

— Bosnia and Herzegovina and the European Social Charter —

Ratifications

Bosnia and Herzegovina ratified the Revised European Social Charter on 07/10/2008, accepting 51 of its 98 paragraphs.

It has not accepted the system of collective complaints.

Table of Accepted Provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1
31.2	31.3										
								Grey = accepted provisions			

The Charter in domestic law

According to Article III paragraph 3(b) of the Constitution of Bosnia and Herzegovina, general principles of international law shall be an integral part of the law of Bosnia and Herzegovina and its Entities.

Reports *

Between 2011 and 2015 Bosnia and Herzegovina submitted 4 reports.

Bosnia and Herzegovina's 4th report, submitted on 28/05/2014, concerns the accepted provisions relating to Thematic Group 3 "Labour rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29).

The conclusions in respect of these provisions were published in January 2015.

The 5th report, which should have been submitted by 31 October 2014, should have concerned the accepted provisions relating to Thematic Group 4 "Children, family, migrants", namely:

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunities and equal treatment (Article 27),
- the right to housing (Article 31).

In addition, the report should concern the information required by the European Committee of Social Rights in the framework of Conclusions 2013 (Articles 3, 11, 12, 13, 14, 23 and 30, relating to Thematic group "Health, social security and social protection"), in the event of non-conformity for lack of information.

Conclusions with respect to these provisions will be published in 2016.

* Following a decision taken by the Committee of Ministers in 2006, the provisions of both the 1961 Charter and the Revised Charter have been divided into four thematic groups.

Situation of Bosnia and Herzegovina with respect to the application of the Revised Charter

Cases of non-conformity

Thematic Group 1 "Employment, training and equal opportunities"

► *Article 1§1 Right to work - Policy of full employment*

Employment policy efforts have been adequate in combatting unemployment and promoting job creation.
(Conclusions 2012)

► *Article 20 - Right to equal opportunities and equal treatment in employment and occupation without sex discrimination*

- The right to equal opportunities and equal treatment in employment and occupation without discrimination on grounds of gender is not guaranteed in practice,
- Women are prohibited from working in underground mining.

(Conclusions 2012)

Thematic Group 2 "Health, social security and social protection"

► *Article 12§1 Right to social security – existence of a social security system*

The duration of unemployment benefit is too short.

(Conclusions 2013)

Thematic Group 3 "Labour rights"

2§3 - Annual holiday with pay

during the reference period, the minimum period of paid annual leave was less than four weeks or 20 working days.

2§4 - Elimination of risks in dangerous or unhealthy occupations

there is no adequate prevention policy, covering the whole country, for the risks in inherently dangerous or unhealthy occupations.

2§7 - Night work

during the reference period, a free compulsory medical examination was not provided by law to all workers about to take up night work.

Thematic Group 4 "Children, families, migrants"

► *Article 7§4 - Right of children and young persons to protection - Working time for young persons under 18*

The limit of 40 hours per week for young workers under the age of 16 is excessive.

(Conclusions 2011)

► *Article 7§6 - Right of children and young persons to protection - Inclusion of time spent on vocational training in the normal working time*

Legislation does not provide for time spent at the training with the consent of employer, to be counted as a part of the working day.

(Conclusions 2011)

► *Article 7§9 - Right of children and young persons to protection - Regular medical examination*

There is no requirement for regular medical check-ups for young workers.

(Conclusions 2011)

► *Article 8§1 –Right of employed women to protection of maternity - Maternity leave*
Maternity benefits are not adequate or not regulated in certain cantons of the Federation of Bosnia Herzegovina
([Conclusions 2011](#))

► *Article 8§4 - Right of employed women to protection of maternity - Regulation of night work*
Night work of pregnant women, women having recently given birth and women who are breastfeeding is not adequately regulated in the District of Brčko.
([Conclusions 2011](#))

► *Article 8§5 - Right of employed women to protection of maternity - Prohibition of dangerous, unhealthy or arduous work*
There are no adequate regulations on dangerous, unhealthy and arduous work in respect of pregnant women, women who have recently given birth and who are breastfeeding their child.
([Conclusions 2011](#))

► *Article 16 - Right of the family to social, legal and economic protection*
It has not been established that the living conditions of Roma families and other vulnerable families in housing are adequate.
([Conclusions 2011](#))

► *Article 17§1 - Right of children and young persons to social, legal and economic protection - Assistance, education and training*
Corporal punishment is not prohibited in the home, neither in schools nor in institutions.
([Conclusions 2011](#))

► *Article 17§2 - - Right of children and young persons to social, legal and economic protection - Free primary and secondary education - regular attendance at school*
It has not been established that measures taken to increase the enrolment rate in secondary schools are sufficient.
([Conclusions 2011](#))

The European Committee of Social Rights has been unable to assess compliance with the following rights and has invited the Government of Bosnia and Herzegovina to provide more information in the next report in respect of the following provisions:

Thematic Group 1 “Employment, training and equal opportunities”

- Articles 1§2 -Conclusions 2012
- Articles 1§3 -Conclusions 2012
- Articles 1§4 -Conclusions 2012
- Articles 9 -Conclusions 2012

Thematic Group 2 “Health, social security and social protection”

- Article 11§1 – Conclusions 2013
- Article 11§2 – Conclusions 2013
- Article 11§3 – Conclusions 2013
- Article 12§2 – Conclusions 2013
- Article 13§1 – Conclusions 2013
- Article 13§3 – Conclusions 2013
- Article 23 – Conclusions 2013

Thematic Group 3 “Labour rights”

- Article 2§2 – Conclusions 2014
- Article 2§5 – Conclusions 2014
- Article 2§6 – Conclusions 2014
- Article 4§3 – Conclusions 2014
- Article 5 – Conclusions 2014
- Article 6§1 – Conclusions 2014
- Article 6§2 – Conclusions 2014

- ▶ Article 6§3 – Conclusions 2014
- ▶ Article 6§4 – Conclusions 2014
- ▶ Article 21 – Conclusions 2014
- ▶ Article 22 – Conclusions 2014
- ▶ Article 28 – Conclusions 2014

Thematic Group 4 “Children, families, migrants”

- ▶ Articles 7§§1, 2, 3, 5, 7, 8 and 10 – Conclusions 2011
- ▶ Article 8§2 – Conclusions 2011