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BOSNA I HERCEGOVINA
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БОСНА И ХЕРЦЕГОВИНА
Министарство цивилних послова

Ministry of Civil Affairs

**PROMOTING LEGAL CHANNELS BASED ON LABOUR MARKET
ASSESSMENTS AND CLOSER COOPERATION BETWEEN
EMPLOYMENT AGENCIES IN COUNTRIES OF DESTINATION
AND ORIGIN**

**MINISTRY OF CIVIL AFFAIRS
BOSNIA AND HERZEGOVINA**

Promoting legal channels based on labour market assessments and closer cooperation between employment agencies in countries of destination and origin

Written Contribution to Session VI: Strengthening Regional and Inter-state co-operation in the area of migration management

Background

The Constitution of Bosnia and Herzegovina envisages that matters of labour and employment fall under the competence of the Entities and Brčko District, and not the state of Bosnia and Herzegovina. Both Entities and the District have separate legislation governing these matters. The Ministry of Civil Affairs of Bosnia and Herzegovina, however, has a coordinating role when it comes to labour and employment matters at the international level.

Bosnia and Herzegovina has ratified a total of 69 ILO conventions, while plans are made to accept and ratify additional ones in 2009. BiH has ratified total of 69 ILO conventions, 68 of which are in force. Also, out of total number, two directly pertain to the migrations, namely: Convention no. 97 (Migration for Employment Convention) and Convention no. 143 (Migrant Workers (Supplementary Provisions) Convention).

A new Law on Employment of Aliens and Migrants is in preparation for enactment during 2009.

Regional cooperation

Regional and international co-operation in the field of legal labour migration has been regulated through protocols on mutual cooperation, the likes of which already exist between the BiH Agency for Labour and Employment and several other countries. For example, the BiH Agency for Labour and Employment signed protocols on cooperation with employment bureaus of Slovenia, Serbia, Montenegro and Croatia, defining cooperation with these administrative organizations in order to prevent deceiving propaganda with regard to migrations of workers.

There are initiatives under way for signature of four bilateral employment agreements with the countries in region (Slovenia, Croatia, Serbia and Montenegro). So far the State of Qatar and the Republic of Slovenia have expressed readiness to sign such agreements. All such agreements are going to serve to encourage labour mobility, contribute to higher employment rates for Bosnian nationals in the neighbouring countries, control of the labour market and reduction of the grey economy employment. In addition, they secure reliable (legal) mechanisms for the protection of Bosnian nationals, temporarily employed in other countries, and most importantly prevent discrimination against the BiH citizens working abroad. All agreements signed to date also provide for enhanced capacity of employment services in countries concerned, support services to employers and unemployed job seekers.

Also, BiH signed several bilateral social security agreements with: Austria, Turkey, Macedonia, Montenegro, Serbia, Croatia, Slovenia, Belgium and Hungary – the last two are not in force yet. These agreements regulate social rights (health insurance, pension insurance, insurance in case of injury at work and occupational diseases etc., and the rights in case of unemployment) of our citizens in the countries above and vice versa.

Way ahead

It is generally acknowledged that migrants from the Western Balkans find it difficult to identify job opportunities abroad matching their professional skills and educational qualifications, which in turn affects the socio-economic impact they may have on their countries of origin. This, combined with low-income jobs, lesser monetary flows to home countries and limited use of those remittances for investment projects, calls for greater cooperation in the region.

In this context, it is hoped that a two-year multi-beneficiary project "Migration and socio-economic development in the Western Balkans", under European Commission's *Joint Migration and Development Initiative*, aiming to promote circular migration in the Western Balkans, will be implemented. This project would encompass Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, Montenegro, Serbia as well as Kosovo under UNSCR 1244/99, targeting people who intend to migrate temporarily/permanently, for work or studies, from/to the Western Balkans, to/from an EU Member State as well as local authorities in the Western Balkans.

The United Nations Development Programme, with other UN agencies and IOM, are preparing a project on youth employability, retention of youth, employment and migration in Bosnia and Herzegovina. Its third component will build on the regional Aeneas Programme, as well as on assistance provided by IOM in support of the state migration and asylum strategy. The project will provide support to those who choose to migrate and an opportunity for returning young people to get retrained and reintegrate into the local labour market, in particular taking into account their skills acquired abroad.