

Bosnia and Herzegovina

Incidence and Nature of Child Labor

UNICEF estimated that 17.7 percent of children ages 5 to 14 years in Bosnia and Herzegovina were working in 2000.⁵⁵⁵ Children occasionally assist their families with farm work and various jobs, and Roma children beg on the streets in Sarajevo.⁵⁵⁶ The prostitution and trafficking of girls to, from, and within the country continues to be a problem.⁵⁵⁷ Reports indicate that there are growing numbers of minors, primarily girls ages 14 to 18 years, who are trafficked from less economically developed Eastern Bosnia to more economically developed Western Bosnia and externally to Eastern and Western Europe for commercial sexual exploitation.⁵⁵⁸

Education is free and compulsory until age 15.⁵⁵⁹ 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),⁵⁶⁰ but each entity established compulsory education requirements in its own specific laws.⁵⁶¹

⁵⁵⁵ 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, 5.9 percent of children participated in unpaid work for someone other than a family member, and 15.1 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] [cited May 6, 2004]; available from http://www.ucw-project.org/cgi-bin/ucw/Survey/Main.sql?come=Tab_Country_Res.sql&ID_SURVEY=169. 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, May 29, 2002, 54, 103, 12; available from <http://www.childinfo.org/MICS2/newreports/bosniaherzegovina/b&h.pdf>.

⁵⁵⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Bosnia and Herzegovina*, Washington, D.C., February 25, 2004, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27829.htm>.

⁵⁵⁷ The majority of trafficked women and girls in Bosnia come from Moldova, Romania, and the Ukraine, and to a lesser extent Russia, Belarus, and Serbia and Montenegro. See U.S. Department of State, *Trafficking in Persons Report- 2004: Bosnia and Herzegovina*, Washington, D.C., June 14, 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33192.htm>. See also U.S. Embassy- Sarajevo, *unclassified telegram no. 539*, March 8, 2004. See also U.S. Department of State, *Country Reports- 2003: Bosnia and Herzegovina*, Section 6f.

⁵⁵⁸ Some victims report having been coerced by traffickers to recruit others, while other victims have been sold by members of their own families. See U.S. Embassy- Sarajevo, *unclassified telegram no. 539*. See also U.S. Department of State, *Country Reports- 2003: Bosnia and Herzegovina*, Section 6f.

⁵⁵⁹ U.S. Department of State, *Country Reports- 2003: Bosnia and Herzegovina*, Section 5. See also *Constitution of Republika Srpska*, Article 38; 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), Section II(A), Article II(3)(1); available from 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>.

⁵⁶⁰ The 1995 Dayton Accords established two distinct entities within Bosnia and Herzegovina: the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). See U.S. Department of State, *Background Note: Bosnia and Herzegovina*, [online] February 2004 [cited September 10, 2004]; available from <http://www.state.gov/r/pa/ei/bgn/2868.htm>.

⁵⁶¹ Article 2(3)(1) 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 *Constitution of FBiH*, Article 2(3)(1). See also

According to UNICEF, the primary school attendance rate was 94 percent in 2000.⁵⁶² However, a lack of reliable official statistics on enrollment, attendance, and level of school completion hinder efforts to ensure that all school age children receive an education.⁵⁶³ Access to education remains limited for Roma children who frequently face a hostile learning environment due to harassment from other students, language barriers, segregated classrooms, and the inability to pay for the costs associated with schooling.⁵⁶⁴ The quality of education in rural areas has deteriorated, and in some areas more girls are quitting primary school than in the past.⁵⁶⁵ Tension among different ethnic communities and local policies favoring citizens in the ethnic majority continue to prevent minority or refugee children from attending school in these regions.⁵⁶⁶ Efforts to address these issues, including implementation of the 2002 Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children, have led to modest improvements in a number of cases.⁵⁶⁷

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.⁵⁶⁸ Also, in both entities, children are prohibited from performing hazardous and overtime work.⁵⁶⁹ 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.⁵⁷⁰ 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 1,228 to 8,597).⁵⁷¹ In the RS, fines range from 1,000 to 10,000 convertible marks (USD 614 to 6,141) for hiring children younger than 15 years and requiring overtime work or hazardous work of a minor.⁵⁷² The fines are raised to 2,000 to 15,000 convertible marks (USD 1,228

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.

⁵⁶² Government of Bosnia and Herzegovina, *Household Survey of Women and Children in Bosnia*, 25.

⁵⁶³ U.S. Embassy- Sarajevo official, personal communication to USDOL official, February 20, 2004.

⁵⁶⁴ U.S. Department of State, *Country Reports- 2003: Bosnia and Herzegovina*, Section 5.

⁵⁶⁵ U.S. Embassy- Sarajevo official, personal communication, February 20, 2004.

⁵⁶⁶ U.S. Department of State, *Country Reports- 2003: Bosnia and Herzegovina*, Section 5.

⁵⁶⁷ While students and faculty of different ethnic groups began to share the same school facilities, their classes remained segregated. Students and teachers of minority ethnic groups were significantly outnumbered and discrimination remained entrenched in many schools. See *Ibid*.

⁵⁶⁸ *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.

⁵⁶⁹ *The Labour Law (FBiH)*, Articles 15, 32, and 51. See also *The Labor Law (RS)*, Articles 14, 41, and 69.

⁵⁷⁰ The Labor Law of the Federation of BiH refers to protections of the interests of the Federation, while the Labor Law of the RS refers to protection of the interests of the Republika Srpska. See *The Labour Law (FBiH)*, Article 36. See also *The Labor Law (RS)*, Article 46.

⁵⁷¹ As of December 31, 2003, 1 USD = 1.57 convertible marks (KM). See *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. For currency conversions, see <http://www.xe.com/ucc/convert.cgi>. See also U.S. Embassy- Sarajevo official, personal communication, February 20, 2004.

⁵⁷² *The Labor Law (RS)*, Article 150. For currency conversions, see <http://www.xe.com/ucc/convert.cgi>.

to 9,212) for employers who allow underage workers to work at night.⁵⁷³ The government does not keep statistics on child labor violations, nor are there separate child labor inspectors. While neither entity has developed a list of the worst forms of child labor, both the FBiH and RS follow the articles of the UN Convention on the Rights of the Child and the relevant labor laws in each sub-entity when conducting workplace inspections.⁵⁷⁴

The Criminal Code of Bosnia and Herzegovina criminalizes trafficking in persons. Anyone taking part in the recruitment, transfer, or receipt of persons through the use of threat, force, coercion, abduction, fraud, or deception shall be punished with imprisonment from 1 to 10 years. If the victim is a child under the age of 18, the perpetrator is to be imprisoned for a term of not less than 3 years.⁵⁷⁵ 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.⁵⁷⁶ On October 14, 2003, the Law on Movement and Stay of Foreigners and Asylum entered into force. The law's implementing regulations address the provision of services to trafficking victims.⁵⁷⁷ Despite these provisions, there have been allegations of both local law enforcement and international police facilitation of the trafficking of women.⁵⁷⁸

⁵⁷³ Ibid. For currency conversions, see <http://www.xe.com/ucc/convert.cgi>.

⁵⁷⁴ U.S. Embassy- Sarajevo, *unclassified telegram no. 2330*, September 20, 2004.

⁵⁷⁵ U.S. Embassy- Sarajevo, *unclassified telegram no. 539*. See also U.S. Department of State, *Country Reports- 2003: Bosnia and Herzegovina*, Section 6f. See also *The Criminal Code of Bosnia and Herzegovina*, (March 1, 2003), Article 184; available from <http://www.ohr.int/decisions/judicialrdec/doc/HiRep-dec-101-law-crim-code-bih.doc>.

⁵⁷⁶ 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. 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 3 to 15 years imprisonment. 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. In practice, traffickers are sentenced in Bosnia and Herzegovina usually to imprisonment for no more than 18 months. See *Criminal Code of the Federation of Bosnia and Herzegovina*, (November 20, 1998), Articles 221, 22, 24, and 29; 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; available from http://www.ohr.int/ohr-dept/legal/crim-codes/default.asp?content_id=5129. See also *Criminal Code of the Brcko District of Bosnia and Herzegovina*, (June 2000), Articles 209 and 12; available from <http://www.ohr.int/ohr-dept/legal/crim-codes/doc/bd-criminal-code.doc>.

⁵⁷⁷ U.S. Embassy- Sarajevo official, personal communication, February 20, 2004.

⁵⁷⁸ U.S. Embassy- Sarajevo, *unclassified telegram no. 539*. See also U.S. Department of State, *Country Reports- 2003: Bosnia and Herzegovina*, Section 6f.

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

The Government of Bosnia and Herzegovina is stepping up its efforts to combat child trafficking, particularly in the areas of prosecution, law enforcement response, and anti-corruption measures.⁵⁷⁹ The government established a State Prosecutor's Office to help in fighting government corruption and involvement in trafficking and in February 2004, the local Interpol Deputy Director was arrested on corruption charges.⁵⁸⁰ With government support, the National Coordinator's Office collects information on and coordinates agency responses to trafficking. The National Coordinator's Office is also providing training to law enforcement officials, judges, prosecutors, and border agents on how to recognize and assist trafficking victims, including children, and to raise awareness on anti-trafficking laws.⁵⁸¹ The National Coordinator's Working Group on Child Trafficking met for the first time this year and began to provide formal input to the National Coordinator on the issue of child trafficking.⁵⁸²

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 (2002-2010)		✓
National Child Labor Action Plan		
Sector Action Plan		

The government is collaborating with IOM and UNICEF to implement anti-trafficking assistance and prevention programs within the country. The IOM, in cooperation with government authorities, the UN and NGOs, is operating a 15-month 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 commercial sex industry.⁵⁸³ The IOM also trains government officials in counter-trafficking methods, law enforcement, and the proper treatment of victims.⁵⁸⁴ In its project on protection from extreme forms of violence, UNICEF is working with the various government bodies dealing with children's issues to assess how to better protect children at risk of being trafficked or who are trafficking victims.⁵⁸⁵

⁵⁷⁹ The improvements have occurred in part due to the establishment and enhancement of Bosnia and Herzegovina's Trafficking in Persons Strike Force, which has received support from the U.S. Department of Justice. See U.S. Department of State, *unclassified telegram no. 126187*, Washington, D.C., June 8, 2004. See also U.S. Embassy- Sarajevo, *unclassified telegram no. 2032*, August 13, 2004.

⁵⁸⁰ U.S. Embassy- Sarajevo, *unclassified telegram no. 539*. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Bosnia and Herzegovina*.

⁵⁸¹ U.S. Department of State, *Trafficking in Persons Report- 2004: Bosnia and Herzegovina*. See also U.S. Embassy- Sarajevo, *unclassified telegram no. 539*.

⁵⁸² U.S. Embassy- Sarajevo, *unclassified telegram no. 539*.

⁵⁸³ IOM, *Shelter and Return of Trafficked Girls and Women in BiH*, [online] [cited May 6, 2004]; available from <http://www.iom.ba/Programs/OnGoing/trafficking.htm>. 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>.

⁵⁸⁴ IOM, *Service Areas: Counter Trafficking*, [online] 2004 [cited May 6, 2004]; available from <http://www.iom.ba>.

⁵⁸⁵ UNICEF, *FACTSHEET: TRAFFICKING The facts*, [online] [cited May 19, 2004]; available from <http://www.unicef.org/protection/trafficking.pdf>.