

²⁷⁷ ILOLEX database at <http://ilolex.ilo.ch:1567/english/> on 9/27/01.

NOTE: Hard copies of all Web citations are on file.