

Bosnia and Herzegovina's Family Policy Challenges in Meeting the European Union's Standards and Recommendations

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Family policy in Bosnia and Herzegovina's entities (Federation of Bosnia and Herzegovina and the Republic Srpska) is incoherent, with its different elements being scattered across different ministries and levels of government. The system is found to be inapt to respond to the needs of families, thus enhancing gender inequalities in the labour market and within families. As a country aspiring to join the European Union, Bosnia and Herzegovina, together with other countries of the Western Balkans region, participates in regular policy dialogue with the European Union institutions. The latest European Commission assessment of the country's Economic Reform Programme identifies low employment of women as one of the key challenges and implicitly calls for the country to develop an employment-oriented family policy. By analysing the system of family policy and its recent policy developments, the article assesses the country's capacity to respond to the recommendation and create conditions for greater participation of women in the labour market. The question is whether the European Union's conditionality and recommendations have the potential to transform the current family policy arrangements in the entities.

Key words: work-family policy, female employment, gender inequalities, maternity leave, parental leave, early childhood education and care services, Bosnia and Herzegovina.

INTRODUCTION¹

Bosnia and Herzegovina (BiH) is a post-war and post-socialist country with the aspiration of joining the European Union (EU). The country applied for EU membership in February 2016, but according to the latest Commission Staff Working Document, BiH

is still at the early stage of preparedness to take on the obligations of the EU membership (European Commission, 2020). The areas of social policy, employment, and statistics require particular attention and significant efforts to implement and enforce the EU legislation, *inter alia* (ibid.).

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Since 2015, the policy dialogue between the EU and (potential) candidate countries has been conducted through Economic Reform Programmes (ERPs), which set out the country's medium-term strategic priorities and objectives, together with macroeconomic projections, fiscal framework, and planned structural reform. The preparation and assessment of ERPs somewhat mimics the European Semester, and it is meant to prepare the country for its future participation in the EU. The process starts at the beginning of each year when a country submits ERP. The report is assessed by the European Commission (EC) and the European Central Bank, whose assessment is submitted further to the Council of Ministers of the EU. The ERP assessment is also the basis for multilateral dialogue meetings between the EU and the Western Balkans and Turkey which are held each year in May when the Joint Conclusions, including country-specific policy guidance, are adopted and policy priorities are outlined and agreed upon for the next year.

Since 2019 the EC Assessment has identified key structural challenges, thereby recommending the country to focus its reform efforts on identified key problems. The latest EC's assessment of Bosnia and Herzegovina's ERP (2020-2022) identifies women's employment as one of the key challenges (European Commission, 2020a). The report points to the low availability of early childhood education and care (ECEC) and eldercare services as obstacles to women's participation in the labour market, contributing to a high gender employment gap (*ibid.*). The assessment recommends investments in the provision of family-ori-

ented services, which would liberate women from care obligations and stimulate their employment in greater numbers. Therefore, the assessment implicitly calls on the country to devise an employment-oriented family policy.

The EU has had a long presence in the country and plays an important and influential role on several levels². Yet, as a post-war country, BiH is a playing field of many international organisations, some with a unique and special mandate, such as the Office of the High Representative and the EU Special Representative in BiH; offices of international financial institutions, such as the World Bank and International Monetary Fund, which exercise a considerable influence on social policy reforms (Jusić and Obradović, 2019); as well as embassies and other donors that provide funding to international and local organisations whose activities fall under the remit of social policy and social protection. The confluence of these actors and of local and international institutions, has its impact on social policy in BiH. International initiatives are usually implemented through projects subcontracted to flexible intermediaries (think tanks, NGOs, consultancy companies and similar), sometimes with very little or no connection with state structures (Stubbs and Zrinščak, 2019), and with unclear impact and results. As pointed by Lendvai and Stubbs (2015), project implementation is a complex translation process, often open to the instrumentalisation of local stakeholders (Stubbs and Zrinščak, 2019). Despite activities and many projects undertaken in this field, the social policy in BiH remains inert and resilient to change (*ibid.*).

² Because of its recent conflict, the EU has military presence deployed since 2004 in the form of the European Union Force in Bosnia and Herzegovina (EUFOR); The EU Special Representative in Bosnia and Herzegovina and the EU Delegation in Bosnia and Herzegovina are responsible for communicating EU priorities to the citizens of the country and implementing the objectives of the EU agenda in key areas (European Commission, 2019). Furthermore, the EU has provided significant financial assistance to Bosnia and Herzegovina (*ibid.*) implemented by the EU Delegation to BiH via direct management, as well as financial assistance from the EU and its member states implemented directly. The country also takes part in several EU programmes.

Theorists of Europeanisation expect the EU institutions to play an important role in shaping the process of reforms in accession countries, especially during the negotiations phase, when the EU can demand reforms as a prerequisite for gaining membership (Saxonberg, 2105). However, family policy is regulated mainly by so-called “soft laws” based on the Open Method of Coordination that lacks rigidity and enforceability. This governance framework gives the EU member states as well as aspiring countries leeway in formulating their policy response in achieving the EU set targets. Given this framework and depending on countries’ existing institutional structures, there is a great variation in how countries implement EU policies (Daly 2005). Furthermore, some requirements closely related to family policy, such as gender compliance, are found to have a limited impact in the accession countries not only because of its non-enforceability, but also due to the way the gender agenda is constructed (it is predominantly focused on economic integration) and the complex nature of its adoption and implementation (Dobrotić, Matković, Zrinščak, 2013).

Although a family policy may be comprised of a varied set of measures, most authors (e.g., Stropnik 1996; Daily 2020) agree that in its narrow sense, it includes social benefits (and tax reliefs) targeted towards families with children, provision of family services such as ECEC and long-term care, and leave policies³. As emphasised by Lewis (2006), the family policy is a cross-cutting area, closely related to other policy areas that are not limited to gender equality, anti-poverty or child rights. Different policy areas might be included under broader or narrower perspectives depending on what family policy might aim for (Daily, 2020). These policies not only

affect the financial status of a family, the well-being of the individuals in families, position of women and men as family carers, but will have important implications for women’s position in the labour market and broader gender equality implications. Furthermore, family policy has implications on other spheres, especially child and mother welfare, such as nursing, child’s cognitive development, and similar. The different needs of families may sometimes impose contradictory demands on decision-makers and may result in a collision of measures in the realm of family policy (Dobrotić, 2015).

The only EU “hard” legislation of relevance for family policy are directives concerning maternity, paternity and parental leave that set minimum standards to be respected by all EU countries. The initial directives on parental leave were based on framework agreements on parental leave reached by the EU social partners, whose aim was to enable reconciliation of work, private, and family life for working parents and promote equality between men and women concerning labour market opportunities. The EU Parental Leave Directive from 1996 introduced parental leave for the first time – three months per parent. It was replaced by the Directive from 2010 that extended parental leave to a minimum of four months for each parent, that is, both the mother and the father became entitled to at least four months of leave with one month of leave being non-transferable, aiming to encourage fathers to take the parental leave (ETUC, 2011). Following current directives, all EU countries should provide at least 14 weeks of maternity leave (starting two weeks before expected delivery date; Directive 92/85/EEC) and four months of parental leave per employed parent (out of that two months should be non-transferable; Work-Life Balance Directive (EU

³ Leave policies primary refer to parenting leaves, that is maternity, paternity and parental leave (Koslowski, Blum, Dobrotić, Kaufma and Moss, 2020).

2019/1158). The Directive 92/85/EEC also ensured the right to paid day-off from work for prenatal check-ups and protection of women's employment during pregnancy and childbirth, such as prevention of dismissal and night shifts work during this period. The Work-Life Balance Directive further promoted work-life balance aiming to increase participation of women in the labour market and take-up of family-related leave by both men and women and to facilitate flexible working arrangements. Besides two non-transferable months of parental leave, it also introduced carers' leave of at least five days per year, flexible working arrangements for carers and working parents of children aged up to eight years, and paternity leave for fathers of at least ten days around the time of the birth of their child. The EU member state countries have three years period to implement the Work-Life Balance Directive.

As Chapter 19, together with the social and economic rights enshrined in the Treaties of the EU and EU Charter of Fundamental Rights, is closely related to systems of social policy and social protection, the implementation of *the acquis* in this field is also instrumental for the development of family policy. These also include the so-called "soft" legislation such as recommendations, declarations, and opinions, which are nonbinding and more flexible instruments in achieving policy objectives. For example, the Barcelona objectives (Barcelona European Council, 2002) are European Council's recommendation that aims to remove disincentives to labour force participation of women by asking member states to increase ECEC coverage rates to 90% for children aged three up to school age and 33% for children below the age of three. Furthermore, the education-related target asks ECEC coverage rate of 95%

for children aged four up to the school-age (Council conclusions, 2009). In February 2013, the European Commission also set out the recommendation for the member states, named "Investing in Children: breaking the cycle of disadvantage". The document urges the member states to endorse a social investment approach based on three pillars: access to adequate resources, access to affordable quality services, and children's right to participate.

European Pillar of Social Rights (EPSR), adopted in November 2017, sets out 20 key principles against which member states should benchmark their policies. It contains principles of relevance to family policy and children, such as Principle 11 – Childcare and support to children; Principle 9 – The right to a positive work-life balance for parents and people with caring responsibilities, which includes flexible working arrangements, leave arrangements, and access to care services; Principle 2 Gender equality; Principle 3 Equal opportunities; and Principle 18 Long-term care. The EPSR is built on the existing *acquis*, and it plays an important role for the accession countries. Since 2019, the European Commission has used the European Pillar of Social Rights when preparing their ERP assessment as a framework for monitoring and assessing the performance of accession countries in relation to the EU-28 average, based on pre-defined indicators⁴.

Recent EU-level initiative is a proposal for introducing the Child Guarantee for tackling multidimensional aspects of child poverty, which would ensure that all children in the EU have access to free health-care, education, childcare, housing and nutrition (European Commission, 2021).

Described EU policy framework is very relevant to all countries with aspirations

⁴ The Social Scoreboard includes 14 headline indicators, out of which 12 are currently used to compare member states' performance.

of joining the EU one day. Namely, in the process of adopting the EU *acquis*, it is expected that the country adopts key policy arrangements pertaining to the family policy, that is, leave directives, as well as 'soft' legislative framework, such as EPSR and its indicators for monitoring the progress. The ERP Assessment and recommendations should also be viewed as part of this process aimed at preparing the country for EU membership.

The analysis in this article starts with the presentation of aggregate employment rates for men and women and the gender employment gap, which are the main labour market-related outcomes of family policy arrangements in the country. It is followed by mapping and analysing the main family policy arrangements and instruments in two BiH entities, with a particular focus on instruments affecting access to employment and gender equality in the labour market. Aggregate statistical data for the country and available administrative data collected at the level of entities is used to explain the impact of the measures in place. The article also analyses the most recent reform attempts in the FBiH. Finally, it concludes with an assessment of the country's ability to respond to the EU recommendations and gives the outlook of possible family policy developments.

WOMEN AND MEN IN THE LABOUR MARKET

As pointed in the Commission assessment, women in BiH are significantly underrepresented in the labour market (European Commission, 2020a). Although the employment rates of both women and men in recent years have incrementally increased (Graph 1), following a similar trend, the employment rates of 50.9% for

men and 29.9% for women in 2020 are still very low and far below the EU average of 79.1% for men and 66.8% for women for age group 20 to 64 (Eurostat, 02.06.2021c). Yet, despite the increase in the employment rates, the gender gap in employment rates remains constant, varying between 17 and 21 percentage points (p.p.), indicating that women in Bosnia and Herzegovina face persistent obstacles in the labour market. When compared to the average gender gap for the EU of 11.3 p.p., or 6.8 p.p. in Slovenia, 11.2 p.p. in Croatia and 14 p.p. in Serbia in 2020 (Eurostat, 02.06.2021b), Bosnia and Herzegovina is lagging behind considerably in terms of labour market inclusion of women.

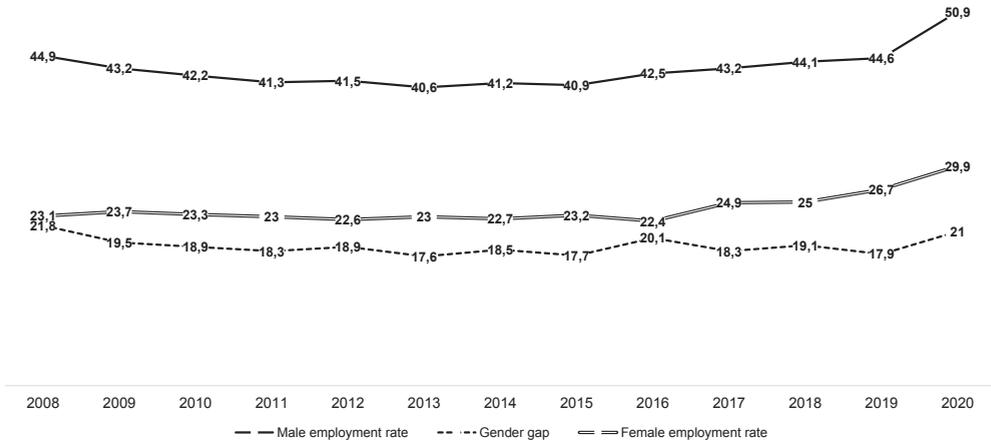
The part-time work among women in Bosnia and Herzegovina is not prevalent, but rather an exception. According to Labour Force Survey (LFS) data (Agency for Statistics BiH, 2019: 41), only 10.3% of women in BiH worked part-time in 2019, compared to 18.3% on average in the EU for the same year (Eurostat, 02.06.2021a). Yet, the estimated share of part-time employment of women in Bosnia and Herzegovina is the highest in the region when compared to the percentage of part-time employment of women in Croatia (4.8%), Slovenia (8.4%), Montenegro (4.5%), North Macedonia (4.1%) and Serbia (9.7%) (*ibid.*).

The labour market in Bosnia and Herzegovina is segmented along the entity lines⁵, where the entity labour markets are marked by the duality between the private and public sector employment (Obradović, Jusić and Oruč, 2019; Oruč and Bartlett, 2018), and the prevalence of unregistered work (Williams and Efendic, 2021; ILO, 2021). The most recent estimate by the International Labour Organisation for 2019 points that 30.9% of employed men and 29.8% of employed women in the country work unregistered (ILO, 2021: 8).

⁵ Each entity has its own labour legislation and independent system of social insurance.

Graph 1:

Employment rates (15+) among women and men (%), and the gender gap in employment (in percentage points) in BiH, 2008 – 2020



Source: Agency for Statistics of Bosnia and Herzegovina, Labour Force Surveys 2008 – 2020.

Compared to the work in the public sector jobs, work in the private sector is lower-paid, unstable and marked by disrespect for fundamental labour rights provided in labour legislation (Obradović, Jusić and Oruč, 2019). Despite foreseen general labour law protection of women during pregnancy and birth, women that work in the private sector very often stay without work due to pregnancy and birth (Gačanica, 2019: 47). Furthermore, the National Survey of Citizens Perceptions (NSCP-BiH) findings suggest that BiH employers are more likely to hire a man than a woman (USAID/MEASURE BiH, 2019: 59). Moreover, the survey data suggests that support for traditional gender roles has been increasing. For example, according to the 2018 NSCP-BiH survey, the share of BiH citizens who believe men and women should be equal has been steadily declining – in 2018, 72% of respondents believed women should have equal rights and receive the same treatment as men, compared to 96% in 2015, 88% in 2016, and 79% in 2017 (ibid, p. 58).

Such an unfavourable position of women in the labour market is induced by institutional arrangements pertaining to access to social services, such as quality ECEC or long-term care services, as suggested in the ERP assessment (European Commission, 2020a), as well as paid parenting leaves. The analysis of these policies that constitute family policy follows in the next sections.

SOCIAL POLICY AND FAMILY POLICY ARRANGEMENTS IN BOSNIA AND HERZEGOVINA

Bosnia and Herzegovina does not have social policy functions at the central state level. Instead, the competence for social policy rests on two asymmetrically organised entities – the Federation of Bosnia and Herzegovina (FBiH), which is decentralised and made of ten cantons, and the Republic Srpska (RS), which is centralised. As a result, the country is marked by remarkable inequalities in the regulation and implementation of social rights (Stubbs and Zrinščak

2019; Obradović 2012). Neither entity in Bosnia and Herzegovina has an explicit and coherent family policy as government competencies for different instruments are scattered around different ministries and levels of government. The following subsections explain the competencies, organisation and implementation of rights related to the three main groups of family policy instruments, that is, child and family benefits, parental leave policies, and ECEC and long-term care services.

Child and family benefits

Child and family benefits in the RS entity are provided through the RS Fund for Child Protection, which makes part of the social insurance system in the RS. In the FBiH, the provision of child and family benefits is devolved to cantons, where those benefits make part of the system of non-contributory benefits. At the aggregate level, child and family benefits make one of the least funded schemes. According to the Agency of Statistics of BiH (2019) ESSPROS data for 2015, child and family benefits make only 2.5% of total social protection benefits expenditure in BiH.

Provision of child and family benefits represents one of the most prominent examples of unequal treatment of children and families (i.e. mothers) in the country. This is even though the types of benefits stipulated by the entities' legislation are very similar since being derived from the

pre-war system of child and family benefits. As presented in Table 1, in both entities benefits include salary compensation during maternity leave, maternity allowance for the unemployed mothers, child benefits (including a pro-natality benefit for the third and fourth child in the family in the RS), and a benefit for a new-born child's equipment; In the RS it also includes salary compensation for a parent working part-time (because of the need to care for a child up to the age of three or for a child with a disability); in the FBiH it includes financial assistance for a food supplement for a child up to six months of age and a food supplement for nursing mothers.

In the RS child and family benefits make part of the system of social insurance financed mainly by employers and supplemented in one part by the entity budget, which makes them stable and consistently implemented in the entire entity. In the FBiH, maternity benefits were taken out from the social insurance system, that is, health insurance in 1997, and two years later they were included in the general law on social protection (for more on this, see Dobrotić and Obradović, 2020). However, the general law on social protection from 1999⁶ devolved the implementation of child and maternity benefits to cantons. As a result, in most cantons, the child and family benefits legislation was enacted with several years of delay. Moreover, each canton decides which benefit to finance and in what amount.

⁶ FBiH Law on Social Protection, Protection of Civilian Victims of War and Families with Children, FBiH Official Gazette, No. 36/99, 54/04, 39/06,14/09, 45/16, and 40/2018.

Table 1:
Overview of child and family benefits in FBiH cantons and the Republic Srpska entity

Administrative unit	Child benefits	Salary compensation during maternity leave*	Maternity allowance for unemployed mothers	Assistance for baby equipment	Assistance for a food supplement
Republic Srpska entity	Yes	Yes	Yes	Yes	-
Una-Sana Canton	-	Yes	Yes	-	-
Posavina Canton	-	Yes	Yes	Yes	-
Tuzla Canton	Yes	Yes	-	Yes	Yes
Zenica-Doboj Canton	Yes	Yes	Yes	-	-
Bosnia-Podrinje Canton	Yes	Yes	Yes	Yes	Yes
Central Bosnia Canton	Yes	Yes	Yes	-	-
Herzegovina – Neretva Canton	Yes	Yes	Yes	Yes	-
Western-Herz. Canton	-	Yes	Yes	Yes	-
Sarajevo Canton	Yes	Yes	Yes	-	-
Canton 10	Yes	Yes	Yes	Yes	-

* In the RS it includes salary compensation for a parent working part-time.

Source: Cantonal and the RS legislation on child protection.

The provision of benefits in the FBiH is rather residual. Only 2% of total social protection expenditure goes on child and family function, out of which 37% of these transfers are means-tested (FBiH Institute for Statistics, ESSPROS 2018 data). The largest share of financing of child and family benefits financing pertains to salary compensation during maternity leave, which is not a means-tested benefit as it is conditional on status in registered employment. As presented in Table 2, each canton applies its own benefits formula, resulting in significant differences in terms of benefit levels across cantons in the FBiH entity. Although nowadays all cantons have legislation regulating salary compensation during maternity leave in place, some cantons do not finance it regularly due to financial difficulties. The applied benefit formulas in the FBiH cantons stand in striking contrast

to the level of benefit provided in the RS entity, where the RS Fund for child protection refunds the beneficiary's full salary for the entire period of maternity leave.

In both entities, benefits for unemployed mothers, that is, maternity allowances, are less generous than benefits for women in employment. Despite the fact that in the FBiH all maternity benefits are paid from cantonal budgets, the amount of maternity allowance is considerably lower than the amount of salary compensation provided for mothers in employment. The amount of maternity allowance in the FBiH ranges from symbolic KM100 (€51.2) paid as a one-off benefit to 40% of the FBiH average wage paid for a maximum six months period. In the RS, unemployed mothers receive 50% of the average wage for 12 months or 18 months in the case of the birth of twins, a third or any consecutive child.

Table 2:
Maternity leave benefits paid in FBiH cantons and the RS entity

Entity / Canton	Replacement rate	Ceiling
Republic Srpska entity	100% of beneficiary's registered wage	No limit.
Una-Sana Canton	50% of the average salary paid in the previous year	50% of beneficiary's average salary in the last six months
Posavina Canton	80% of beneficiary's average salary paid in last six months. It cannot be lower than the minimum net wage.	80% of the average salary in the FBiH in the previous year.
Tuzla Canton	90% of beneficiary's average salary paid in last six months, or 55% of the average salary of Tuzla Canton.	Average salary paid in the canton.
Zenica-Doboj Canton	80% of beneficiary's wage in the last six months before the maternity leave	The amount of average wage in the canton.
Bosnia-Podrinje Canton	80% of beneficiary's wage in the last six months before the maternity leave or 60% of the average wage in the canton.	No limit.
Central Bosnia Canton	50% of the beneficiary's average salary in the last six months.	No limit.
Herzegovina – Neretva Canton	40% of the beneficiary's average salary in the last six months.	The average salary in the FBiH.
Western Herzegovina Canton	For the first half of maternity leave, it is 80% of the beneficiary's average salary paid in the last six months. For the second half, it is determined by the canton.	There is no limit for the first half of maternity leave.
Sarajevo Canton	All beneficiaries receive the same amount of the benefit. It is 60% of the average salary, which cannot be lower than the minimum salary.	Not applicable.
Canton 10	100% of the beneficiary's salary paid in the month before starting the maternity leave.	No limit.

Source: FBiH Ministry of Labour and Social Policy (2 July 2021) and RS Fund for Child Protection.

Parental leave policies

Parental leave policies are regulated by entities' general labour legislation, which is under the responsibility of the sector for labour within the FBiH Ministry of Labour and Social Policy, while in the RS it is under the responsibility of the Ministry of Labour and War Veterans, that is, separate from the sectors responsible for child and family benefits. The labour legislation in both entities recognises only the right to maternity leave until the child reaches the age of one, and in the RS in the case of twins, a third, or any consecutive child 18 months of leave. However, the implementation of this provision greatly depends on the access to salary compensation during the maternity

leave, which is arranged differently across cantons and the entities (please refer to the previous section). Therefore, despite relatively generous leave provisions in terms of length, different rules applied to salary compensation during the maternity leave place women in a different position concerning income security during this period.

The use of maternity leave also depends on the type of employer, that is, the public or private sector. Women employed in the public sector and state-owned companies are in the privileged position as their rights are usually additionally protected by collective agreements, and their jobs are stable. In the FBiH, maternity leave benefits provided by cantons are thus usually topped up for wom-

en working in the public sector – to the full amount of their salary. Women working in the private sector in the FBiH are in a different position. In the case of childbirth, most of them do not use maternity leave for one year, partly because of the limited salary compensation paid by the cantons. Another reason is the fear of losing the job because the provisions for the protection of women at the workplace are poorly implemented in the private sector (Gačanica, 2019).

Fathers in Bosnia and Herzegovina became recognised as possible beneficiaries of maternity leave in the RS in 2002, and in the FBiH in 2016. But, as the legislation does not envisage the father's quotas, these provisions are used by an insignificant number of families (Dobrotić and Obradović, 2020). Namely, according to the labour legislation, maternity leave can be transferred to the father after the 42nd day after childbirth in the FBiH, or the 60th day in the RS, if agreed by both parents (in case that both parents are employed and the mother returns to work while the father is on leave). Here mothers have a gate-keeping role, and fathers continue to be treated as "secondary caregivers" (Haškova et al., 2009, p. 101). Also, given the current cantonal provisions of maternity leave benefits, the taking-up of leave by fathers is particularly unattractive in the FBiH. The leave policy design that recognises only maternity leave as a primarily mother's right, combined with prevailing traditional gender roles and the low female employment rate, particularly in well-paid jobs, only reproduces and reinforces gendered practices in care and employment (Dobrotić and Obradović, 2020).

In addition to maternity leave, general labour legislation in both entities foresees up to five days in the RS and seven days in the FBiH of paid family-related leave during one calendar year – in case of marriage, birth, illness or death of a close family member. This is insufficiently regulated because employers have the right to

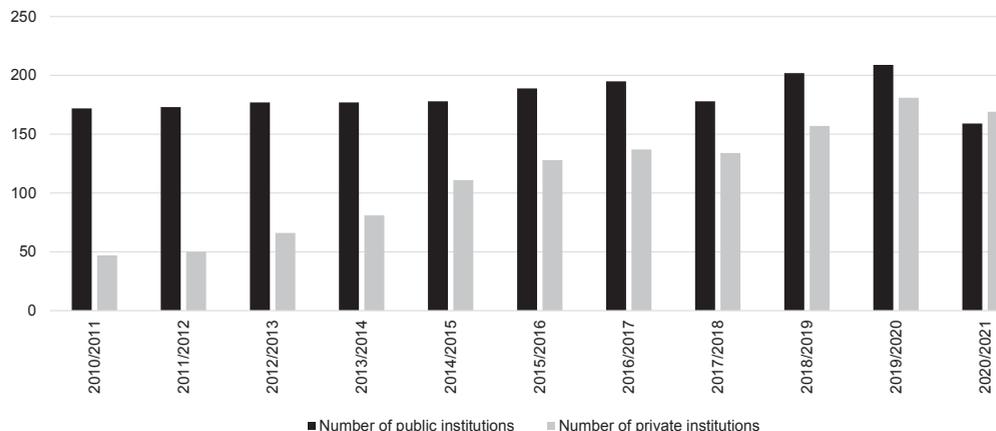
decide on the number of leave days for each cause and in each individual case. Another leave provision is related to nursing mothers, who, upon completing maternity leave, have the right to be absent from work twice a day for half an hour because of nursing. For most women, this is an ineffective provision because of work to home distance. Furthermore, the labour legislation of both entities foresees that the parent of a child with developmental difficulties may work part-time until the child reaches the age of three. In the RS, the employee's lost salary is compensated from the RS Fund for Child Protection, whereas in the FBiH an employee will receive the salary that corresponds to the actual hours worked.

ECEC and long-term care services

Provision of ECEC services (nurseries for children under three, and kindergartens for children aged three to six) in both entities is under the responsibility of local governments. Due to the 1992-1995 war destructions, in 2004 the country had 7,000 ECEC places fewer than in 1990, which were reconstructed mainly in more populated and urban areas in the post-war period (Ministarstvo civilnih poslova BiH, 2004). Public ECEC facilities in larger urban centres are usually overcrowded, and there is a lack of sufficient places. As a result, every year many children cannot be enrolled because of limited capacities. In smaller and impoverished municipalities and rural areas ECEC facilities are missing (Ministry of Civil Affairs of BiH, 2016).

The aggregate statistics on the number of ECEC facilities at the state level (Graph 2) show that in recent years the number of public ECEC facilities has increased very modestly, contrary to a considerable increase in the number of private institutions. It indicates that local governments have not been responsive to parents' demands, which were met by a greater supply by the private

Graph 2:
Public and private ECEC institutions in Bosnia and Herzegovina from 2010 to 2021



Source: Annual statistical releases on preschool education of Agency for Statistics of BiH (2010-2020).

sector instead. Hence, the limited public investments in ECEC have led to the marketisation of ECEC services.

Although the ECEC coverage rates had continuously improved before the onset of the COVID-19 pandemic in 2020, they remained low and far away from the Barcelona objectives. As presented in Table 3, the highest ECEC coverage rate was achieved

in the school year 2019/2020 among the children aged 3 to 6 – it was 20.2% (whereas for the school year 2017/2018 it was 16.4%). The ECEC coverage rate among children below 3 is particularly low. It never exceeded 7.1 % (estimate before the onset of the pandemic in 2020; Agency for Statistics of Bosnia and Herzegovina 2018, 2019a, 2020).

Table 3:
Number of children in ECEC facilities and estimated ECEC coverage rates in Bosnia and Herzegovina from 2017 to 2021

	School year 2017/2018			School year 2018/2019			School year 2019/2020			School year 2020/2021		
	Age of children			Age of children			Age of children			Age of children		
	0-2	3-6	0-6	0-2	3-6	0-6	0-2	3-6	0-6	0-2	3-6	0-6
Total number of children in BIH	89600	129117	218717	89294	124480	213774	89449	120119	209568	89459	119605	209064
Number of enrolled children	4688	21221	25889	5172	23339	28511	6362	24225	30587	6121	21577	27698
Enrolment coverage, in %	5.2%	16.4%	11.8%	5,8%	18.7%	13.3%	7.1%	20.2%	14.6%	6.8%	18.0%	13.3%

Note: Estimates coverage rates for 2020 and 2021 are based on the Agency for Statistics of BiH population estimates for the period 2020 – 2070, available at: <https://bhas.gov.ba/News/Read/42>.

Source: Agency for Statistics of Bosnia and Herzegovina, 2020, 2019a and 2018.

It should be noted that recent improvements in ECEC coverage rates are partially due, on the one hand, to lower birth rates and decreasing number of children, and on the other hand to an increase in the number of children between four and five years of age attending obligatory preparatory education for a minimum of 150 hours (in some cantons this entails 300 hours) during one school year. The introduction of obligatory preschool education was advocated as a child's right and supported by some international organisations. However, it has been

implemented without considerations for the needs of working parents as these classes are organised only several hours per week.

Apart from the insufficient number of ECEC places, another detriment to the greater inclusion of children in ECEC in Bosnia and Herzegovina is its affordability. Local authorities decide about the parents' share in financing the public kindergartens, which on average amounts to 18% of the average net salary and a much higher share of minimum net salary in both entities (Table 4).

Table 4:

Fees in public ECEC facilities for full day-care program and its share in the average net wage and minimum net wage in the respective administrative unit in 2019 (examples)

	Public pre-school (full-time) fees per month	As % of average net salary in entity	As % of entity net minimum salary
City of Banja Luka (RS)	EUR 84	18%	36%
City of Bijeljina (RS)	EUR 95	20%	41%
City of Mostar (FBiH)	EUR 87 (EUR 102 for crèche)	18% (21.5%)	52% (61%)
Sarajevo (FBiH)	EUR 82	17%	49%
City of Tuzla (FBiH)	EUR 82	17%	49%

Note: Data on average net salaries in entities from 2019 (FBiH was EUR 476, while in the RS, it was EUR 465). RS minimum salary in 2019 is EUR 230.80, while in FBiH, the net monthly wage ranges between EUR 168-193.

Source: FBiH Statistical institute, 2020 and RS Institute of statistics, 2020. Websites of public kindergartens in the mentioned cities.

The private kindergartens decide on the cost of their services independently, and there are no limitations to the amount that parents can be charged. As a result, the cost of day-care in a private kindergarten is usually considerably higher than in a public kindergarten.

The cost is rather steep for an average family and unaffordable for families on a low income. As a result, children of both working parents make 83% of all children in ECEC in FBiH and 77% in the RS (Agency for Statistics of BiH, 2019a). The obligatory preparatory preschool education in most cases is free of charge, as it is financed by responsible ministries of education. How-

ever, the implementation of obligatory preparatory preschool education has been uneven, and it has not been provided in all cantons in the FBiH (Ministry of Civil Affairs of BiH, 2016).

In 2017 BiH Council of Ministers adopted the Platform for the Development of Early Childhood Education and Care in BiH for the period 2017-2022 [*Platforma za razvoj preškolskog odgoja i obrazovanja u Bosni i Hercegovini za razdoblje 2017-2022*] (Ministry of Civil Affairs of BiH, 2016). Responsible entity and cantonal ministries of education took part in the development of this document, and their work was coordinated by the state Ministry of Civil Af-

fairs with support of the UNICEF office in BiH. The platform sets the ambitious goal of increasing the ECEC coverage rates of children from 3 to 5 years of age to 50%, and the ECEC coverage rates of children between 0 and 3 years to 20% until the 2022 (Ministry of Civil Affairs, 2016). Yet, the platform does not have financial backing, and it is questionable to what extent the responsible governments have been committed to implementing it.

Long-term care services in both entities are underdeveloped, and there is no system that would universally cater to the needs of those with a degree of long-term dependency (Obradović and Jusić, 2021). Instead, the brunt of long-term care is primarily borne by families, mostly by women in the household. In both entities, this is the outcome of laws on social protection, under which families have an obligation to care for and provide for their dependent members, such as a family member with a disability or a frail elderly person.

Both entities have care allowances that are provided only for persons with disabilities based on entity legislation that discriminates against these groups depending on their cause of disability⁷. As a result, the care allowances and other benefits for persons with disabilities are discriminatory, while the benefits received by non-war related categories are insufficient and low in coverage (Obradović, 2012). Furthermore, despite the fact that the need for long-term care has been on the increase due to population ageing, home-based services in the country are mostly unavailable. In some localities, home-based services are provided by non-governmental organisations on a project basis (Obradović and Jusić,

2021), usually without support from the local governments.

This has severe consequences for gender equality and women's participation in the labour market. Women with long-term care obligations in Bosnia and Herzegovina cannot work because there are no services that families could rely on for aid, advice, respite assistance, etc. The only options at their disposal are: the placement of dependent family members in institutional care (which are in high demand and with long waiting lists), or hiring of an informal carer (usually middle-aged women) (*ibid.*). Since the costs of these services outweigh earnings in low paid jobs, these options are not affordable to low-income earners and families on a low income.

THE FEDERATION OF BOSNIA AND HERZEGOVINA MOVE TOWARDS THE REFORM OF CHILD AND FAMILY BENEFITS

In 2019, Bosnia and Herzegovina endorsed a new reform package, the Common Socioeconomic Reforms for the period 2019 – 2022, or in short, the Reform Agenda II, whereby the Federation of Bosnia and Herzegovina (FBiH) has pledged to explore possibilities to harmonise transfers for maternity leave in the FBiH and introduce a centralised minimum level of child benefits, *inter alia*. Actually, at the time of the Reform Agenda II endorsement, the FBiH already had a draft Law on Support to Families with Children in parliamentary procedure. The explanation given at the end of the draft stressed that the law was developed based on policy impact assessment of child and family benefits in the FBiH. Members of the working group in

⁷ Each entity has legislation that distinguishes four types of persons with a disability – war veterans with a disability, civilian victims of war, persons with a disability under the laws on social protection and persons with a disability whose disability was caused by work related injury. The level of benefits is different for each category of persons with a disability.

charge of this process were comprised of the entity and cantonal civil servants, representatives from centres for social work, and non-governmental organisations. The work of the group was supported through a US-AID project. The assessment, *Analysis of fiscal, economic and social policy options in the realm of family protection in the FBiH [Analiza fiskalnih, ekonomskih i socijalnih mogućih opcija politike u oblasti zaštite obitelji s djecom u FBiH]* (USAID, 2015), was focused only on financial transfers towards families with children financed by cantons and it altogether ignored other aspects of family policy relevant for work-life balance, such as the provision of care services. The main finding of the assessment suggests that the system of child and family benefits in the FBiH is unharmonised, non-sustainable, and ineffective in preventing poverty. Although the document gives some specific recommendations on how to overcome the main identified issues, those represent a fine-tuning of the system rather than a genuine reform proposal. The document recommends harmonisation of family benefits across the FBiH entity and placing the maternity benefit, that is, the salary compensation during the maternity leave for women in employment within the health insurance system. The alternative would be to continue with the current practice of financing maternity benefits from cantonal budgets, while the funds used for the salary compensation would be reimbursed by the responsible health insurance funds.

The assessment recommendations were the basis for the legislative draft Law on Support to Families with Children in the FBiH [*Zakon o podršci obitelji s djecom*], which was finalised and submitted to the

government three years later in February 2018. If adopted, the new law would make child and family benefits provisions contained in the FBiH general law on child protection ineffective⁸. Instead, the new law would introduce a single means-tested child benefit of 6% of the average net wage financed from the FBiH entity budget, and a single means-tested maternity allowance for unemployed mothers in the amount of 30% of the average net wage that would be financed by cantons. Since these benefit amounts would apply to the entire territory of the FBiH, the law would end the discrimination of children and unemployed mothers based on territorial principles. However, the main eligibility criteria, which is supposed to be applied to both benefits, such as that (i) monthly income per household member does not exceed 20% of the average net wage in the FBiH in the previous year, and (ii) neither family member owns a car younger than seven years (except family members with a disability eligible for tax and customs exemptions when buying a car) could potentially exclude many families with children (Obradović, 2021). During the public hearing procedure in 2020, potential beneficiaries voiced their discontent with the proposed eligibility criteria asking the government to revise them in order to make these benefits more inclusive and available to most families with children. This would, however, increase the cost of its financing, and it is questionable if the FBiH Government, which should take on the responsibility of financing the child benefits, would be ready to make the fiscal space for it. Although the law proposal was expected to be submitted to the FBiH Government for adoption at the beginning of 2021, it has not been done yet.

⁸ Benefits stipulated in the current law, but not included in the draft law include: one-off assistance for baby equipment, financial assistance for a food supplement for a child up to 6 months of age, and a food supplement for nursing mothers that have been inconsistently financed by cantons. However, cantons will be able to keep these rights as extended rights if desired since the new law does not infringe on the canton's constitutional competencies with regard to child and family protection.

The draft law also makes note that maternity leave benefits are going to continue to be financed from cantonal budgets until appropriate changes of the law on health insurance take place, suggesting that the responsibility for financing this right should be within the system of social insurance, that is, health insurance funds. Although these changes would improve women's employment status during pregnancy and birth and equalise their rights across entities, it is highly likely that cantonal health insurance funds will not welcome the proposal since this implies a new financing obligation for their already strained finances. It would require changes of the FBiH's and cantonal laws on health insurance, which represents a difficult endeavour. An opportunity for introducing these changes would be the long-expected reform of the healthcare system⁹, which has been continuously postponed. Therefore, the outcome of this reform move remains uncertain.

THE FAMILY POLICY OUTLOOK AND CONCLUDING REMARKS

Given the current division of constitutional responsibilities and institutional arrangements for implementing different elements of the family policy, neither entity has a coherent family policy that would coordinate the existing instruments at the government's disposal. The different elements of the family policy are rather trapped in current institutional arrangements, managed independently of each other, which renders the management of coherent family policy as an almost impossible task. The management of family policy in both entities would presuppose close coordination of different ministries and sectors within the responsible ministries as well as low-

er levels of governments, which has been missing altogether.

In both entities, the focus is given to social transfers in the form of child and maternity benefits, albeit with limited spending and coverage, which on the aggregate level does not exceed 2.5% of total social protection expenditure or 0.5% of the country's GDP (Agency for Statistics of BiH, 2019). Most child benefits in both entities are means-tested, while they have an additional pro-natality character in the RS. Although the recent reform initiatives in the FBiH aim to eliminate the existing discrimination between cantons by proposing a single level of benefits and eligibility criteria, the reform would improve the current system only partially. Namely, the salary compensation for employed mothers would, for the time being, remain unchanged because the reform proposal intrudes into the system of health insurance that is under the responsibility of another ministry, and the outcome of this initiative is uncertain. Furthermore, given the proposed benefit formula and eligibility criteria stipulated by the draft law, the total government spending on family and child protection will remain unchanged (Obradović, 2020). Loosening of the eligibility criteria would increase the benefits coverage, which would ensure the public support and sustainability of these benefits in the long run. It would also contribute to an increase in government expenditure on means-testing benefits that currently stands at only 2.35% of all expenditures in the FBiH (FBiH Institute for Statistics, ESS-PROS 2018 data), and increase the impact of social transfers on poverty reduction.

Public kindergartens are under the responsibility of local authorities and these institutions have not been a subject of any serious reform attempts. As the provision

⁹ The healthcare reform has been planned under the Reform Agendas I and II, as well as by the Programme of Economic Stabilisation and Recovery of the FBiH 2020-2021.

of public ECEC services depends on the financial capacities of local government, the provision of ECEC services in the country varies considerably. So far, the preschool education in both entities has not had any financial backing from higher levels of government, apart from the financing of some specific programmes such as obligatory preparatory education, which is provided unevenly across the country. Namely, ECEC reforms introduced in the last ten years were implemented from the aspect of child rights promoted by the responsible UN organisations, though without any considerations for working women. The outcome of such arrangement is an uneven territorial provision of ECEC services and an insufficient number of places. Bosnia and Herzegovina has the lowest ECEC coverage rate in the region (Dobrotić, 2019), which contributes to women's withdrawal from the labour market and high employment gender gaps. In recent years ECEC provision has been marked by increased marketisation. The cost of childcare in both private and public ECEC facilities is rather steep for an average family and deters the employment of women who would have lower salaries. In general, those are less educated and with obsolete labour market skills. Namely, the ECEC affordability is the key factor that affects women's decisions whether or not to work (Dobrotić, 2015).

Another impediment to the greater inclusion of women in the labour market is the non-existence of long-term care services. Bosnia and Herzegovina is a rapidly ageing society, and demand for long-term care has been on the increase. Formal long-term care services in the country are mainly unavailable, while some available services are insufficiently provided and generally underdeveloped. Instead, long-term care is provided through informal welfare, which is mostly provided by women in the family or women hired informally. As a result, the informal market for long-term care may

be sizable, but there has not been any research on this (Obradović and Jusić, 2021 forthcoming).

Parental leave policies in Bosnia and Herzegovina have been altogether neglected by both local and international actors. EC assessment of Bosnia and Herzegovina's ERP (2020-2022) also does not make any remarks with regard to leave policy arrangements. Although the new labour legislation in both entities gave fathers the possibility to use maternity leave, these provisions are mostly ineffective in the current labour market conditions and in the absence of fathers' quotas or paternity leave. The leave provisions function well mainly for the women employed in the public sector, as these jobs are relatively well paid and secure. For women working in the private sector jobs, where labour legislation is poorly applied, taking leave in most cases is not an option. Moreover, poorly arranged provisions for maternity benefits in the FBiH derogate maternity leave provisions stipulated by the labour legislation, further undermining the position of women in the labour market and contributing to their lower employment rates. As a result, the system reinforces traditional gender roles and has been detrimental to gender equality (cf. Dobrotić and Obradović, 2020). Therefore, both entities in Bosnia and Herzegovina should transpose the Work-Life Balance Directive, which introduces paternity leave and an individual right to parental leave (including two-month quotas, that is, two months of parental leave should be non-transferable from one parent to the other), as well as care leave, as none of these rights are available in BiH. This may have an important potential to challenge the current highly gendered leave system, as it was the case in other former socialist countries (cf. Dobrotić and Stropnik, 2020). Yet, in order to fine-tune the implementation of the directive effectively, entities should explore how the existing leave arrangements affect the employment of women and men

by taking into account all particularities of the complex and segmented labour markets in the country. Perhaps the entities should consider the leave arrangements of medium duration, which are found to minimise negative effects on employment prospects (Stropnik *et al.*, 2008).

The current policy design in both Bosnia and Herzegovina's entities fits in the re-familiarisation path (Dobrotić and Stropnik, 2020: 10), which can be particularly detrimental to women's position in the labour market in cases where there are not a sufficient number of nursery places, nor other family services that could provide support to other dependent members of the family, such as elderly or/and persons with disabilities. In such situations, women have no choice but to leave the labour market and assume care responsibilities within the household. Due to negative population increase, which in recent years has been aggravated by emigration trends, the country is already faced with a shrinking labour force (World Bank, 2021) and shortages in the supply of skilled labour. Higher economic growth would undoubtedly increase the employment rates of women and cause changes in employment patterns. However, if the current family policy arrangements remain unchanged, the greater employment of women would likely intensify work-life conflict and cause a further decrease in already low birth rates, thereby threatening the country's long-term prospects.

As implied by the EC in its latest ERP assessment, both entities need reforms in the realm of family policy that would enable greater participation of women in the labour market (European Commission, 2020a). This requires increased public investments in the provision of affordable and accessible care services, as well as parental leave policies that would facilitate work-family balance and promote gender equality. Policy change in this direction would bring the

country not only closer to fulfilling the EU standards, but more importantly, it would set it on the path of sustainable and inclusive economic growth. Implementation of this comprehensive reform requires political will and determination of policymakers, which assumes improved cooperation and coordination of activities across different ministries and levels of government.

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Sažetak

IZAZOVI OBITELJSKE POLITIKE BOSNE I HERCEGOVINE U ZADOVOLJAVANJU STANDARDA I PREPORUKA EUROPSKE UNIJE

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Obiteljska politika u entitetima Bosne i Hercegovine (Federacije Bosne i Hercegovine i Republike Srpske) je nedosljedna, s različitim elementima raspršenim diljem različitih ministarstava i razina vlasti. Sustav nije sposoban odgovoriti na potrebe obitelji čime se povećavaju rodne nejednakosti na tržištu rada i unutar obitelji. Kao država koja stremi pridruživanju Europskoj uniji, Bosna i Hercegovina, zajedno s drugim državama regije Zapadnog Balkana, sudjeluje u redovnim dijalozima o politikama s institucijama Europske unije. Posljednja procjena Europske komisije u pogledu Programa gospodarske reforme države identificirala je nisku zaposlenost žena kao jedan od glavnih izazova i neizravno zatražila da država razvije obiteljsku politiku usmjerenu na zapošljavanje. Analizirajući sustav obiteljske politike i nedavni razvoj mjera unutar njega, ovaj rad procjenjuje kapacitet države da reagira na preporuke i stvori uvjete za veću participaciju žena na tržištu rada. Pitanje je imaju li uvjetovanost i preporuke Europske unije potencijal za transformaciju sadašnjih mehanizama obiteljske politike u entitetima.

Ključne riječi: politika usklađivanja obiteljskih obaveza i plaćenog rada, zaposlenost žena, rodne nejednakosti, roditeljni dopust, roditeljski dopust, usluge ranog i predškolskog odgoja i obrazovanja, Bosna i Hercegovina.