

# **FEDERATION OF BOSNIA AND HERZEGOVINA**

## **LAW**

### **ON PRINCIPLES OF SOCIAL PROTECTION, PROTECTION OF CIVIL VICTIMS OF WAR, AND PROTECTION OF FAMILIES WITH CHILDREN**

**(“Official Gazette of the Federation of Bosnia and Herzegovina”, no. 36/99)**

#### **I - GENERAL PROVISIONS**

##### **Article I**

This Law regulates:

- bases of social protection of citizens and their families, basic rights in the field of social protection, and beneficiaries of social protection rights;
- establishment and work of social protection institutions and disability associations;
- basic rights of civil victims of war and their family members;
- bases of protection of families with children;
- funding and other questions of significance for the realization of basic rights in the field of social protection, protection of civil victims of war, and protection of families with children in the Federation of Bosnia and Herzegovina (henceforth: the Federation).

##### **Article 2**

Activities of social protection, protection of civil victims of war and protection of families with children are of interest for the Federation and cantons.

##### **Article 3**

Activities of social protection, protection of civil victims of war and protection of families with children are conducted by the institutions of social protection.

Institutions of social protection enjoy the status of legal entities.

Establishment and activities of these institutions are regulated by the legislation on institutions, unless stipulated otherwise by this Law.

##### **Article 4**

Activities of social protection, protection of civil victims of war and protection of families with children can also be conducted by humanitarian organizations, citizens' associations, religious communities and associations founded by them, individual citizens, or alien physical or legal entities.

##### **Article 5**

In the sense of this Law, family is composed of: the spouse, or common-law

spouse, child (born into the marriage or out of wedlock, adopted child, or an orphan in custody of a guardian), father, mother, stepmother, maternal and paternal grandfather and grandmother, and well as the siblings of spouses.

In the sense of this Law, members of family of the civil victim of war are: the spouse, children (born into the marriage or out of wedlock, adopted child, or an orphan in custody of a guardian) — members of the immediate family, as well as father, stepfather, mother, stepmother and adopted parent — members of the extended family.

Common law spouse is considered member of family in the sense of par 2 of this Article, if he/she has children with, or has lived in a shared household with the civil victim of war at least a year before his/her death.

Shared household in the sense of this Law is the economic union of one or more families, who jointly earn and spend monetary and other means acquired through work and use of shared material goods (land, buildings, etc.).

#### Article 6

In the sense of this Law, a child is considered to be the person who is less than 18 years of age.

Exceptionally, in the sense of this Law, a child is considered to be the person who, for the purpose of realizing the right to claim children allowance, or acquiring scholarships or stipends for pupils and students, has more than 18 and less than 27 years of age.

#### Article 7

Rights and privileges as established by this Law cannot be claimed by the persons who were sentenced to a legally binding sentence for criminal deeds against the constitutional order of Bosnia and Herzegovina, constitutional order of the Federation of BiH, or criminal deeds against humanity and international law.

The rights as established by this Law cannot be claimed by the person who is the beneficiary of such rights according to different set of legal provisions.

The rights as established by this Law cannot be passed over to other persons, or inherited.

#### Article 8

Competent bodies in cantons, in compliance with the Constitution and this Law, closely regulate the activities of social protection, protection of civil victims of war and protection of families with children.

#### Article 9

The Federal Ministry responsible for social protection and protection of the family shall monitor the implementation of this Law and Federal legislation passed for the purpose of its implementation, as well as supervise the professional activities of institutions established by the Federation.

The Cantonal body responsible for social protection and protection of the family shall monitor the implementation of laws, legislation, and general resolutions passed by cantons in compliance with this Law, as well as supervise the professional activities of institutions established by municipalities or cantons.

#### Article 10

Competent provisions from the legislation concerning the administrative procedure shall be implemented in the process of realization of rights and responsibilities determined by this Law, unless otherwise stipulated by this Law or cantonal legislation.

## II - SOCIAL PROTECTION

### 1. THE CONCEPT OF SOCIAL PROTECTION

#### Article 11

Social protection, in the sense of this Law, is the organized activity in the territory of the Federation, aimed at providing social security for all its citizens and their families in the state of social need.

Social need, in the sense of par 1 of this Article, is considered to be the state of permanent or transitional character, in which citizen or family find themselves, due to war, natural catastrophes, general economic crisis, psychophysical condition of an individual, or other reasons, which cannot be removed without outside assistance.

In compliance with the principles of humanism, solidarity and civil morality, social protection of families and their members and individual citizens is realized through identification and reduction, or complete elimination of consequences of causes of the state of social need and acquisition of certain rights in the area of social protection.

Social protection of the child, in accordance with the provisions of the Convention on the Rights of Child, is realized in the best interest of children.

### 2. BENEFICIARIES OF SOCIAL PROTECTION

#### Article 12

Beneficiaries of social protection, in the sense of this Law, are persons who are in the state of social need, in particular the following categories:

- 1) children without parental care
- 2) educationally neglected children
- 3) educationally uncared children
- 4) children with problems in development, caused by the family situation

- 5) disabled persons and persons with arrested physical or psychological development
- 6) materially unsecured, and persons unfit for work
- 7) elderly persons without family care
- 8) persons with socially unacceptable behavior
- 9) persons and families in need of social protection, who, due to extraordinary circumstances, require appropriate form of social protection

Cantonal legislation may extend the circle of beneficiaries of social protection from par 1 of this Article, in accordance with the programs of development of social protection and specific conditions in particular cantons.

#### Article 13

Child without parental care, in the sense of Article 12, par 1, item 1) of this Law, is the child without both parents, of unknown parents, abandoned by parents deprived of parental rights, and of parents prevented from carrying out parental duties.

Educationally neglected child, in the sense of Article 12, par. 1, item 2) of this Law, is the child who transgresses acceptable norms of behavior and commits minor offenses of criminal acts.

Child with problems in development, caused by the family situation, in the sense of Article 12, par. 1, item 4) of this Law, is the child whose parents are not in position to ensure him required preconditions for normal education, physical and mental development due to disorderly family relations, material or other conditions.

#### Article 14

Persons with disabilities and persons with difficulties in physical or mental development, in the sense of Article 12, par 1, item 5) of this Law are children and adult persons who are:

- blind or visually impaired,
- deaf or hard of hearing,
- with speech or voice disorders,
- with physical disability and/or permanent problems in physical development,
- with difficulties in mental development (of light, moderate, serious, and severe degree),
- with combined disabilities (multiple difficulties in the development).

#### Article 15

Materially unsecured, and person unfit for work, in the sense of Article 12, par. 1, item 6) of this Law, is the adult person who lacks the necessary existential means, is unfit for work, and cannot acquire necessary existential means in some other way.

#### Article 16

Elderly person without family care, in the sense of Article 12, par. 1, item 7) of this

Law, is the man older than 65 years of age, or women older than 60 years of age, without family, or relatives who are legally obliged to provide for his sustenance, or if he/she has them but they are incapable of caring for him/her.

Person with socially unacceptable behavior, in the sense of Article 12, par. 1, item 8) of this Law, is the person who engages in loitering, wandering, begging, prostitution, alcoholism, drug taking, and other forms of socially unacceptable behavior.

#### Article 18

Person or family in need of social protection, who, due to extraordinary circumstances, require appropriate form of social protection, in the sense of Article 12, par. 1, item 9) of this Law, is the person, or family, who find himself/themselves in need of social protection due to suffered forced migration, repatriation, natural catastrophe, death of one or more family members, return from medical treatment, release from prison or correction facility.

### **3. SOCIAL PROTECTION RIGHTS**

#### Article 19

Social protection rights, in the sense of this Law, are as follows:

- 1) financial and other material assistance,
- 2) training for work and living,
- 3) placement to different family/household,
- 4) placement to the institutions of social protection,
- 5) social and other professional services,
- 6) home care and assistance in the house.

Cantonal legislation determines the exact value of financial and other kinds of assistance from par. 1 of this Article, conditions and procedure of acquiring these rights and their exercise, unless otherwise stipulated by this Law.

Cantonal legislation may determine other social protection rights in accordance with the program of development of social protection and its capabilities.

#### Article 20

Persons and families in need of social protection, who fulfill the conditions for acquiring and exercise of social protection rights set in Article 19 of this Law, are entitle to the social protection funds and certain forms of health protection and satisfying housing and other needs in compliance with the law.

a) *FINANCIAL AND OTHER KINDS OF MATERIAL ASSISTANCE*

Article 21

Financial and other kinds of material assistance consist of:

- 1) permanent financial allowance,
- 2) financial allowance for care and assistance by the third person,
- 3) other kinds of material assistance.

Article 22

The right to permanent financial allowance and other kinds of material assistance have the persons and families that satisfy the following requirements:

- 1) that they are unfit for work, or prevented in exercising the right to work,
- 2) that they do not have income sufficient for sustaining themselves,
- 3) that they do not have family members who are legally obliged, or are incapable of, providing for their sustenance.

Right to assistance from par. 1 of this Article is exercised with the competent body in the municipality in which area the person, or family, are residing.

Article 23

The following persons are, in the sense of this Law, considered as unfit for work, or prevented in exercising the right to work:

- 1) totally unfit for independent work,
- 2) man older than 65 years of age, or women older than 60 years of age,
- 3) women during pregnancy, during or after giving birth, in accordance with the labor legislation,
- 4) parents, stepfather, stepmother, or adopted parent, who is caring for one or more children younger than one year of age, provided that such person does not have family members or relatives who are legally obliged to provide for his/her sustenance, or if he/she has them, that they are not capable of fulfilling this legal obligation,
- 5) child younger than 15, or in case that he/she is a full-time student, younger than 27 years of age,
- 6) person with arrested physical and/or mental development,
- 7) person in the family which is caring for disabled person or seriously ill person, if it has been determined that the person they are caring for is in need of care and assistance by the third person.

Article 24

Medical finding and opinion concerning the incapability for work from Article 23,

item 1) of this Law is given by medical commissions in compliance with the cantonal legislation.

Medical findings and opinion concerning the capabilities and classification of children with arrested physical and mental development is given by expert commissions in compliance with the cantonal legislation.

Cantonal legislation regulate the manner and procedure for identification and assessing the capability, classification and registration of children with arrested physical and mental development.

Permanent financial assistance is determined in monthly amounts in the value of difference between the joint income of all members of household and the value of the lowest household income which is considered as sufficient for the sustenance in the view of Article 27 of this Law.

#### Article 26

The allowance for care and assistance of another person may be obtained by a disabled person as well as other persons with physical or mental developmental handicap, and elderly and infantile persons who due to the permanent changes in their health are very much in need of permanent assistance and care of another person in order to satisfy their basic needs of life, under the conditions, as follows:

- if he/she is not placed in a social-medical or any other institution
- if the person needs permanent assistance of another person to go to and come back from work
- that the total income per a household member does not exceed the value as determined by the cantonal law
- if the person does not exercises his/her right to home care and assistance at home
- if he/she may not exercise that right on any other basis

Medical finding and opinion in the view of par. 1 of this Article is given by the medical commissions, of other expert commissions, in compliance with the cantonal legislation.

#### Article 27

Cantonal legislation determines the value of permanent financial assistance and allowance for care and assistance, as well as the incomes that are taken into consideration when determining the value of such assistance and allowance.

Disabled children and adults with arrested physical and mental development of permanent nature are accorded favorable requirements for acquiring the social protection rights and higher amounts of basic financial assistance and allowance for care and assistance by the third person.

When determining the household income in view of par. 1 of this Article, incomes realized through allowance, disability allowance, allowance for care and assistance by the third person, child allowance and pupil and student scholarships

## Article 28

Other material support, in the sense of this Law, is a temporary one-time or other financial support or support in goods to materially uncared for persons or families in need of social protection due to the special circumstances from the Article 21 of this Law and in the case that they do not fulfill the conditions as stated in the Article 26, par. 1, Items 2 and 3 of this Law.

### b) *EDUCATION FOR LIFE AND WORK*

## Article 29

The right to education for life and work shall be exercised by children with developmental handicap and adults with reduced capability, disregarding the cause of impairment, that is incapability for work, if that right is not exercised on some other basis, and who, according to the age and remaining capabilities, can be trained for work.

The children of insured person who have exercised the right pursuant to the regulations of the pension-disability insurance until the day of this Law coming into force shall exercise the right from the par. 1 of this Article.

## Article 30

The person dispatched from the place of residence for the purpose of education for life and work shall be entitled to allowance for accommodation, food or travel costs, unless his family may not provide that for him/her.

### c) *PLACEMENT IN ANOTHER FAMILY*

## Article 31

Placement in another family can be provided to the children and adult persons who are in need of permanent assistance and support in order to provide for their sustenance, and they are incapable of realizing them in their own families or in some other way.

## Article 32

- Right of placement into the third family's care have the following persons:
- children from Article 12, par. 1, item 1) to 5) of this Law, prior to return to their own families and before the completion of their full-time education, for the maximum period of 12 months following the completion of their full-time

education,

- disabled persons, elderly persons and persons with socially negative behavior who are incapable of taking care of themselves, and due to the housing or family situation may not have the protection ensured in some other manner,
- woman from Article 23, par. 3) of this Law and single mother with child younger than 1 year, and in case that she does not have means to support herself or who needs temporary shelter due to unresolved housing question or disorderly family relations.

Children from par. 1, point 1 of this Article need to be taken care of in different manner following the completion of their full-time education.

Single mother, in the sense of par. 1, point 3 of this Law, is considered to be the mother who is not married, and who does not live in common marriage, and supports her children alone.

### Article 33

The center for social work decides on placement into the third family's care and on termination of such placement of individuals who reside in its territory.

The center for social work which has decided on placement of a person into the third family's care provides assistance to this family and maintains contact with the person placed into the care through regular visits.

### Article 34

The member of the family in which the person is placed, who shall be in charge of caring for that person (hereinafter: nursing parent) has to be sound in body and mind and have housing space and other conditions warranted for protection, care, food, studying and satisfying other needs and interests of that person.

### Article 35

The person cannot be placed in a family:

- in which one of the spouses has been deprived of the working capability or it has been reduced
- in which one of the spouses is deprived of the parental right
- in which family relations are unstable
- in which some of the members are persons with socially negative behavior
- in which due to the illness of a family member the health of the placed person would be endangered.

### Article 36

To place a child in another family the consent of the parents, that is adoptive parents or custodians, and if the person is older than 15, his/her consent shall be warranted

as well.

The consent is not warranted if the parents are deprived of the parental right.

#### Article 37

A family in which the child shall be placed may not undertake, without consent of parents, adoptive parents or custodians, significant actions in terms of the child's future, and especially it may not give the child to someone's care, terminate his/her education, change the type of school, decide on vocation choice and conclude an employment contract in terms of the labor regulations.

Nursing parent has the right to the allowance.

The value of allowance from par. 1 of this Article is determined by the cantonal legislation.

Allowance from par. 1 of this Article is not considered as salary, nor as other sort of income that is liable to taxation.

#### Article 39

On the basis of the decision on placement in another family, the Center or the Ministry from one part and nursing parent from the other shall conclude a written contract on placement.

The contract from the par. 1 of this Article shall regulate the mutual relations between the Center and the nursing parent, and specifically: the value and manner of payment of the allowance for accommodation of the persons, the person/institution under the obligation of allowance payment, conditions and period for contract cancellation, and other significant issues as well.

#### Article 40

The cost of placement into the third family's care bears the person who is placed into the care of the third family, parent, adopted parent, custodian, or relative who is legally obliged to sustain that person, or other legal or physical persons who took over the responsibility to settle the costs, in accordance with the cantonal legislation.

#### *d) PLACEMENT IN A SOCIAL PROTECTION INSTITUTION*

#### Article 41

Placement in a social protection institution (hereinafter the institution) may be obtained by children and adults in the need of permanent protection and support to satisfy their needs of life, and they may not obtain them in their own or some other family or through home care and assistance at home.

#### Article 42

The Center shall be decided on placement in the institution based upon the opinion of the Center's Expert team, enforcing court decision, custodian body or based upon findings and opinion of the relevant medical institution that is findings and opinion of the expert medical commission.

The center for social work who placed a person in to the institution is responsible for following up his/her treatment in that institution for the sake of care, protection, medical treatment, and physical and mental health of that person.

Responsibilities from par.2 of this Law are especially relevant to the case when a child is placed in the institution.

Admission of the person from the Article 41 of this Law and his/her release shall be conducted as stipulated by enactment of the institution.

The institution is obliged to receive the person referred by the Center.

Exceptionally of the provision from par. 2 of this Article the institution may deny the admission of the person in the instance when its capacity is full and in the instance when, considering its field of work, it is not capable of providing adequate service to the beneficiary.

#### Article 44

If further stay of the person placed in the Institution has become impossible due to some changes in his/her characteristics or due to non-existence of the conditions for appropriate treatment, the Institution shall be obliged to, minimum two months prior to the persons release, notifies the Center which issued the decision on his/her placement, for the purpose of the placement in another institution or for the purpose of applying another form of social protection.

#### Article 45

The cost of the services provided by the Institution established in the territory of the Canton shall be set by the founder.

The expenditures of placement in the institution shall be paid by the placed person, a parent, adoptive parent, custodian or relative who is, pursuant to the Law, obliged to support that person or physical or legal person who assumed contractual obligation to settle the costs.

The contract from par. 2 of this Article regulates the mutual relations between the center for social work and the institution, conditions and deadline for rescinding the contract, value and manner of paying the allowance, the entity responsible for paying the placement allowance, and other issues.

e) *SOCIAL WORK AND OTHER PROFESSIONAL SERVICES*

Article 46

The right to benefit from social work and other professional services can be exercised by individuals, families and social groups, independently of their material means and benefiting from some other forms of social protection, for the purpose of protection of their rights and interest, and prevention of occurrences and alleviation of consequences of social problems.

Services of social and other professional work, in the sense of this law, are considered to be advisory activities conducted by the institutions for the purpose of solving family and marriage problems, as well as measures and actions, in cooperation with local communities and other bodies, on stamping out and preventing socially unacceptable behavior of children and other individuals, families, and social groups.

e) *HOME CARE AND ASSISTANCE AT HOME*

Article 47

Home care and assistance at home is an organized way of providing different services such as: feeding, housework and other works as needed and maintaining the personal hygiene to the persons as stated in the Article 27, items 1, 2 and 6 of this Law, if these persons are unable to take care of themselves.

**4. SOCIAL PROTECTION INSTITUTIONS**

Article 48

The social protection institution (hereinafter: institution) provides services which wholly or partly meet social and other needs of beneficiaries.

The institutions are established in order to provide assistance for certain types of social protection to beneficiaries and perform the professional and other affairs of social protection.

The work of social protection institutions is public.

The public can be barred from certain procedures if stipulated in the regulations of family relations and criminal procedure.

Institutions are established, unless otherwise stipulated by the cantonal legislation, as:

1. Center for social work
2. Institutions for children, including:

- a) institutions for children without parental care
- b) institutions for neglected children
- c) institutions for children with difficulties in their physical and mental development
3. institution for adults and elderly
4. institution for social and health care of people with disabilities and other people
5. institutions — day care centers for social protection beneficiaries.

#### Article 49

Establishment and activities of institutions from Article 48 of this Law are regulated by the cantonal legislation.

Establishment and activities of institutions from Article 48 of this Law, which are of significance for the Federation are regulated by the Federal legislation.

While performing the activities the institutions cannot establish any restrictions regarding the territorial, ethnic, religious, political or any other affiliation of beneficiaries, including the race, skin color, gender, language and social strata.

### **5. ASSOCIATIONS OF PEOPLE WITH DISABILITIES**

#### Article 51

In order to successfully exercise the position and protection of people with disabilities and to meet their needs, depending on the type and the level of disability, associations of people with disabilities as citizens associations can be established (hereinafter: associations of people with disabilities).

Associations of people with disabilities are established, in accordance with the regulations, by the people with disability and if that is not possible due to the nature of disability, the parents of a person with disability, teacher and other staff in institutions for special education and other citizens.

#### Article 52

Federal and cantonal bodies competent for determining the policy for realization of the programs of social protection cooperate with the associations of disabled people.

#### Article 53

Cantonal legislation closely regulated the procedure for establishment of associations of disabled people, and other issues of significance for the activities of these associations.

### III - PROTECTION OF CIVIL VICTIMS OF WAR

#### 1. THE CONCEPT CIVIL VICTIM OF WAR

##### Article 54

Civil victim of war, in the sense of this law, is a person who suffered at least 60 percent of disability (hereinafter: disabled person), due to injury or wound sustained in:

1. abuse or deprivation of liberty through the war situation or immediate war danger
2. in war events (bombardment, street fights, ordnance explosion, a stray bullet)
3. from the explosion of ordnance after the war ended
4. diversionist terrorist actions which endanger the security and order in the Federation of BH

A disabled person is also a person with at least 60 percent of physical disability due to illness sustained in circumstances described in the paragraph 1 of this Article.

A civilian war victim is also regarded a person who dies, was killed or disappeared in circumstances described in the paragraph 1 of this Article.

##### Article 55

The victims of fascist terror, war victims, victims of explosion of ordnance and victims of sabotage actions, as well as members of families of fascist terror who are recognized as such according to regulations on protection of civil victims of war who were applied in the territory of the Federation until this Law takes effect are considered civil victims of war, i.e. family members of civil victims of war and exercise the rights under this law, if they meet the conditions from Articles 54, 56, and 58 of this law.

##### Article 56

To exercise the rights determined for civil victims of war of this law, disabled people are classified into six groups according to the percentage of physical disability, including:

- I group - disabled people with 100 percent disability who need caring by another person
- II group - disabled people with 100 percent disability
- III group - disabled people with 90 percent disability
- IV group - disabled people with 80 percent disability
- V group - disabled people with 70 percent disability
- VI group - disabled people with 60 percent disability.

##### Article 57

The rights set forth under this law are exercised and they are used by the citizens of Bosnia and Herzegovina unless otherwise stipulated by this Law.

Foreign citizens who sustained physical disability or whose family member died as a civilian war victim, exercise the rights set forth under this law if they do not exercise the same rights in their home state or a state where they have their residence, in accordance with the principle of reciprocity.

Citizens of Bosnia and Herzegovina who are not citizens of the Federation BiH exercise their rights determined by the law if under the same basis they do not exercise these rights in the other entity and if they live in the Federation.

## **2. FUNDAMENTAL RIGHTS OF CIVIL VICTIMS OF WAR**

### Article 58

Civil victims of war, according to the law, are entitled to the following rights:

1. personal disability payment
2. allowance for the care and assistance by another person
3. orthopedic allowance
4. family disability payment
5. child allowance
6. financial support to cover the costs of treatment and procurement of orthopedic aids
7. vocational training (professional recovery, pre-qualification and additional qualifications)
8. preferential treatment concerning employment.

The rights from par. 1, items 1), 2), 3), 4), and 5) of this Article are exercised under the conditions, in the manner, and following the procedure stipulated by this Law.

The rights from par. 1, items 6), 7), and 8) of this Article are exercised under the conditions, in the manner, and following the procedure stipulated by the cantonal legislation.

The canton may determine other rights and expand the scope of rights determined by this Law on the basis of its material capabilities and other needs of civil victims of war.

#### a) *PERSONAL DISABILITY PAYMENT*

### Article 59

Personal disability payment is determined in the monthly amount according to the physical impairment from Article 56 of this Law, in the amount of 70 percent of the monthly allowance for military disabled person of the corresponding group under the regulations on military disabled people.

*b) ALLO WANCE FOR THE CARE AND ASSISTANCE BY ANOTHER PERSON*

Article 60

The right to care and assistance by another person is entitled to disabled people from the I through IV group who cannot meet their daily needs without assistance from another person.

Allowance payment for the care and assistance of another person is determined in the monthly amount of 70 percent of the monthly allowance for military disabled person of the corresponding group under the regulations on military disabled people.

*c) ORTHOPEDIC ALLO WANCE*

The right to orthopedic allowance is given to people with disabilities whose physical disability is determined based on impairment that is a direct consequence of wound or injury that caused amputation of a limb or severely restricted its function or caused a total loss of sight on both eyes.

The orthopedic allowance is determined in a monthly amount of 70 percent of the monthly amount of orthopedic allowance of military disabled people of the corresponding group under the regulations on military disabled people.

*d) FAMILY DISABILITY ALLO WANCE*

Article 62

The members of the families of civil victims of war as in Article 54, par. 3 of this Law, subject to conditions set forth in this Law are entitled to family disability allowance. The members of the families of disabled persons from I to IV category who were receiving payments for care and assistance of third person, subject to conditions set forth in this Law, are entitled to family disability allowance.

Article 63

The following members of the families of civil victims of war are entitled to family disability allowance:

1. Widow until at age of 55 or a widower until at age of 65 years, and even before they reach 55 or 65 years if they are unable to earn.
2. A child, a adopted child, a stepchild until at age of 15 years that is while schooling, up to the end of prescribed duration of compulsory education, and no longer than when he/she reaches 27 years. If unable to earn they are entitled to allowance while the disability persists under the conditions that this disability set in before at age of 15 i.e.

during the compulsory education under the age of 27.

If withdrawn from school for military service or illness, these persons can also be entitled to family disability allowance during the military service i.e. during the illness until they turn to be 27 years old, and after that for a period not longer than the period which they were withdrawn from school for military service of illness, if the compulsory education was continued before they have reached age of 27.

If the immediate family is spouse with one or more members of the family as in par. 1 item 2 of this Article, the spouse is entitled to family disability allowance as a co-beneficiary, regardless the conditions set forth in par. 1 item 1 of this Article as long as one of the children is entitled to the family disability allowance.

Exceptionally from the provisions of the par. 1 item 1 and par. 2 of this Article spouse of the disabled person who was a lifelong beneficiary of the allowance for third persons care and assistance on the basis having physical disability, is entitled to the family disability allowance regardless the conditions set forth with these provisions if he/she was married with disabled person and have lived in the same household for last five years before he/she deceased, if he/she is unemployed, is not performing commercial or professional activities and is not beneficiary of pension.

A parent is entitled to the family disability allowance even though the members of immediate family are beneficiaries of it.

A stepfather, a stepmother and a custodian who supported the disabled person from whom they derive the right or were supported by disabled person at least five years before that person deceased are entitled to family disability allowance even though the members of immediate family are beneficiaries of it.

A stepfather, a stepmother and a custodian, who meet the requirements for recognition of the right to family disability allowance, have preferential status than the parent who fail to do their duty to disabled person from whom they derive the right.

#### Article 65

The benefit base for determination of value of family disability allowance is monthly amount of personal disability allowance of disabled persons of I category.

Family disability allowance for one member of family is 25% of benefit base as in par. 1 of this Article per month.

Family disability allowance for an orphan is 80% of benefit base as in par. 1 of this Article per month.

If more members of the family are entitled to family disability allowance, the amount of personal disability allowance as in par. 2 and 3 of this Article is increased by 50% for each subsequent co-beneficiary.

#### Article 66

If two or more members of the family are beneficiaries of family disability allowance, they have the right to family disability allowance in equal shares of it.

#### Article 67

A disabled person, who meets the requirements for recognition of rights to personal and family disability allowance on the basis of two or more persons, is entitled to personal allowance and one half of family disability allowance for each of these persons.

The members of the family, who meet the requirements for recognition of right to family disability allowance on the basis of two or more persons, are entitled to family disability allowance for one person and a half of family disability allowance for each subsequent person.

#### *e) CHILD ALLOWANCE*

Beneficiaries of personal and family disability allowance are entitled to child allowance under the conditions and in the amount stipulated with provisions regulating child allowance, if they do not meet the requirements for recognition of right to allowance on other basis.

### **3. EXERCISE AND CESSATION OF RIGHTS**

#### Article 69

Pursuant to this Law, civil victim of war (henceforth: beneficiary) is entitled to personal allowance, allowance for care and assistance of third person, allowance for orthopedic appliances and family disability allowance from the first day of the following month including the day when the request for recognition of rights was submitted.

#### Article 70

Exceptionally, beneficiary of allowance for care and assistance of third person who meet the requirements for recognition of right pursuant to other regulations, have a right to difference in value between that allowance and allowance for care and assistance of third person according to this Law, if there is the difference.

#### Article 71

Income as stipulated on the basis of this Law is going to be paid in monthly amount, and retroactively.

#### Article 72

Accrued income as stipulated by this Law is going to be paid to the members of

the family who were living in the same household with beneficiary until he deceased.

#### Article 73

Allowance for care and assistance of third person is not going to be paid for a month when the beneficiary was in a health institution or other institution where he received care and assistance of third person.

#### Article 74

A beneficiary, convicted to a sentence longer than 6 months, is not entitled to these rights while serving sentence.

If the beneficiary of monthly income is in detention, the members of the family will receive half of monthly income. The other half of the income will be paid to the beneficiary if the criminal procedure is suspended or if the beneficiary is acquitted i.e. if the charges against beneficiary are denied, but not because of the non-competence of the court.

#### Article 75

Beneficiaries and the members of their families who have the rights pursuant to this Law will lose their rights if convicted for war crimes or endangering constitutional establishment and security of Bosnia and Herzegovina or Federation.

The income will not be paid to persons against whom the criminal proceedings were initiated for act as in par. 1 of this Article, until the completion of proceedings.

#### Article 76

In the case of remarriage a spouse loses acquired right as a member of family. A spouse loses the rights pursuant to this Law if abandons children with whom he/she was a beneficiary and have neglected supporting, raising and educating of those children.

Those rights could be reestablished if a spouse continues to fulfill his/her parental duties while children are exercising those rights pursuant to this Law.

#### Article 77

Beneficiaries are obliged to report to the Center within 15 days as of the day when the change took place each change that results in loss of right or in the reduction of the scope of that right.

#### **4. PROCEDURE FOR RECOGNITION OF THE RIGHTS OF CIVIL VICTIMS OF WAR**

##### Article 78

The competent body determined by the cantonal legislation decides on the rights of civil victims of war stipulated by this Law.

##### Article 79

Physically disabled persons as set in par. 1 and 2 of Article 54 of this Law, are obliged to submit beside the request for recognition of rights, medical report on medical treatment after they have been wounded or injured or they became ill no later than three months as of the day of entering into force of this Law.

##### Article 80

Physical disability, the right to allowance for care and assistance of third person, right to orthopedic appliance, the need for additional medical treatment and orthopedic appliance, as well as inability to earn are determined by the cantonal legislation in compliance with the legislation concerning the disabled war veterans.

##### Article 81

Two years after the final decision was issued, if there are some changes regarding the physical disability of disabled person, that effect the right stipulated by final decision, a disabled person can apply for determination of new degree of physical disability related to this change.

The provision of par. 1 of this Article shall be applied to the civil victims of war as in Article 54, par. 1 and 2 of this Law, who were not recognized as disabled persons because they did not meet the requirements prescribed by this Law related to the degree of physical disability.

##### Article 82

A civil victim of war — a beneficiary in the sense of this Law - is entitled to allowance for transportation if the competent body directed or summoned him/her to some other place for examination of the Medical Commission.

A beneficiary to whom the escort for travel was designated is entitled to allowance for transportation for the escort.

A person who applied for recognition of rights stipulated by this Law and to whom

this right or the increase of degree of physical disability was recognized with the final decision is entitled to allowance for transportation as in par. 1 and 2 of this Article.

The expenses for transportation shall be compensated in accordance with the price of public transport bus ticket or second-class railway ticket.

#### Article 83

Payment of allowances to the civil victims of war, provided for by this Law, is executed by the competent body in accordance with the cantonal legislation.

#### Article 84

The body from Article 83 of this Law maintains the registry of executed payments, of the number and structure of beneficiaries, and other data, in compliance with cantonal legislation.

#### Article 85

A person to whom the funds were paid to which he/she was not entitled to, is obliged to return the received amount. If he/she does not do that during the period designated by the competent body from Article 85, the refund shall be settled through appeal at competent Court.

The monthly amount of personal disability allowance, allowance for care and assistance of third person, orthopedic allowance and family disability allowance shall be harmonized with changes of equivalent income of disabled war veterans according to the regulations on disabled veterans. On the basis of relevant data on value of income of disabled veterans, the competent body in the canton shall determine the value of monthly income as in par. 1 of this Article.

### IV - PROTECTION OF FAMILIES WITH CHILDREN

#### 1. THE CONCEPT AND AIM OF THE INSTITUTE **FOR PROTECTION OF FAMILIES WITH CHILDREN**

#### Article 87

The protection of the families with children, in terms of this Law, is ensuring a family with financial and other means, for the purpose of raising, upbringing and care for the children and preparing them for the independent life and to the best interest of the child.

#### Article 88

The aim of the protection of the families with children is:

- to ensure for all children approximately equal conditions for healthy and appropriate physical, intellectual and emotional development in the family
- assistance in performing its reproductive role, care, upbringing, raising and protection of the children and improvement of the quality of life in the family
- developing of the humane relations in accordance with the principles of public moral and solidarity.

Child without one or both parents, family with the child with arrested physical or mental development, and family in which one of both parents are disabled, are given favorable treatment in acquisition and exercise of rights, and higher amounts of material and other kinds of allowances stipulated by this Law and cantonal legislation.

## **2. FUNDAMENTAL RIGHTS OF THE FAMILIES WITH CHILDREN**

### Article 89

The fundamental rights which, in terms of this Law are exercised by the families with children, include:

1. child's allowance
2. reimbursement of the salary to the employed wife/mother, for the period when she is absent from work due to the pregnancy, childbirth or care of the child
3. allowance during the period of pregnancy and childbirth for unemployed wife/mother
4. one-time allowance for a newborn child equipment
5. support in feeding the child under the age of 6 months and additional food supply for nursing mothers.
6. special psychosocial treatment of pregnant women and spouses that want children
7. placement of children in pre-school institutions with meals provided
8. ensuring one meal during classes in primary schools
9. school fees and scholarships for students

### Article 90

Cantonal legislation may accord other rights to the families with children.

Cantonal legislation closely regulates the conditions, manner, procedure, organs, and funding for the rights determined in Article 89 of this Law.

### Article 91

Right to child allowance belongs to family whose aggregate monthly income realized through all means, except the income realized from social protection and protection of families with children, per member of the household do not exceed the amount determined by the cantonal legislation as the lowest income sufficient for

sustenance.

Right to child allowance belongs to families from Article 88, par. 2 of this Law, regardless of the value of household income.

#### Article 92

Foreign citizens and stateless persons who are permanently residing in the territory of the Federation enjoy the right to child allowance in accordance with international treaty.

#### Article 93

Pregnancy allowance as compensation for the working mother during her absence from work due to pregnancy, giving birth to a child, and care for the child, is determined in the percentage of salary received in the period of six months prior to delivery, valued on the basis of salary increases in the canton in that period.

Percentage from par. 1 of this Article is determined by the cantonal legislation.

### **3. CHILDREN'S WEEK**

First week in the month of October is determined to be a children's week in the territory of the Federation.

Children's week is introduced in order to motivate and organize various cultural-educational, recreational and other events dedicated to children and undertake measures and actions to promote development of social protection of children.

Events and measures referred to in par. 2 of this Article shall be defined by a program prepared by the Federal Minister responsible for social protection and protection of children.

#### Article 95

For the purpose of Children's Week, during the entire month of October an additional fee, determined by the decision of the Federation Government, shall be charged for the following items:

1. train tickets for inter-city and international railway traffic and tickets for air, maritime and bus traffic
2. mail in internal traffic, except for mail containing newspaper or magazines
3. tickets for theater, cinema and other cultural and sport events for which tickets are charged
4. records, compact discs and videocassettes

Firms, employers and other physical and legal persons charging for the said items in the canton shall be obliged to pay the funds referred to in par. 1 of this Article to the Cantonal budget within 15 days as of the end of October unless otherwise stipulated by the

cantonal legislation.

#### Article 96

Manner of collection of amounts set in Article 95 of this Law and the manner of their allocation are regulated by the cantonal legislation.

### V - FINANCING OF SOCIAL PROTECTION, PROTECTION OF CIVIL VICTIMS OF WAR AND PROTECTION OF FAMILIES WITH CHILDREN

#### Article 97

Funds for financing of social protection, protection of civil victims of war and protection of families with children shall be provided, in compliance with the Federal and cantonal legislation, from:

- municipal budget
- cantonal budget
- investments of institution founders
- personal participation of beneficiaries
- endowments and wills

### VI- PENALTY PROVISIONS

#### Article 98

An institution will be fined with KM 500 — 1000 fine if it:

- contrary to the provisions of this Law denies to a beneficiary the rights which rightfully belong to him,
- contrary to the provisions of this Law enables a person to benefit from the rights which do not rightfully belong to him, or do not belong to him to such extent,
- places person to the care of a family which is not judged suitable for receiving child into custody in the sense of Article 35 of this Law,
- does not admit the person referred to it by the center for social work (Article 43),
- releases beneficiary from the institution contrary to the provisions of Article 44 of this Law.

For offenses from par. 1 of this Article the responsible person in the institution shall be fined with KM 100 — 400 fine.

#### Article 99

A firm or another legal entity or an employer shall be fined with KM 500 to 1000 if during the Week for Children they do not charge the additional amount of money

determined by the decision of the Federation BiH Government pursuant to Article 95 of this Law.

The responsible person in a firm shall be fined with KM 100 to 400 for the offence as under paragraph 1 of this Article.

#### Article 100

The family into which a child has been placed shall be fined with KM 100 to 400 if the family has undertaken important measures regarding the treatment of a child in terms of Article 37 of this Law without consent of parents, adoptive parents or institution with custody of the child.

### VII- TRANSITIONAL AND FINAL PROVISIONS

#### Article 101

Previous beneficiaries of rights and persons that have filed the request for acquiring of right for which a decision has not been issued on the basis of the law on social protection and protection of children and protection of civil victims of war that were implemented in the territory of the FBiH up to the day of entry into force of this law, are obligated to file a request for acquiring of right in accordance with this law within 6 months as of the day of entry into force of this law.

The right of persons under paragraph 1 of this Article that do not file a request within the designated Period of time shall cease.

#### Article 102

Unfinished procedures for acquiring of right that were initiated before the entry into force of this law shall be finished in accordance with the provisions of this law.

#### Article 103

Competent municipal bodies shall, within 2 months as of the day this Law enters into force, pass appropriate regulations and enactments within their competence, for the purpose of implementation of this Law.

#### Article 104

Existing institutions in the territory of the Canton engaged in the activities of social protection are obliged to harmonize their statute and other enactments with the provisions of this law within 30 days as of the day of entry into force of provisions from Article 103 of this Law.

#### Article 105

Right to allowance for assistance and care by the third person from Article 26 of this Law, and right of children to training for work and living from Article 29, par. 2 of this Law, are realized in compliance with the valid legislation on retirement and disability insurance, prior to the day of coming into force of provisions from Article 103 of this Law.

#### Article 106

Right to pregnancy allowance as compensation for the working mother during her absence from work due to pregnancy, giving birth to a child, and care for the child, regulated by this Law, is realized in compliance with the valid legislation on health insurance, prior to the day of coming into force of provisions from Article 103 of this Law.

#### Article 107

Prior to the passing the provisions from Article 103 of this Law, the provisions and general acts in the field of social and child protection, and protection of civil victims of war, which were applicable in the territory of the Federation prior to coming into force of this Law, will continue to be applied.

With the day of coming into force of this Law, in the territory of the Federation ceases the implementation of the provisions on social and child protection, and protection of civil victims of war, which were implemented in the territory of the Federation prior to the passage of this law, except for the provisions and general acts from Article 107 of this Law.

#### Article 109

This Law comes into force on the eight day, following the day of its publishing in the “Official Gazette of the Federation of Bosnia and Herzegovina”.

Chairman Of the  
House of Peoples Pero  
Madzar (signed)

Chairman  
of the House of Representatives  
Enver Kreso (signed)