

INFORMATION

on the implementation of the Revised European Social Charter in Bosnia and Herzegovina under Group 1 of Rights

Bosnia and Herzegovina has ratified the European Social Charter /revised/ on 7 October 2008, as the fortieth state of the Council of Europe. Member states can accept the Charter with reservations, meaning they do not have to ratify it in its entirety, but rather ratify those provisions that experts from the Council of Europe and national institutions assess as having a realistic possibility of implementation according to existing legislation. To date, Bosnia and Herzegovina has ratified provisions of the Charter from four thematic groups of rights, as follows:

- group I – Employment, training and equal opportunities (articles 1, 9 i 20);
- group II – Health, social security and social protection (articles 11, 12, 13, 14 i 23);
- group III – Labour Rights (articles 2, 4, 5, 6, 21, 22 i 28); i
- group IV – Childre, families and migrants (articles 7, 8, 16 i 17).

Between 2010 and 2023, the Ministry for Human Rights and Refugees of Bosnia and Herzegovina prepared a total of thirteen periodic reports on the implementation of the Revised European Social Charter, coordinating with institutions from both entity governemnts and the Brčko District of Bosnia and Herzegovina that have jurisdiction over labor and social rights in our country.

In september 2022, the European Committee of Social Rights (ESCR) and the Governmental Committee of the European Social Charter and the European Code of Social Security (GC) launched a reform of the reporting procedure, which was completed in early 2024. Under the new reporting procedure, the previous system of reference periods was abolished, and the groups of rights have been classified into two groups, rather than four as before. Therefore, the Committee on Social Rights of the Council of Europe now requires countries that have not accepted the collective complaints procedure, including Bosnia and Herzegovina, to submit a report every two years on the implementation of provisions from one of the two groups of rights under the European Social Charter.¹ For this purpose, a limited number of targeted questions have been defined, to which each member state must respond in the report, which will then be adopted by the Committee. Member states are obligated to submit the report by December 31, 2024.

As a result, following the previous extensive reporting system, starting from 2024, the Committee on Social Rights of the Council of Europe is instructing member states to submit a brief and concise report exclusively based on targeted questions, and in relation to the existing legislative framework and statistical data that are valid at the time of submission.

The targeted questions for 2024 relate to the following areas: Right to fair working conditions; Right to fair remuneration; Right to unionize; Right to collective bargaining and Right to equal opportunities in the employment of women and men.

¹ Group I of rights: articles 1; 2; 3; 4; 5; 6; 8; 9; 10; 18; 19; 20; 21; 22; 24; 25; 28 and 29.

Group II of rights: articles: 7; 11; 12; 13; 14; 15; 16; 17; 23; 26; 27; 30 and 31.

In order to obtain comprehensive responses to the targeted questions in this reporting cycle, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina coordinated with institutions at all levels of government, specifically with: the Agency for Gender Equality of Bosnia and Herzegovina, the Gender Centres of the Federation and Republika Srpska; the Federal Ministry of Labor and Social Policy; the relevant institutions within the Government of Republika Srpska through the Ministry of European Integration and International Cooperation of Republika Srpska; and the relevant institutions within the Government of the Brčko District of Bosnia and Herzegovina.

The institutions sent updated information and responses to the questions, in order to inform the Committee on Social Rights of the Council of Europe about the implementation of the Revised European Social Charter in Bosnia and Herzegovina, which, due to their volume and for easier overview of their implementation, are provided in Annex 1 to this Information.

In accordance with the above, we propose that the Council of Ministers of Bosnia and Herzegovina adopt the following:

CONCLUSIONS

1. The Council of Ministers of Bosnia and Herzegovina has adopted the Information on the implementation of the Revised European Social Charter in Bosnia and Herzegovina for Group 1 of rights, along with Annex 1 – the Responses of institutions in Bosnia and Herzegovina to the questions of the Committee on Social Rights of the Council of Europe regarding the implementation of Group 1 of the Revised European Social Charter.
2. The Ministry of Human Rights and Refugees of Bosnia and Herzegovina is tasked with submitting the Information on the implementation of the Revised European Social Charter in Bosnia and Herzegovina for Group 1 of rights, along with Annex 1 – the Responses of institutions in Bosnia and Herzegovina to the questions of the Committee on Social Rights of the Council of Europe regarding the implementation of Group 1 of the Revised European Social Charter, to the Committee on Social Rights of the Council of Europe in Strasbourg and to Employers' and Trade Union Associations in Bosnia and Herzegovina, through the Ministry of Foreign Affairs of Bosnia and Herzegovina in accordance with Articles 21 to 23 of the European Social Charter, following its adoption at the session of the Council of Ministers of Bosnia and Herzegovina.