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Focus Area 2: Economic Security

Definition

1. How are the key human rights relating to older persons' economic security defined in the national legislation in your country? If definitions are not available, how should such rights be defined considering relevant existing national, regional, and international legal frameworks?

Given the complexity of the constitutional order of Bosnia and Herzegovina, as well as the economic situation in the country, the economic security which is questionable for the majority of citizens of BiH is especially high in cases of the protection of human rights of vulnerable groups, including older persons. "Bearing in mind that the number of older persons is growing faster than that of any other age group and that this is happening in a growing number of countries, there are concerns in relation to the capacity of societies to cope with these challenges, because social and health systems are not adequately prepared, while economic migration results in older people being left without support from their relatives."¹ Given the organisation of Bosnia and Herzegovina, i.e. the fact that the competence in relation to guaranteeing human rights, healthcare and social policy (hence questions concerning older persons) in the Federation of Bosnia and Herzegovina is divided between FBiH and cantonal authorities, following the drafting of the Guidance for Drafting Social Policies on Ageing, the FBiH Ministry of Labour and Social Policy drafted the Strategy for the Improvement of the Position of Older Persons in the FBiH whose main focus is addressing the issues related to poverty, health conditions, housing and living conditions, ageing in rural and economically vulnerable areas, social protection, lifelong learning, active participation of older people in the community, violence prevention, neglect and harassment of older persons by their relatives or other persons from the community, social attitudes towards older persons, as well as intergenerational solidarity. According to the Strategy for the Improvement of the Position of Older Persons in the Republika Srpska², it focuses on addressing the issues concerning: poverty of older persons, healthcare services, housing and living conditions, active participation in the community, prevention of violence, neglect and harassment of older persons by relatives or other persons from the community, social attitudes towards the elderly, as well as intergenerational solidarity.

The key problems typical of the elderly population are low monthly incomes, increased living costs, more frequent health problems and conditions, and reductions in mental and physical abilities. Elderly people are also beneficiaries of rights from the pension system, as well as rights from the health and social protection systems, which highlights their costs instead of viewing the elderly as a resource for improving community capacity.

Older persons fall within the category that is most vulnerable to social exclusion. A particularly vulnerable category of the population is older persons who do not receive a pension, have no other sources of income or have no relatives to take care of them, which certainly affects their economic

¹ Strategy for the Improvement of the Position of Older Persons in the Federation of Bosnia and Herzegovina for the period 2018-2027.

² Issued in October 2019 for the period 2019-2028.

security.

Scope of the rights

2. Please provide references to existing national legal standards relating to older persons' economic security on normative elements such as:
- a) right to social security; including regular adjustment of benefits with changes in living costs;
 - b) right to adequate standard of living, including housing, clothing, food and water, among others;
 - c) right to work; and whether a national minimum wage or any alternative mechanism is in place to ensure an adequate standard of living, and whether a system of indexation and regular adjustments exists;
 - d) prohibition of all forms of discrimination against older persons on the basis of age, alone or combined with other grounds, in all matters related to economic security;
 - e) the connections between relevant economic, social and cultural rights with the right to freedom of expression, including freedom to seek, receive and impart information; and rights to peaceful assembly and freedom of association;
 - f) active, free and meaningful participation of older persons and their representative organisations in all matters related to ensuring their economic security, including in political processes;
 - g) access to prompt remedies and redress when older persons' above mentioned rights are violated.

In order to improve the quality of older persons' lives, Bosnia and Herzegovina has focused on strategic goals, namely: *Improving the conditions for reducing the poverty of older persons; Improving the health of older persons; Improving the access to public institutions and transportation for older persons; Improving the provision of social services; Increasing the awareness of older persons about social services and rights; Increasing awareness of the needs of older persons; Reduction of violence against older persons; Improving the active participation of older persons in social, cultural, educational and sports content in local communities.*

The issue of social protection is governed through laws on the basics of social protection at entity levels, while in the FBiH social protection is part of the policy of the cantonal authorities, i.e. it is also governed by cantonal regulations due to the shared jurisdiction. Social security largely depends on the amount of the pension, assistance provided by relatives, while in the context of social protection for people who have no other sources of income, as well as relatives who are obliged to support them, it is achieved at the cantonal level through the receiving permanent monetary and other material assistance; other people's care and help; home care and home help; institutional care for older and infirm persons; alternative possibilities for accommodating older persons without family care and people with reduced physical abilities in another family, as well as daily care in day care centres and clubs for the elderly; provision of social and other professional services; regulation of the right to humanitarian aid; appropriate subsidies (electricity, firewood, funeral expenses, etc.).

In relation to the right to work, and in the context of employment of older persons, it can be pointed out that employers in the labour market with a large number of unemployed persons often prefer younger persons in performing regular jobs.

The FBiH Government today issued a Decision establishing the lowest salary for the period from 1 January to 31 December 2023 in the net amount of BAM 596, which is a 9.85-percent increase

compared to the lowest 2022 salary. At the end of January 2023, the RS Government adopted the Decision on the lowest salary in the Republika Srpska for 2023 in the net amount of BAM 700.00.

The Act on Prohibition of Discrimination³ explicitly prescribes the prohibition of discrimination on the grounds of age. Certain rights for the categories of older persons, especially in the field of social protection and healthcare, are especially provided to older persons precisely because of their age.

Freedom of information acts that exist at both the state and entity levels regulate the issue of access to information.

In general, it can be stated that there is a lack of activities in local communities in which older persons could participate. Activities are available to them through local communities or associations of retirees, while recently the activation of older persons through centres for healthy ageing can be recorded, which is more characteristic of urban areas, so from that perspective, people living in rural areas participate less in these types of activities. As for the work of political parties, older persons are not as represented in positions taking decisions on the strategic priorities of the parties, so they can impact the improvement of rights for people of the third age to a lesser degree.

As a person's health deteriorates with age, the need for healthcare, especially specialist and consultative examinations, increases. Health insurance includes all older persons who are pension beneficiaries or beneficiaries of some other form of social protection, while persons who are unable to live and work and do not have the means to support themselves obtain healthcare through competent social protection centres/services.

Older persons, who often have low incomes, have access to legal protection through free legal aid services.

State obligations

3. What measures and special considerations should be undertaken by the State to respect, protect and fulfil the above-mentioned rights to ensure older persons' economic security?

Another form of organisation of the pension and disability insurance system needs to be found in Bosnia and Herzegovina. Facilitate consistent implementation of labour legislation in terms of reducing undeclared work; tighten measures regarding debt collection for pension and disability insurance; Intensify auditing legal entities, as well as strengthen competent inspections in terms of staff; Set up a single subsistence minimum in connection with which a single methodology should be drafted to determine the subsistence minimum.

Implementation

4. What are the best practices and main challenges faced by your country in the adoption and implementation of the above-mentioned normative framework to ensure older persons' economic security?

Most issues in Bosnia and Herzegovina originate from economic problems, instability of the labour market and capital and rather often the lack of political will to address issues of relevance for citizens of

³ FBiH Freedom of Information Act (*FBiH OG*, no 32/01 and 48/11) and RS Freedom of Information Act (*RS OG*, no 20/01)

Bosnia and Herzegovina.

THE INSTITUTION OF HUMAN RIGHTS OMBUDSPERSON OF BOSNIA AND HERZEGOVINA