

## TERMS OF REFERENCE

### for short-term engagement of 'team of experts for developing draft Law on a unified methodology for creating a social map in the Federation BiH'

#### I BACKGROUND

##### 1.1. Beneficiary country

The action will be implemented in Bosnia and Herzegovina.

##### 1.2. Project description

Title: 'EU for Civil Society (EU4CS) - Capacity building of Governments to include CSOs into the decision-making, Bosnia and Herzegovina'.

The *overall objective* of this project is to address the problem of weak cooperation and dialogue between governments and civil society in Bosnia and Herzegovina and to extend support to inclusive social dialogue and social partners (employees, employers, governments) including in relation to legislation, collective negotiations, assessing the need for new legislation, drafting the laws and monitoring the implementation of reforms.

The *specific objective* is to target the problem of weak cooperation and dialogue between governments and civil society in Bosnia and Herzegovina and extend it in direction of support to social dialogue and social partners (employees, employers, governments) including on such issues as legislation, collective negotiations, assessing the need for new legislation, drafting the laws and monitoring the implementation of reforms.

Expected *outputs* to be achieved include:

- Strengthen capacity of the public institutions and CSOs for better cooperation on policy dialogue,
- Strengthen capacity of the CSOs for better cooperation on creating and drafting strategic, legal and policy framework,
- Improved social dialogue between social partners (employees, employers, governments) at all institutional levels,
- Ensure participations of CSOs in the public consultations process/public debates on different institutional levels,
- Improved transparency in financing of CSOs by public institutions and
- Improved CSOs programme and financial reporting system to relevant institutions.

Project 'EU for Civil Society (EU4CS) - Capacity building of Governments to include CSOs into the decision-making, Bosnia and Herzegovina', is implemented by international consortium led by PCM Consulting, Igor Stojanovic sp, Voždovačka 4, 78000 Banja Luka, Bosnia and Herzegovina Phone: +387 51 329560; [info@pcm.ba](mailto:info@pcm.ba)

##### 1.3. Relevant country background

Since 1995 and according to the Dayton Agreement the state of Bosnia and Herzegovina has been divided into two political entities – the Republic of Srpska (RS) and the Federation Bosnia and Herzegovina (FBiH) – and the Brčko District (condominium). The RS covers 49 % of the territory and forms a semi-circle around the north and east, while the FBiH occupies the other 51%. Each Entity has its own political structure and administration. The BiH State government consists of a Parliamentary Assembly, which is divided into a House of Representatives and a House of Peoples, a rotating tripartite Presidency (with one member from each of the constituent peoples – Bosniaks, Croats and Serbs), and a Council of Ministers with nine ministries. The political structure of the FBiH is divided into three levels: the Entity level, the Cantonal level and the Municipal

level, with each municipality having its own municipal council and administrative structures. By contrast, the Republic of Srpska (RS) has no cantons, only municipalities. Therefore, in such a complex environment non-state actors (NSA) have difficulties in advocating for reforms in the above mentioned areas.

According to the latest data obtained from the BiH Ministry of Justice<sup>1</sup>, there are more than 27,000 organisations that can be considered as civil society non-profit organisations. At the State and Federation BiH level, the Ministries of Justices are responsible for registration and for keeping the Registry Books for Associations and Foundations. According to RS's Law on Associations and Foundations, associations and foundations register at the Basic Court in the seat of the District Court in the area in which they have their seat.

#### *1.4. Current state of affairs in the relevant sector*

In BiH, as a complex system with multiple levels of government, responsibilities for social policy are decentralized and located at the level of the Federation BiH, RS, Brčko District and cantons. In other words: the responsibility for enacting, planning and implementing social welfare policies lies at various levels of government. At the BiH level, the Ministry of Civil Affairs is responsible for coordinating the plans of the Federation BiH, the RS, and the Brčko District and for international agreements on social security that BiH has ratified. The Ministry of Human Rights and Refugees of BiH is responsible for the rights of displaced persons and returnees. This Ministry monitors the implementation of Annex VII of the Dayton Agreement, as well as issues related to all human rights conventions ratified by BiH. The BiH Return Fund pays compensation to returnees. Various departments within the Institutions of BiH, other agencies and councils monitor the policies implemented by the Federation, RS and Brčko District.

Social protection is generally defined as a set of policies and measures aimed at protecting individuals and families from social risks such as unemployment, illness, disability and poverty, and providing support to raise the standard of living of families and children at risk of poverty and social exclusion. Social welfare systems are conventionally classified into social security programmes and social assistance programmes. Social security programmes are based on social insurance contributions. The exercise of the right to social security, in the form of cash benefits or in services (pensions, unemployment benefits and health insurance), depends on the record of contributions paid by the individual. Accordingly, uninsured persons cannot exercise their rights to social security. This sometimes leads to the exclusion of certain categories of the population, such as, for example, the long-term unemployed who cannot exercise their rights in either the social insurance or social welfare system. Also, with regard to the total financial allocations for social and child protection, it is observed that they do not follow economic trends related to the growth of living costs, the growth of budget revenues and economic activity in general in the Federation BiH. In addition to the above, in the structure of the total monetary allocations of a social nature, a certain imbalance can be observed regarding the amount of funds allocated for the financing of certain status rights in relation to the amount of funds allocated for the financing of rights based on real needs.

Furthermore, social protection is a term defined by applicable normative acts and encompasses all measures aimed at protecting vulnerable groups. Social welfare programs and measures, as organized activities, provide care for vulnerable individuals and groups, i.e., suppress and eliminate the causes and conditions of social need, and provide citizens with the necessary assistance to overcome their life difficulties and meet their basic life needs. In a narrower sense, personal social protection refers to meeting the

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<sup>1</sup> For more details please consult <http://zborniregistri.gov.ba/> (only accessible in Bosnia and Herzegovina's official languages)

needs of vulnerable citizens (children and young people, the elderly, people with disabilities, etc.). The goal of social welfare is to ensure the protection of families, individuals, children at risk, and people in a state of social need.

The social security network in the Federation BiH faces numerous biases related to rights-based benefits and poor targeting accuracy. In BiH, numerous non-contributory cash benefits are established as rights-based benefits and the entire process of entitlement to these benefits is based on the ability of the claimant to prove his/her status (e.g. disability or disabled veteran status), thereby gaining the right to the benefit regardless of any measure of his/her absolute economic need. Existing cash benefits based on social insurance are largely regressive, with, as already noted, the distribution of pensions and social benefits by wealth quintiles showing that pensions earned abroad are the most regressive benefit, with 57.8% of the total cash benefit going to the richest 20%. On the other hand, child allowance currently represents the most progressive cash benefit, with 72.2% of all cash benefits going to the poorest 41.5%.

Considering the regressive nature of transfers in BiH, for a long time, at least on a principled level, there has been a determination of the legislative and executive authorities in the Federation BiH for reform activities in the field of social and child welfare, which should, among other things, improve the transparency and efficiency of cash transfers that are not based on insurance with the aim of better reaching the poorest and most vulnerable sections of the population through the introduction of better targeting mechanisms.

According to the Constitution of the Federation BiH, social policy in Federation BiH is the responsibility of the Federation and the cantons, while its implementation is the responsibility of the cantons. Thus, in Article 2 of Chapter III. The division of competences between the federal and cantonal authorities of the Constitution of the Federation BiH stated the following: "The federal authority and the cantons are responsible for: a) guaranteeing and implementing human rights; b) healthcare; c) human environment protection policy; d) communication and transport infrastructure; e) social policy; f) implementation of laws and other regulations on citizenship; g) immigration and asylum; h) tourism; i) use of natural resources".

Furthermore, Article 3 of the same chapter establishes the following: "In accordance with the needs, competences from Article III. 2. can be realized jointly or separately or by the canton coordinated by the federal government. Regarding these competences, the cantons and the federal government agree on a permanent basis. In the exercise of these powers, when it comes to laws and other regulations that are binding on the territory of the entire Federation BiH, in accordance with this constitution and the decisions of the Parliament of the Federation BiH, the federal government will act taking into account the cantonal powers, the different situations in individual cantons and the need for flexibility in implementation.

The federal government has the right to set policy and make laws concerning each of these jurisdictions. In the exercise of these powers, in accordance with the Constitution of the Federation BiH and their cantonal constitution, the cantons will turn to the inter-cantonal council for the coordination of the resolution of inter-cantonal issues and for the consistent resolution of issues concerning interests outside their cantonal borders, and will implement decisions, participate in decision-making, and, when necessary, propose decisions in legislative bodies. The cantons have the right to establish policy and implement laws concerning each of these jurisdictions". In addition, Article 4 of Chapter III. The Constitution of the Federation BiH clearly defines that the cantons have all competences that are not expressly entrusted to the federal government, while, among other things, they are especially competent for "the implementation of social policy and the establishment of social welfare services".

Although constitutionally established, this approach does not ensure equality of citizens in the Federation BiH, as the cantons approach this issue differently. All laws passed at the level of the Federation BiH must obtain the consent of the cantons, especially when it comes to laws that impose obligations on the cantons. This procedure significantly complicates the adoption of laws at the federal level, depending on the system or canton in which they are implemented.

Furthermore, at the level of the Federation BiH there is the Law on the Basics of Social Welfare, Protection of Civilian Victims of War and Protection of Families with Children, which was adopted in 1999. It has been amended several times, with the aim of regulating certain rights in more detail at the Federation level. This Law unifies and regulates various areas of social policy (social welfare, protection of families with children, social rights of persons with disabilities and protection of civilian victims of war), which makes it very complex and difficult to implement and monitor. Just by analysing its title, it can be easily seen that these are different areas that need to be regulated by separate laws.

In the implementation of the aforementioned Law, a major problem is the constitutionally established joint jurisdiction between the Federation BiH and the cantons, because the cantons have the authority to regulate the area of social welfare with their laws and other regulations, which they do, but in different ways, and without unified and common guidelines, so that each canton has its own system, and these cantonal systems differ greatly from each other. Although the Law itself has undergone a process of significant changes, due to its complex structure and very large interventions in the text, it has become very complicated to follow, and there is an unquestionable need for its restructuring in order to separate certain categories and rights in terms of content, and to achieve transparency and precision of legal regulation. The Law is, of course, based on constitutional provisions and applicable laws in BiH and the Federation BiH. At the federal level, in a coordinated manner, taking into account different situations in the cantons and the need for flexibility (as stated in the text of the constitutional provisions), the bases and laws from the joint jurisdictions from Chapter III, Article 2 of the Constitution are passed, which includes social policy.

In addition, the social protection system of the Federation BiH does not have mechanisms for monitoring the state of the system at the entity level, mechanisms for keeping unified records, and mechanisms for assessing the effects of measures in the system, so there is no unified data and it is very difficult to analyse the functioning of the system. Due to the lack of clear common rules and procedures, there is no coordination and adequate cooperation between the bearers and actors, so different terms, different records, different bases and procedures for exercising certain rights are used, which leads to an unequal position of citizens in exercising social rights in the Federation BiH.

Federal and cantonal laws and other regulations regulating the areas of social benefits do not clearly define the purpose of giving and the results to be achieved with that giving or support in all systems. Also, there is no mechanism provided to guarantee that a right will be able to be exercised in the territory of the entire Federation BiH, unless it is prescribed by the federal law and if the funds for its exercise are provided in the federal budget. The federal law leaves the cantons with the possibility to expand the provided rights or introduce new ones, in accordance with their capabilities. However, in practice, certain cantons do not even ensure the fundamental rights provided for by federal law, while some cantons provide certain extended rights. In this way, an environment is created in which various forms of discrimination against citizens of the Federation BiH are carried out and disobeying the law by state institutions is promoted, which creates a sense of insecurity and discrimination in the social welfare system among citizens.

The situation in social welfare systems is very complicated and diverse when observing and analysing the conditions for exercising certain rights. There are also differences

between systems and between cantons. The rights to financial and other material benefits in the field of social welfare and protection of families with children are only regulated in principle by federal law, and all other issues such as conditions, procedures, amounts and proceedings are regulated by cantonal regulations. It is not difficult to conclude that the situation in these areas is very unregulated and uneven, which, as we have already mentioned, puts citizens of the Federation BiH in an unequal position.

The exercise of the right to financial and other material benefits from social welfare is conditioned by fulfilling status criteria, checking and determining assets, checking income and applying a census, as well as determining support obligations among family members. The exercise of rights is not significantly affected by the situation in which a person actually finds himself, if the above conditions are not met. In formal terms, at least according to the practice of the cantons that pay certain rights, these status criteria could be classified into the following categories:

- Legal status;
- Health status;
- Social status;
- Employment status.

The diversity of conditions for exercising the right to a certain type of cash social assistance is also reflected in the fact that certain cantons have differently prescribed and defined certain restrictions for their recognition, which can be classified into the following categories:

- Income census;
- Property census;
- Age census.

In general, it can be concluded that social and other benefits from the budgets of the Federation BiH and cantons are not well targeted, especially in situations where they are related to a certain status and not to the existence of a real social need. In addition, due to the limited financial possibilities of most cantons, the mentioned benefits are often very low, and do not have any significant impact on improving the socio-economic status of their beneficiaries, which calls into question their expediency and efficiency.

The rights of persons with non-war disabilities, the rights of civilian victims of war and the rights of veterans and their family members, which are regulated at the level of the Federation BiH, are not conditioned by property and other censuses, which, when it comes to support for persons with disabilities, makes sense and is in principle in accordance with the purpose of that support. The second issue is the uneven approach to the needs of persons with disabilities, which discriminates based on the cause of disability, which is in direct contradiction to the UN Convention on the Rights of Persons with Disabilities, which BiH has ratified.

Benefits for civilian victims of war, veterans and their family members, who are not persons with disabilities, are granted on the basis of status or due to the loss of a family member, and the purpose of these benefits is not always entirely clear. If they are defined as benefits to guarantee social security, then other circumstances should also be determined, such as property, income, maintenance obligations, etc., as provided for in the conditions of social protection.

The procedures for exercising rights are different in different systems, and even for the same rights in the cantons, there is evidence of different procedures of social work centres and social welfare services in applying regulations. What they have in common is that they apply the Administrative Procedure Act, so that in order to exercise certain rights, it is usually necessary to collect a large number of documents, which consequently very often prolongs the procedure for exercising rights. Also, in these procedures, the findings and social history made by a social worker do not have a significant impact on the final

decision on monetary and other material benefits, although there are situations where the actual situation of the party does not correspond to the situation that can be formally proven.

The bases for the calculation of compensation amounts are determined differently in all systems, and the cantons independently determine the criteria and bases for the rights that are financed from the cantonal budgets, which are rights from social welfare, which ensure a minimum maintenance and protection of families with children. The fee amount is determined as a percentage of the base, and different bases and different percentages have led to large differences in the amount of fees. The amount of benefits in veterans' protection is the highest. The lowest benefits are in social protection. In this way, the government's attitude towards the users of certain systems is shown, so that they favor and respect the needs of the veteran categories more than the needs of other citizens.

An analysis of federal and cantonal regulations has determined that social benefits in social protection, which are intended to ensure a minimum level of social security, differ from canton to canton, but in general it can be said that very small amounts of money are provided, which cannot even satisfy minimal existential needs.

A minimum social security that would apply to the entire Federation BiH has not been established, which would significantly improve the social security of citizens. The rights of civilian victims of war and the rights of veterans and their family members are set very broadly. The circle of beneficiaries is also wide, because the rights also include family members, without special conditions related to their financial situation. Here, it is necessary to distinguish between benefits provided for persons with disabilities for the purpose of equalizing opportunities and benefits based on status. The existing social benefits intended for persons with disabilities on the basis of disability represent the greatest discrimination for these persons, because their scope and amount are crucially influenced by the status of affiliation to certain systems, and not by the actual needs of the person in order to create equal opportunities.

The criteria used in the realization of social benefits in social and child protection are very strict and exclude a part of the population that is in a state of social need. In social protection, access to permanent benefits is denied to people capable of working, even though they have no income to support themselves and their families, and in child protection the situation varies significantly from canton to canton.

Providing salary compensation to employed women-mothers during absence from work due to pregnancy, childbirth and childcare from budgetary funds, according to the usual practice so far, leads to a different position of women, depending on the canton in which they reside, which cannot be acceptable and represents a form of discrimination. This issue should be resolved in a uniform manner throughout the Federation BiH, which does not exclude the possibility of considering the option of returning to the health insurance system. The situation is similar when it comes to assistance to women-mothers who are not employed, but this issue must be resolved in a different way. Due to high unemployment and insufficiently developed unemployment insurance, a large number of citizens put pressure on social protection and claim social benefits, regardless of the fact that strict criteria do not allow them to enter the system. Therefore, it is necessary to develop mechanisms that will enable wider coverage of the socially vulnerable and the poor.

The Law on the Establishment of the Institute for Medical Expertise of Health Conditions in 2007 established an independent institution for medical expertise with the intention of changing the approach and standardizing the assessment of abilities, body damage and disability. Based on the results of their work so far, it can be concluded that no significant changes have occurred, and that the exclusively medical approach, which was used when

the Institute operated within the framework of the pension and disability insurance system, is still applied. Expertise is carried out according to different criteria, for different systems, the degree of organ damage is assessed first and foremost, and no serious analysis is made of the real needs of the person whose expertise is being performed. The findings of a specialist doctor play a decisive role.

Procedures for the exercise of rights are initiated and conducted in different institutions and services depending on the type of rights and the way the organization is organized in the cantons, which makes it difficult to ensure control, monitoring and planning of the development of the social welfare system. Centres for social work are not given an adequate role in the system, as a rule they deal with administrative procedures and administration, instead of dealing with professional work with the population and prevention of certain negative phenomena in society. In addition, the majority of centres for social work in the Federation BiH do not have adequate conditions for work, there are not enough financial resources, and there is a severe shortage of employed professional workers.

The social welfare system does not show a fully effective satisfaction of needs because the economic situation and the consequences of the war affected the increased number of social welfare beneficiaries and increased needs. The inconsistency and unevenness of rights in the cantons is reflected in the protection of rights in this area, inequality of categories, exclusion from the system or the existence of multiple beneficiaries in two or more social security systems.

The economic system of BiH, respectively the Federation BiH, with the administrative burden of federal and cantonal institutions, cannot keep up with the needs in social protection and long-term burdens, especially the needs in veterans' and disabled protection. The social welfare system of the Federation BiH should be reorganized so that it can be made more efficient and better for individuals and groups who exercise rights in this area through simpler interventions, while respecting all constitutional principles in the protection of human rights and the application of the principle of non-discrimination.

The necessary interventions refer to the analysis of all relevant sectors and the review of their functions from the aspect of a scientific approach to defining concepts and categories from social welfare, professional, realistic and efficient use of existing resources (material and immaterial). Also, it is desirable to define unique bases at the level of the Federation BiH in exercising rights from social welfare, and to determine the precise competences and obligations of the cantons.

The economic crisis caused by the emergence of the coronavirus had a significant impact on the budgets of all levels of government in the Federation BiH, and therefore on the financing of social welfare. Public revenues fell sharply, while expenditures rose significantly. The resulting deficit is mainly financed by borrowing. In such a situation, the social care financing system in the Federation BiH is significantly threatened. A large part of these funds is paid from the cantonal and municipal budgets. Most of the cantons and a good part of the municipalities in the Federation BiH are in difficult circumstances in terms of public finances, which is why the biggest risk for the payment of social welfare funds in the Federation BiH lies in the financing that comes from the cantons and municipalities.

## **II SCOPE OF THE ASSIGNMENT**

### *2.1. Description of the assignment*

Bearing in mind the complexity of the issues that will be tried to be solved by the Law on a unified methodology for the creation of a social map in the Federation BiH, it is evident that its creation requires a special level of expertise that the competent institutions, that is, the relevant ministries do not possess or do not possess to a sufficient extent. In this

context, it is necessary to provide additional professional support in the creation of adequate legal solutions that will ensure the applicability of the prescribed methodology in practice. The role of the engaged experts is precisely to ensure this type of professional support, where it should be emphasized that the engagement of a team of experts who will be able to look at and process the issue in question from the following several aspects is desirable:

- **Social**, which implies knowledge of the field of social work and protection in terms of the status of the Social Protection System in the Federation BiH, experiences of other countries in providing social protection through the social map, theoretical and practical variables that determine the content of the social map as well as their threshold values for calculating the user's social map .
- **Legal**, which implies knowledge of the administrative-legal framework of the Federation BiH, including the constitutional competences of individual departments and institutions that operate in them, in order to be able to ensure the normative compliance of the Law on the Uniform Methodology for the Creation of the Social Map in the Federation BiH with special regulations from certain areas, especially in segment of collection and processing of relevant data. At the same time, from this aspect, the proposed methodology should be translated into a norm, that is, legal solutions should be prepared on which it will rest and by which all key entities will have to act.
- **Economic and financial**, which means looking at the financial implications that the Law on the Uniform Methodology for Creating a Social Map in the Federation BiH will have on the budgets of all levels of government in the Federation BiH, including short-term ones in terms of necessary investments in the establishment and development of adequate technical and personnel infrastructure, as well as long-term ones in terms of ensuring its continuous maintenance and improvement.
- **Information technology (IT)**, which means identifying key digital tools that can contribute to ensuring technical support for the functionality and efficiency of the methodology for creating a social map, and facilitate related processes of collection, processing and distribution of necessary data. In addition to the above, the necessary technical and personnel resources of all key institutions that will be responsible for the implementation of the Law on the Uniform Methodology for the Creation of the Social Map should also be assessed from this aspect.

**Number of required experts:** 4 Non-Key Senior Short-Term Experts (Expert for Social Work, Legal expert, Economic and financial expert and IT expert).

**Duration of the assignment:**

- Expert for Social Work - 30 working days
- Legal expert – 22 working days
- Economic and financial expert – 12 working days
- IT expert – 12 working days

**Period of the assignment:** December 2024 – July 31, 2025

**Working language:** Official languages in BiH

## *2.2. Geographical area*

The geographical area to be covered is Federation BiH, in accordance with the competences of Government of Federation BiH.

## *2.3. Target group*

During the process of developing the methodology for creating the social map of the Federation BiH, the following members of the target group will be involved (directly in terms of developing the methodology through the working group and/or consultations on the draft methodology):



With regard to the composition of the Working Group that will create a proposal for legal solutions for the introduction of a unique methodology for creating a social map, it is planned that representatives of the following institutions will be included in it:

1. Federal Ministry of Labour and Social Policy,
2. Federal Ministry of Finance,
3. Federal Ministry of Justice,
4. Federal Ministry of the Interior,
5. Federal Ministry of Health,
6. Federal Ministry of Education,
7. Federal Ministry for the issue of combatants and disabled people of the defence and liberation war,
8. Federal Ministry for Refugees and Displaced Persons,
9. Federal Ministry of Agriculture,
10. Tax Administration of the Federation Bosnia and Herzegovina,
11. Federal Institute for Development Programming,
12. Federal Bureau of Statistics,
13. Federal Administration for Geodetic and Property Law jobs,
14. Academic community (University of Sarajevo and University of Mostar)
15. Civil society organizations and
16. Project EU4CS.

Regarding the inclusion of other potentially interested entities, it is planned that they will be included through the public consultation process in the finalization of legal solutions for the introduction of a unique methodology for creating a social map, in agreement with FMRSF. Potentially interested other subjects might include:

- International institutions (UNICEF, UNDP, UNFP, OSCE, USAID, WB etc.),
- Civil society organizations,
- Professional associations,
- Cantonal ministries and other cantonal institutions in the field of social and child protection, employment, education, health care and
- Local self-government units through the Union of Municipalities and Cities.

#### *2.4. Tasks and deliverables to be provided by the Expert*

- *Senior Short-Term Expert for Social Work*
  - Make an overview of several basic models of social maps that are possibly used in other countries with a special focus on EU countries with an indication of their applicability in the administrative-legal framework of the Federation BiH,
  - Identify EU recommendations and/or directives in the field of social protection/work that should be addressed during the creation of the methodology for creating the social map,
  - Compile an overview of the existing e-registers and records important for the creation of a social map with the data they contain, as well as the institutions where the said registers and records are kept,
  - Create a methodology proposal for creating a social map that would be most suitable for the administrative-legal system of the Federation BiH, as a basis for drafting accompanying legal solutions and for recommendations in terms of establishing new data collection processes and establishing databases,
  - Finalize the draft of the Law on a unified methodology for creating a social map in the Federation BiH with addressed proposals and comments received through the process of public consultations.
  - In accordance with the Regulation of the Government of the Federation BiH on the method of preparation, impact assessment and policy selection in the process of drafting acts proposed and adopted by the Government of the Federation BiH and federal ministries ("Official Gazette of the Federation BiH", No. 35/11), and in cooperation with other team members, to prepare and complete the form for the preparation of a comprehensive impact assessment of the Law on a unified

methodology for creating a social map in the Federation BiH *from the aspect of its social effects*, with a special focus on its possibilities in terms of identifying individuals and groups in a state of social need, as well as creating a mechanism for determining social or existential minimum.

- *Senior Short-Term Legal Expert*
  - Identify international documents and recommendations of relevant international institutions that are relevant for the drafting of the Law on a unified methodology for creating a social map in the Federation BiH;
  - Analyse existing legal solutions regarding electronic registers and databases with a special focus on regulations on personal data protection and related procedures;
  - Ensure the normative compliance of the Law on a unified methodology for creating a social map in the Federation BiH with special regulations from individual areas, especially in the segment of collecting and processing relevant data,
  - To translate the proposed methodology for creating a social map into a draft proposal of the Law on a unified methodology for creating a social map in the Federation BiH, that is, to prepare legal solutions on which it will be based,
  - Determine the compliance of the draft law with EU standards,
  - In accordance with the Decree of the Government of the Federation BiH on the method of preparation, impact assessment and policy selection in the process of drafting acts proposed and adopted by the Government of the Federation BiH and federal ministries ("Official Gazette of the Federation BiH", number 35/11), and in cooperation with other team members to prepare and fill in the form for the preparation of a comprehensive assessment of the impact of the Law on a unified methodology for creating a social map in the Federation BiH *from the aspect of existing, offered and alternative legal solutions*.
  
- *Senior Short-Term Economic and financial expert*
  - Create an overview of the financial implications that the Law on a unified methodology for creating a social map in the Federation BiH will have on the budgets of all levels of government in the Federation BiH,
  - Identify necessary investments in the establishment and development of adequate technical and personnel infrastructure,
  - Identify necessary investments in terms of ensuring continuous maintenance and improvement of technical and personnel infrastructure,
  - In accordance with the Decree of the Government of the Federation BiH on the method of preparation, impact assessment and policy selection in the process of drafting acts proposed and adopted by the Government of the Federation BiH and federal ministries ("Official Gazette of the Federation BiH", number 35/11), and in cooperation with other members team to prepare and fill in the form for the preparation of a comprehensive assessment of the impact of the Law on a unified methodology for creating a social map in the Federation BiH *from the aspect of available and missing financial resources* with a special focus on the available fiscal space of the budget of all levels of government in the Federation BiH, as well as to potential sources of financing and
  
- *Senior Short-Term IT Expert*
  - Identify key digital tools that can contribute to ensuring technical support for the functionality and efficiency of the methodology for creating a social map
  - Assess the necessary technical and personnel resources of all key institutions that will be responsible for the implementation of the Law on a unified methodology for creating a social map in the Federation BiH.
  - In accordance with the Regulation of the Government of the Federation BiH on the method of preparation, impact assessment and policy selection in the process of drafting acts proposed and adopted by the Government of the Federation BiH and federal ministries ("Official Gazette of the Federation BiH", number 35/11),

and in cooperation with other team members to prepare and fill in the form for the preparation of a comprehensive assessment of the impact of Law on a unified methodology for creating a social map in the Federation BiH *from the aspect of information technology solutions* that could potentially be applied.

Experts will provide the following deliverables:

- **Senior Short-Term Expert for Social Work**
  - Analysis of the basic models of social maps that may be used in other countries with a special focus on EU countries with an indication of their applicability in the administrative-legal framework in Federation BiH, as well as an overview of EU recommendations and/or directives in the field of social protection/work that should be addressed during the creation of the methodology for creating the social map,
  - Analysis of existing e-registers and records important for the creation of a social map with the data they contain, as well as the institutions where the said registers and records are kept,
  - Draft methodology for creating a social map that would be most appropriate for the administrative-legal system of the Federation BiH, as a basis for drafting accompanying legal solutions and for recommendations in terms of establishing new data collection processes and establishing databases,
  - The final draft of the methodology for creating a social map in Federation BiH with addressed proposals and comments received through the process of public consultations, as a basis for creating a proposal for the Law on a unified methodology for creating a social map in the Federation BiH,
  - Form for the preparation of a comprehensive impact assessment of the Law on a unified methodology for creating a social map in the Federation BiH from the aspect of its social effects.
  
- **Senior Short-Term Legal Expert**
  - The draft proposal of the Law on a unified methodology for creating a social map in the Federation BiH, which is harmonized with (a) special regulations from certain areas, especially in the segment of collecting and processing relevant data and (b) with relevant EU standards,
  - Form for the preparation of a comprehensive assessment of the impact of the Law on a unified methodology for creating a social map in the Federation BiH from the aspect of existing, offered and alternative legal solutions.
  
- **Senior Short-Term Economic and financial expert**
  - Overview of the financial implications that the Law on a unified methodology for creating a social map in the Federation BiH will have on the budgets of all levels of government in the Federation BiH,
  - Overview of necessary investments in (a) establishment and development of adequate technical and personnel infrastructure, as well as in (b) continuous maintenance and improvement of technical and personnel infrastructure,
  - Form for the preparation of a comprehensive assessment of the impact of the Law on a unified methodology for creating a social map in the Federation BiH from the aspect of available and missing financial resources with a special focus on the available fiscal space of the budget of all levels of government in the Federation BiH, as well as to potential sources of financing.
  
- **Senior Short-Term IT expert**
  - Report on the key digital tools needed to ensure technical support for the functionality and efficiency of the Law on a unified methodology for creating a social map in the Federation BiH,
  - Analysis of the technical and personnel resources of all key institutions that will be responsible for the implementation of the Law on a unified methodology for

creating a social map in the Federation BiH with recommendations for improvement,

- Form for the preparation of a comprehensive assessment of the impact of Law on a unified methodology for creating a social map in the Federation BiH from the aspect of information technology solutions that could potentially be applied

### 2.5. Payment

The payments will be completed upon the full completion and acceptance of the contract's obligations, and upon the approval of the Experts' time and log sheets from the EU programme manager.

## III REQUIREMENTS

### 3.1. Expert's profile

#### **Expert for Social Work**

##### *Qualifications and skills*

- University degree in political sciences, social sciences or related field to this assignment,
- Computer literacy;
- Fluency in BiH languages;
- Fluency in written and spoken English is advantage.

##### *Professional experience*

General professional experience:

- Minimum 10 years of postgraduate professional experience in area(s) related with this assignment,

Specific professional experience:

- At least 5 years of professional experience in areas related with creation of social card/map or similar related with purpose of this assignment,
- Experience in working in IPA countries (Croatia, Republic of North Macedonia, Turkey, Albania, Bosnia and Herzegovina, Montenegro, Serbia, and Kosovo - under UNSCR 1244) will be considered an advantage

#### **Legal Expert**

##### *Qualifications and skills*

- University degree in law or related field to this assignment,
- Computer literacy;
- Fluency in BiH languages;
- Fluency in written and spoken English is advantage.

##### *Professional experience*

General professional experience:

- Minimum 8 years of postgraduate professional experience in area(s) related with this assignment,

Specific professional experience:

- At least 5 years of professional experience in areas related with administrative-legal framework of the Federation BiH or similar related with purpose of this assignment,
- Experience in working in IPA countries (Croatia, Republic of North Macedonia, Turkey, Albania, Bosnia and Herzegovina, Montenegro, Serbia, and Kosovo - under UNSCR 1244) will be considered an advantage

## **Economic and financial expert**

### *Qualifications and skills*

- University degree in economic or related field to this assignment,
- Computer literacy;
- Fluency in BiH languages;
- Fluency in written and spoken English is advantage.

### *Professional experience*

General professional experience:

- Minimum 8 years of postgraduate professional experience in area(s) related with this assignment,

Specific professional experience:

- At least 5 years of professional experience in areas related with assessing and analysing financial implications of legal acts (e.g. Laws, Strategies, etc.) in Federation BiH and/or BiH on the budgets of different levels of governments or similar related with purpose of this assignment,
- Experience in working in IPA countries (Croatia, Republic of North Macedonia, Turkey, Albania, Bosnia and Herzegovina, Montenegro, Serbia, and Kosovo - under UNSCR 1244) will be considered an advantage

## **IT Expert**

### *Qualifications and skills*

- University degree in information technologies or related field to this assignment,
- Computer literacy;
- Fluency in BiH languages;
- Fluency in written and spoken English is advantage.

### *Professional experience*

General professional experience:

- Minimum 6 years of postgraduate professional experience in area(s) related with this assignment,

Specific professional experience:

- At least 3 years of professional experience in areas related with assessment and analysis of digital tools and necessary technical support related with IT infrastructure for data processing and distribution as well as the necessary technical and personnel resources or similar related with purpose of this assignment,
- Experience in working in IPA countries (Croatia, Republic of North Macedonia, Turkey, Albania, Bosnia and Herzegovina, Montenegro, Serbia, and Kosovo - under UNSCR 1244) will be considered an advantage

**Please note that, civil servants and other staff of the public administration of the beneficiary country cannot be recruited as experts, unless prior written approval has been obtained from the European Commission.**

## **IV EVALUATION**

Received applications from the experts will be evaluated against evaluation criteria developed in line with required qualifications and experiences of the experts, as presented within the section 3 of this ToR.

## V DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

### 5.1. Applicants shall submit the following documents:

- Personal CV including information on experience in similar projects / assignments
- Application letter to EU4CS confirming interest and availability for the experts per number of trainings with Financial Proposal, indicating fee per working day.

### 5.2. Application Procedure

Applicants interested in applying should submit documents from 5.1. (EU format CV and application letter, both in English) by e-mail to [info@eu4cs.ba](mailto:info@eu4cs.ba) with a copy to [teamleader@eu4cs.b](mailto:teamleader@eu4cs.b) a not later than 16:00 hrs, December 27<sup>th</sup>, 2024, titled:

**Application for the position:  
'Indicate the non-key senior short-term experts position applying for'**

References must be available on request.

Only short-listed candidates will be contacted.

All applications will be considered strictly confidential.

For more information, please contact Igor Stojanovic, Team Leader EU4CS: [teamleader@eu4cs.ba](mailto:teamleader@eu4cs.ba)