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## **Exclusionary Side of (Women's) Social Citizenship in Southeastern Europe: Childcare Policy Development in Bosnia-Herzegovina and Gender, Social and Territorial Inequalities**

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### **Abstract:**

The article explores the shifts in (women's) social citizenship in Bosnia-Herzegovina and its effect on the development of childcare policy in the 1945–2019 period. Gendered, selective childcare policy, which was inherent in the socialist notion of social citizenship and aimed to emancipate women as 'worker-mothers', deteriorated in the transition period when ethnicity became prioritised over gender and class. Exclusionary citizenship practices increased with the post-1990 reforms as gender and social inequalities incorporated in childcare policy design become intertwined with inequalities based on ethnicity and/or locality. The post-1990 period is characterised by discontinuity, retrenchment and weak implementation of childcare-related rights.

Keywords: childcare policy, leave policy, citizenship, post-socialist and post-war countries, social inequalities, gender inequalities, territorial inequalities

## **Introduction**

At the same time as investments in parenting-related leaves and early childhood education and care (hereafter: childcare policy) intensified in advanced democracies (Daly and Ferragina 2018) and began to be placed in the centre of European social investment agenda (Morgan 2012), newly democratised post-communist countries were faced with a complex process of transformation from socialist to capitalist political economies, which were based on neoliberal policy paradigm and posed significant pressure on welfare states (Deacon and Stubbs 2007; Kovács, Polese and Morris 2017). Social policy reforms were triggered by a changing structure of social risks (e.g., abrupt growth in unemployment and poverty, emigration and depopulation) and fiscal pressures as well as the recasting of social citizenship (Stubbs and Zrinščak 2015).

Post-1990 childcare policy has been particularly affected by the transformation of women's social citizenship as a gender contract inherent in the socialist period that supported women's employment and granted fundamental social rights to employed women became questioned. In the first years of political and economic transformation marked by rising unemployment, governments in many former socialist countries conveniently assumed that 'society would opt for a male-breadwinner model' (Szelewa 2012, 2). However, a 'retraditionalisation' of gender relations rooted in both nationalist discourse and economic transformation (Bonfiglioli 2015), and coupled with differences in socioeconomic context, socialist legacy, nation-/state-building processes and often gender-blind international interventions (cf. Glass and Fodor 2007; Deacon and Stubbs 2007; Dobrotić, Matković and Zrinščak 2013), eventually brought diverse reforms and cross-country variations in post-socialist childcare policies.

Recent comparative childcare policy literature built around the experience of post-socialist countries has acknowledged these differences, providing a more nuanced elaboration of post-1990 developments and suppressing early explanations that tended to indicate a common trend towards refamilialisation (e.g., Szelewa and Polakowski 2008; Javornik 2014). Nevertheless, trends in Southeastern Europe (SEE), the region 'jettisoning the idea of coherent, path-dependant, welfare regimes, in favour of the concept of complex, unstable, welfare assemblages' (Stubbs and Zrinščak 2019, 286), remain underexplored. While there is a growing body of literature discussing changes in gender and citizenship regimes resulting from national politics and wars in the region (Bonfiglioli, Kahlina and Zaharijević 2015), the impact these have had on welfare state development have rarely been touched upon.

This article therefore aims to contribute to the understanding of welfare state transformation in SEE by exploring childcare policy development in Bosnia-Herzegovina, one of the former Yugoslav republics. It seeks to expose a complex landscape of new, multiple and intersecting inequalities embedded in childcare policy design, and the implications these may have for various groups of mothers (and fathers) and their ability to engage in care and employment. Policy developments are analysed in close relation to shifts in (women's) social citizenship caused by post-socialist transformation and state-/nation-building processes. A gender-sensitive analysis of citizenship and welfare regimes is crucial for understanding gender but also other stratifications (e.g., class, ethnicity, locality) on which welfare states are built and which have different implications for men and women and their participation in society (O'Connor 2013; Ciccio and Sainsbury 2019). Childcare policy is central here, as it allows for exploration of how 'relations between the public and private spheres are conceptualized, and how the issues of caring and dependency are addressed' (O'Connor 2013, 147). Reforms of childcare policy instruments analysed in this article – parenting-related leaves<sup>i</sup> and early childhood education and care services (ECEC) – are critical as they may have a transformative effect on gendered care and employment practices (cf. Ray, Gornick and Schmitt 2010; Ciccio and Verloo 2012; Dobrotić and Blum 2019a).<sup>ii</sup>

Bosnia-Herzegovina is a particularly interesting case in this respect. A critically different political system to that in other post-socialist countries, marked by the 1990s wars and post-conflict political impasse, brought unstable political and institutional relationships as well as citizenship claims (Stubbs and Zrinščak 2019). Among others, Bosnia-Herzegovina has experienced the greatest post-1990 erosion of maternity leave rights among the post-socialist countries (Dobrotić and Stropnik 2020), including the withdrawal of maternity benefits in some parts of the country. As detailed later, post-1990 developments brought a highly complex system of multi-level governance that affected social policymaking. Specifically, Bosnia-Herzegovina consists of two asymmetrically organised entities – centralised Republika Srpska (RS) and decentralised Federation of Bosnia and Herzegovina (FBiH; into 10 cantons) – and District Brčko (DB). There are no social policy functions at the central state level, and as a result, the country is marked by remarkable inequalities in the regulation and implementation of social rights (Stubbs and Zrinščak 2019). That also applies to a devolved system of maternity leave benefits, a unique institutional characteristic in Europe (cf. Koslowski et al. 2019).

Thus, on the one hand, this article contributes to a growing body of childcare policy literature that attends to territorial and social (alongside gender) inequalities incorporated in

policy design (McKay, Mathieu and Doucet 2016; Dobrotić and Blum 2019a). On the other hand, it contributes to the literature on welfare state transformation in SEE, thereby deepening the understanding of welfare (re)distribution to different groups of citizens and ‘new social inequalities that have emerged beside and alongside the creation of new nation-states and new national and ethnic identities’ (Bonfiglioli, Kahlina and Zaharijević 2015, 45). As pointed out by Stubbs and Zrinščak (2019, 285), the preoccupation of social and political scientists in SEE ‘remains firmly fixed on questions of war and peace, ethnicized nationalisms, and regional stability with little interest in exploring other questions of public policy’. That particularly refers to childcare policy,<sup>iii</sup> as most of the comparative work on the SEE region tended to focus on ‘traditional’ social policy systems such as pensions, healthcare, and labour market policy, leaving gender-related issues underexplored (cf. Deacon and Stubbs 2007; Stambolieva 2016).

The article starts with a theoretical discussion on differences in (women’s) social citizenship and implications these may have for childcare policy design and social and gender inequalities in care and employment, setting up a conceptual framework needed to explore childcare policy development in Bosnia-Herzegovina. Reforms since 1945 are analysed to provide a better insight into the scale of erosion of (women’s) social citizenship in the transition period and the effects it has had on childcare policy. As the primary aim of the article is to explore inequalities embedded in the policy design, the key source on which the analysis is built is data obtained from national legislation and policy documents. Thus, for the purpose of this article, a policy database was created capturing policy rules on leaves (types, duration, benefits, ceilings, eligibility) and ECEC entitlements (age and hours of legal entitlement, enrolment criteria, fees rules) at state (since 1945) and entity/cantonal level (since 1990; Dobrotić and Obradović 2020).

It is important to note here that in-depth research in Bosnia-Herzegovina is challenging to undertake, not only because it is ‘hard to address welfare paths which are complicated and hard to classify’ (Stubbs and Zrinščak 2019, 285), but also because there is little written evidence because the policy-related materials and accurate statistics are hard to obtain (some were also destroyed in the war). Moreover, the country still does not have in place a functional monitoring system of child and family benefits, which makes the data collection difficult. Nevertheless, through careful engagement with existing literature, legislation and archive material, as well as contacts with relevant institutions (e.g., entity and cantonal ministries and centres for social work), we were able to trace all the relevant legislative/policy pieces and thus the childcare policy path. The article ends with the discussion of the main findings, focusing on

the implications of exclusionary sides of (women's) social citizenship incorporated in childcare policy design on gender, social and territorial (in)equalities in employment and care.

### **(Women's) Social Citizenship, Childcare Policy and Inequalities**

Burgeoning research on gender and welfare state has highlighted the importance of childcare policy in altering the unequal division of labour and thus argued for the notion of social citizenship that includes measures related to care and reproduction (Ciccia and Sainsbury 2018). However, ideas about the 'ideal' conception of (women's) social citizenship have tended to vary, bringing childcare policy to the centre of the equality vs difference dilemma: 'gender-neutral conception of citizenship which enables women to participate as equals with men in the public sphere ("equality") or an explicitly gender-differentiated conception which recognises and values women's responsibilities in the private sphere ("difference")' (Lister 2003, 9).

These conceptions favour different policy measures and bases of social citizenship – while the equality-oriented conception gives priority to measures aimed at liberating women from care work to enable them to enter employment (e.g., childcare) and favours gainful employment as a basis of social citizenship, the difference-oriented conception gives priority to measures that aim to validate care (e.g., care benefits) and acknowledges motherhood per se as an entitlement basis (Ray, Gornick and Schmitt 2010; Ciccia and Verloo 2012; Ciccia and Sainsbury 2018). As both citizenship conceptions, when standing alone, can run the risk of reinforcing the gendered division of care and women's economic dependence and/or weakening women's position in the labour market, feminist scholars (Fraser 1994; Knijn and Kremer 1997; Lister 2003) increasingly argue for an inclusive and degendered concept of social citizenship that would combine elements from both perspectives, that is, improve social security and labour market perspectives of caregivers and recognise care as a degendered activity, allowing both men and women to engage in care and employment (Knijn and Kremer 1997).

Combining elements of both perspectives requires turning towards a earner/carer model that gives more attention to policy proposals that value parental care (especially in very young age) and also entitles men to care-related rights (e.g., through individual leave entitlements), along with affordable and available ECEC (Sainsbury 1999; Gornick and Meyers 2003). This model is considered to go beyond the public-private division inherent in the traditional concept of social citizenship, characterised by exclusionary policy practices that aimed to push women in the private sphere (Ciccia and Sainsbury 2018), for example, a practice of low, flat-rate maternity allowances characteristic of a male-breadwinner model, which results in women's

financial dependence and their weak position in the labour market (Leitner 2010). However, childcare policy developments have been far from unidirectional across Europe, and despite the considerable progress in childcare policy in some parts of Europe (e.g., Nordic countries; Koslowski et al. 2019), in many countries it is still ‘the stereotypical male worker model that is being promoted rather than the worker and carer model’ (Saraceno 2015, 258). Moreover, the post-1990 childcare policy reforms in many post-socialist countries (e.g., withdrawal of state support to nurseries, financial support for family care, limited leave entitlements aimed at fathers) tended to go in the opposite direction, reinforcing gender inequalities in employment and care (Glass and Fodor 2007; Javornik 2014; Dobrotić and Stropnik 2020).

Finally, in addition to being gendered, childcare policy development may be particularly ‘sparse’ in bringing in inclusive social citizenship that is ‘sensitive to the differences that exist between women’ (Lister 2003, 9). This is especially the case in countries relying on a segmented social citizenship model that prefers stable employment as an entitlement basis for childcare-related rights (Dobrotić and Blum 2019b). In this case, disadvantaged families are less likely to benefit from well-paid parenting-related leaves and high-quality, affordable ECEC, and policy design is one of the crucial instruments that generate gender and social inequalities in care and employment (Van Lancker and Ghysels 2016; McKay, Mathieu and Doucet 2016; Dobrotić and Blum 2019a). A dominant citizenship perspective in a particular country or time period can therefore bring a large variety of childcare policy designs, with exclusionary practices being detrimental for social and gender inequalities in care and employment. Again, the concept of inclusive social citizenship may be harder to achieve in countries such as former socialist countries, especially those where the transition paralleled with state-/nation-building that tended to prioritise nation and ethnicity discourses over gender and class (Deacon and Stubbs 1997; Dobrotić, Matković and Zrinščak 2013). As discussed later, on the example of childcare policy reforms in Bosnia-Herzegovina, the post-1990 recasting of (women’s) social citizenship and related childcare policy developments have actually led to growing (and complex) inequalities as gender and social inequalities were reinforced and became increasingly intertwined with inequalities based on ethnicity and/or locality.

## **The Foundations of Childcare Policy in Bosnia-Herzegovina: A Gendered and Selective Policy Design**

The foundations of childcare policy in Bosnia-Herzegovina were established in the socialist period when Bosnia-Herzegovina formed part of Yugoslavia. After the 1946 Yugoslav Constitution recognised both ‘women’s equal role as citizens and workers’ and their entitlement to social rights that are needed to achieve work-family balance (Bonfiglioli 2017, 3),<sup>iv</sup> leave policy, together with health and social protection of employed women, was put at the centre of a policy package that aimed to facilitate women’s employment, needed in the context of extensive industrialisation inherent in the post–World War II period (Bošnjović 1990; Woodward 1995). As detailed below, childcare policy was built around the citizenship model that aimed to emancipate women ‘not as equal citizens, but as worker-mothers’ (Einhorn 1993, 40), and primarily targeted dual-earner heterosexual families. Care was attributed only to women, but not in a strong right-based modality as entitlements depended on their labour market ‘productivity’. Moreover, entitlements were based on the male norm of uninterrupted full-time employment, concealing different social positions of women and their unequal position in the private sphere in general, posing a risk of excluding many women from the category of full citizenship (cf. Munday 2009).

Following such a notion of social citizenship, it is not surprising that leave policy was built on social insurance principles, that is, maternity benefits were financed from a unique rate of social insurance contributions covering pregnancy and childbirth protection (alongside illness, pensions, an accident at work and child benefits), and paid to the insured, that is, mothers employed in socialist enterprises or government institutions (Dimitrijević and Petrović 1949). Paid maternity leave was gradually expanded through the socialist period: from an initial 12 weeks of leave paid at 88% of previous earnings<sup>v</sup> up to 12 months of leave paid at the level of previous earnings (Figure 1).<sup>vi</sup>

*[Figure 1 near here]*

In the early socialist period all the former Yugoslav republics, including Bosnia-Herzegovina, had the same leave policy design; however, their leave policies started to diverge following the constitutional reform in the 1970s that enabled the republics to create their own social systems (Dobrotić 2019a). While leave extension in the mid-1970s (Figure 1) was in line with reforms in other Yugoslav republics, the 1985 reform that brought a one-year, fully paid maternity leave placed Bosnia-Herzegovina among the countries with the longest parenting-related leaves in Yugoslavia (together with Croatia and Slovenia; cf. Dobrotić 2019a; Dobrotić

and Stropnik 2020). In the late 1980s, Bosnia-Herzegovina stood as one of the countries with the most generous leave policies also in broader comparative perspectives, especially in terms of the benefit level, and thus ‘full-time equivalent (FTE) leave’ duration (cf. OECD 2019; Figure 1). However, in contrast to developed European countries that started to provide leave entitlements to fathers (Daly and Ferragina 2018), leave policy design in Bosnia-Herzegovina remained gendered. Leave schemes continued to rely on one-year maternity leave, which was entirely the mother’s right and could be transferred to the father only exceptionally: if the mother died (since 1977), left a child or was not capable of caring for a child due to, for example, health reasons (since 1982). Leave policy development thus clearly reflected a ‘socialist model of citizenship’ (Deiana 2018, 46) that brought emancipatory entitlements linked to women’s participation in the labour market while simultaneously maintaining gender inequalities in the private sphere.

In addition to being gendered, leave policy design in socialist Bosnia-Herzegovina had a stratifying effect across social class. Leave policies were built on employment-based principles (cf. Dobrotić and Blum 2019b), with the main entitlement basis for leave benefits being the traditional (‘standard’) and stable, open-ended full-time contract. Access to the full maternity benefit was conditional upon a previous social insurance history (e.g., 12 uninterrupted months before the childbirth since the 1970s). While some mothers who were not able to fulfil this condition were entitled to a lower benefit, which importantly affected their ‘FTE leave’ (Figure 1), others were left without benefits. The latter was particularly the case for occasionally employed and self-employed mothers or farmers who were typically excluded from the social insurance scheme.<sup>vii</sup> Woodward (1995, 317) notes that social citizenship attached to employment in the public sector

created a world of social distinctions and competition [...] that were based on status [...], defined a status in society, one’s *relative* prestige and share in income and benefits, based on the assumptions about productivity built into these rules. Most important, it defined a status legally separate from that of the unemployed person or person employed in the private sector.

There were no equivalent benefits foreseen for mothers not active in the labour market, that is, motherhood per se was not acknowledged as a basis for citizenship rights.<sup>viii</sup> Leave policy design thus best reflected a gendered, ‘selective adult-worker model’ (Dobrotić and Blum 2019a, 6-7) that favoured mothers in stable and ‘standard’ employment in the provision of leave entitlements. If these policy developments are considered in a broader context of low



employment in socialist Bosnia-Herzegovina, it is evident that due to selective leave policy design, a one-year, well-paid maternity leave policy benefited a very limited group of women, resulting in the segmented social citizenship further stratifying already distinctive groups (cf. Dobrotić and Blum 2019a). The employment rate in Bosnia-Herzegovina was 37.3% in 1986, much lower than, for example, the 71.6% in Slovenia. Moreover, although there was a sharp drop in the share of the agricultural population in Bosnia-Herzegovina, it still formed 40% of the population in 1971 and 17.3% in 1981 (Woodward 1995).

ECEC gained far less policy attention, resulting in poorly developed ECEC services primarily designed for dual-earner families that only intensified gender and social inequalities in care and employment. In comparison to other socialist countries (Zrinščak 2002), the ECEC network in Bosnia-Herzegovina was marginal and failed to meet the needs of parents. ECEC services were mostly concentrated in urban areas covering approximately 5% of children in the 1960s (Društveni plan razvoja Jugoslavije od 1966. do 1970), to reach as little as 8% of preschool-aged children in 1990 (Savezni zavod za statistiku 1992a, 1992b). To overcome a care gap, mothers were able to work part-time, but without compensation for hours not worked (in certain periods, social insurance was paid). There were also frequent changes in conditions attached to part-time employment and the child's age up to which a parent (i.e., mother) could request part-time work (ranging from eight months to five years). The reality was that mothers mostly relied on intergenerational support (Stropanik 1989). At the same time, many children were also left unattended at home (Bonfiglioli 2017), representing a risk to act against the best interest of the child, and it was common for women to find a job near home so they could check on children during breaks.<sup>ix</sup> The risk was again much higher for families of lower socioeconomic status who typically had weaker capabilities to arrange informal care and were more dependent on two incomes (cf. Blofield and Martinez Franzoni 2015; Dobrotić and Blum 2019a).

### **Post-Dayton Period and Childcare Policy: 'Mini-state thinking', Fragmentation and Instability of Childcare-related Rights**

A gendered and selective childcare policy design built on the 'socialist model of citizenship' (Deiana 2018, 46) underwent changes within the context of political and economic transition, which paralleled the 1992–1995 war in Bosnia-Herzegovina and the state-/nation-building processes that tended to prioritise nation and ethnicity discourses over gender and class, bringing in new inequalities in care and employment. Already selective childcare-related rights

inherited from the socialist period became further fragmented, re-imposing public-private division inherent in the traditional concept of a social citizenship model that failed to acknowledge care as a fundamental element of social citizenship (cf. Knijn and Kremer 1997). As detailed below, these trends have had detrimental implications for gender and social inequalities in care and employment, which became increasingly intertwined with inequalities based on ethnicity and/or locality.

The war years signify the pivotal point as their outcome will determine the country's post-war political and governance architecture. As the war began, the country was divided by the three main warring sides that established their quasi-states<sup>x</sup> organised on ethnic principles, which started to develop their own policies. Most of the social policy legislation passed in the war period re-enacted selective parts of the pre-war legislation, and was not responsive enough to the changed structure of social risks caused by the war and transformation from socialist to capitalist political economy (Lepir 2017). Eventually, in the war and immediate post-war period, only the RS brought visible changes in leave policy design, that is, a one-year, well-paid maternity leave was extended by five months in the case of multiple births and one year in the case of the birth of a third or fourth child (Dobrotić and Obradović 2020).<sup>xi</sup> This reform, framed within pronatalist discourse, clearly reflected ethnonational narratives that underpinned the 1992–1995 war and associated citizenship of 'distinct roles and expectations for women and men that are shaped by patriarchal values [...] evoking women's significance for the symbolic and embodied reproduction of the nation' (Deiana 2018, 15–16). That brought the first territorial differences in leave policy design in Bosnia-Herzegovina. However, it is not known to what extent the war legislation was implemented due to the nature and severity of the conflict (cf. Maglajlić and Rašidagić 2011).

With the 1995 Dayton Peace Agreement Bosnia-Herzegovina was unified again, but made of two asymmetrically organised entities. The RS, originally envisaged as an ethnic Serb entity, is centralised, while the FBiH<sup>xii</sup> is decentralised into 10 cantons to enable power-sharing among ethnic Bosniaks and Croats.<sup>xiii</sup> DB, a town in the northeastern part of the country, has had a special status since 2000. The Annex IV of the Dayton Peace Agreement that defines the state competences does not mention social policy nor social protection. It implies that these areas are within the competence of entities. Moreover, the FBiH Constitution envisages social protection and health protection to be within a shared competence of the entity and cantons. In both entities, child and family policy is also not a coherent policy, as this area is under the

jurisdiction of different ministries and sectors within ministries, which hampers policy coordination and planning.

A complex post-Dayton governance framework has posed a real challenge for social policymaking resulting in ‘social rights and duties [...] circumscribed by ethnicised identity’ (Deacon and Stubbs 1997, 113). While the right to maternity leave is stipulated by general labour legislation in both entities, that is not the case for maternity benefits. The RS has a uniform maternity benefit regulated by the entity’s child protection legislation. However, in the FBiH, entity-level legislation on social protection serves as framework legislation defining only basic rights and minimum standards such as family and child benefits types, but not their generosity level. As detailed below, the FBiH’s government has no mechanisms or interest to ensure implementation of maternity (and child) benefits at the cantonal level. That eventually brought 12 different childcare policy regimes in Bosnia-Herzegovina (in RS, DB, and 10 FBiH cantons), with the residency in the specific entity (and canton) being among the primary conditions for exercising rights. A length of the ‘regular’ maternity leave period,<sup>xiv</sup> which remained settled at 12 months, remained the only common institutional characteristic throughout Bosnia-Herzegovina (Figure 2). Other leave policy elements such as eligibility criteria, financing and the level of maternity benefits (including corresponding benefits aimed at the unemployed) as well as the gender dimension of leave policy design began to vary greatly.

*[Figure 2 near here]*

In the RS, maternity benefits remained attached to the social insurance system. After being separated from the healthcare system in the 1990s, they continued to be financed by the newly established RS Fund for Child Protection.<sup>xv</sup> Only the RS kept maternity benefits at the level of previous earnings through the whole leave period, but only for parents with stable employment in the RS territory as eligibility criteria became stricter (Figure 2) – an uninterrupted period of 12 months of social insurance *in the RS* was needed to qualify for an employment-based maternity benefit (until 2017, six months). Thus, in addition to employment, social citizenship became closely organised around ‘territorial principles’, creating a policy vacuum where parents residing in one entity but working in another entity were left without maternity benefits, as the social policy coordination between the entities was absent (Radončić and Grubešić 2013; Mašić 2015). While the benefits in the RS were additionally conditioned on the place of the employer’s registration (Mašić 2015), that was not the case in the FBiH, where the employee’s residency in the entity (canton) was considered.

Inequalities in parents' rights on a territorial basis have been further exacerbated by the post-Dayton reforms in the FBiH, beginning with the 1997 healthcare reform when maternity benefits were exempt from the health insurance system and began to be financed via taxes. It took two years to incorporate them into general social protection legislation at the entity level, which devolved their implementation to the cantonal level. While half of the cantons re-introduced employment-based maternity benefits in 1999 or 2000, others took nearly two decades (e.g., Posavina Canton in 2015, Herzegovina-Neretva Canton in 2017).<sup>xvi</sup> Newly established benefits are less generous, typically ranging from 40% to 80% of the previous earnings (cf. Figure 1 and Figure 2). Similar to the situation in the RS, parents in unstable and insecure employment are at a high risk of being left without (full) benefits (Figure 2). Nevertheless, the risk in the FBiH is somewhat lower than in the RS as the eligibility criteria for maternity benefits is less strict in most of the cantons (typically six months of continuous insurance period before the leave start is required). However, several cantons have stricter criteria (West Herzegovina Canton and Sarajevo Canton require nine and 12 months respectively), operating against the minimum standard set at the entity level that asks for six months of the previous insurance period. Moreover, in some cases, the right to employment-based benefits is conditioned with Bosnia-Herzegovians' citizenship or long-term residency, thereby excluding migrants (see also: *Institucija ombudsmena...* 2015).

The argument behind the 1997 reform in FBiH was that maternity benefits cannot be considered as a social insurance right and should be financed through the social protection system, denoting, in the traditional sense in Bosnia-Herzegovina, budget-funded social assistance benefits. The reform focus was primarily on the healthcare system, while maternity benefits were understood as a minor 'technical' issue, subordinated to the then important topic of the division of the territorial organisation and financing of the healthcare system.<sup>xvii</sup> Moreover, while post-Dayton social policy reforms were generally difficult to negotiate due to 'competing and inconsistent visions and activities of ethnicised, local, national, international and supranational institutions' (Deacon and Stubbs 1997, 99), there was also a clear dominance of topics related to the nation and ethnicity (Berdak 2015; Obradović 2017). They overpowered already weak interest for gender equality (Bašić 2017) and sought the retraditionalisation of gender relations (Berdak 2015; Bonfiglioli 2015),<sup>xviii</sup> only facilitating the 1997 reform that abolished statutory maternity benefits in the FBiH.

A political scene divided along ethnic lines,<sup>xix</sup> ad-hoc and poorly coordinated policymaking, as well as lack of interest in women's rights, meant a slow process of re-

introduction of maternity benefits at cantonal level (Figure 2). As a consequence, many women were left without benefits around childbirth or at best dependent on the employer's willingness to pay them the maternity benefit (a practice mostly present in the public sector; Obradović, Jusić and Oruč 2019). As a result, and because of women's weak position in the labour market, job insecurity and low maternity benefits being paid with delays, parents (i.e., mothers) employed in the private sector have been pushed to return to work before the end of maternity leave (Obradović, Jusić and Oruč 2019).

Moreover, the post-1990 period was also marked by a shift away from an employment-based leave policy model towards a more inclusive, mixed model (cf. Dobrotić and Blum 2019a), that is, alongside employment-based maternity benefits, Bosnia-Herzegovina gradually introduced citizenship-based benefits aimed at unemployed mothers.<sup>xx</sup> However, citizenship-based benefits remained symbolic. In most cases, these benefits are paid at a very low level either as a one-off benefit or through a shorter period of six months after childbirth, and conditioned with strict eligibility criteria (e.g., a one- to three-year residency period, means-tested). Even more, their payment in FBiH depends on the funds available in cantonal budgets, which are subject to change year to year, and it is common that maternity allowances be either suspended or paid with noticeable delays (see *Institucija ombudsmena...* 2015).

A complex system of multi-level governance established with the Dayton Peace Agreement thus provided a fertile ground for 'mini-state thinking' (Deacon and Stubbs 1997) and further fragmentation of the already selective leave rights inherited from the socialist period. Leave policy design in Bosnia-Herzegovina continued to rely on a segmented social citizenship model (cf. Dobrotić and Blum 2019b), which only deepened social and gender inequalities in employment and care across the country (Obradović, Jusić and Oruč 2019; Jusić 2019). In addition to the public-private sector divide in relation to access to and scope of maternity benefits (in the FBiH)<sup>xxi</sup> and impeded access to leave entitlements for parents (i.e., mothers) in unstable and insecure employment, leaves started to diverge across ethnic/territorial lines.

Leave policy also remained highly gendered. Parental leave has never been discussed as a possibility at the policy level (not even in the context of the EU negotiations and a need to align with the parental leave directive).<sup>xxii</sup> With changes in labour legislation, fathers became more openly recognised as beneficiaries of maternity leave in the RS (in 2002) and the FBiH (in 2016); however, maternity leave remained a primarily a mother's right transferrable to the father. That is, regardless of the mother's ability to take care of a child, fathers in the FBiH and

the RS can use maternity leave after the 42<sup>nd</sup> day or the 60<sup>th</sup> day after childbirth, respectively (but not in DB), but only upon the mother's consent to transfer the leave and if both parents are employed and the mother returns to work while the father is on leave. This leave policy design, combined with prevailing traditional gender roles and the low female employment rate (35.8% compared to 59.5% of men aged 20 to 64; Agency for Statistics BiH 2018), particularly in well-paid jobs (Obradović, Jusić and Oruč 2019), may only reproduce and reinforce gendered practices in care and employment (cf. Dobrotić and Stropnik 2020).<sup>xxiii</sup>

Finally, parents' (i.e., mothers') employment is additionally impeded by non-investments in ECEC in the post-1990 period. In particular, retraditionalisation of gender relations (Berdak 2015; Bonfiglioli 2015) inherent in that period only weakened the already fragile interest for ECEC services. According to the most recent estimate for 2017/2018, the ECEC coverage rate of nursery-aged children was only 4.7%, and of kindergarten-aged children 16.4%.<sup>xxiv</sup> While the number of children enrolled in ECEC facilities has grown over the years, a significant number of children are not able to attend ECEC due to a lack of public capacities. In addition, an increase in ECEC coverage rates is mostly as a result of an increase in the number of private ECEC facilities (Agency for Statistics of BiH 2011–2018).<sup>xxv</sup> There are also large regional inequalities in ECEC availability and affordability, and the lack of subsidies makes programs difficult to afford for families in the lower socioeconomic strata (Institucija ombudsmena... 2011), while the enrolment policy continues to prefer dual-earner families in stable employment.

## **Conclusion**

The analysis of childcare policy development in Bosnia-Herzegovina points at both the stability and change (or rather a discontinuity) in (women's) social citizenship in the post-socialist period. On the one hand, the post-1990 reforms reflected a path-dependency and an adherence to a gendered, segmented social citizenship model inherent in the socialist childcare policy design, which preferred employment-based rights (cf. Dobrotić and Blum 2019b) primarily targeting dual-earner heterosexual families, that is, parenting-related leaves and ECEC services were aimed almost exclusively towards employed women, with women employed in the stable public sector being privileged compared to women working in the private sector. While these developments benefited gender equality to some extent, improvements were limited to a very narrow group of women able to align with the traditional male pattern of uninterrupted full-time employment, and there were no intentions to challenge the unequal division of care in the

private sphere (e.g., through the introduction of fathers' leave entitlements allowing also them to incorporate care in the life-cycle). Childcare-related rights have gradually extended to other social groups such as unemployed mothers, contributing to inclusiveness of policy design (cf. Dobrotić and Blum, 2019a); however, these rights remain marginal (e.g., very low, often means-tested maternity allowances, with some of the groups such as students not being covered by any schemes). They therefore have limited potential to contribute to the female economic agency (cf. Lister 2003) in Bosnia-Herzegovina, where many women are not able to enter (stable) formal employment (Obradović, Jusić and Oruč 2019).

On the other hand, the post-1990 reforms that brought both the discontinuity of maternity benefits and their retrenchment greatly eroded (women's) social citizenship rights. In particular, after the devolved system of maternity benefits was implemented, parents (i.e., mothers) in some areas of Bosnia-Herzegovina were left without any benefits around childbirth for almost two decades, while newly introduced, cantonal-level maternity benefits did not reach the previous level in most cases (i.e., the level of previous earnings available in the socialist period and during the 1990s). These reforms brought remarkable territorial inequalities in the regulation and implementation of maternity benefits as these ceased to exist as a statutory right (a unique leave policy characteristic in Europe; cf. Koslowski et al. 2019) and strengthened exclusionary policy practices related to (women's) social citizenship that tended to position women in the private sphere. That only weakened the position of women in the labour market and increased their economic dependence within the family (cf. Lister 2003; Munday 2009; O'Connor 2013). Moreover, as eligibility criteria for employment-based maternity benefits became stricter, some mothers such as those in unstable private-sector employment began to face a high risk of being left without maternity benefits. That is particularly the case in the context of the segmented labour market in Bosnia-Herzegovina, where employment in the private sector is precarious and labour and social protection legislation poorly enforced, blurring the line between formal and informal employment (Obradović, Juić and Oruč 2019).

The fact that there has been no innovation in childcare policy development in Bosnia-Herzegovina in the last three decades has only strengthened these trends. For example, there were no innovations that have been seen in developed countries (e.g., individual father's leave entitlements, ECEC guarantee; Daly and Ferragina 2018), as well as in the region (e.g., Croatia and Slovenia introduced individual father's entitlements, Slovenia ECEC guarantee; Javornik 2014; Dobrotić and Stropnik 2020). That has moved Bosnia-Herzegovina far away from the notion of an inclusive and degendered concept of social citizenship that improves social security

and the labour market perspective of caregivers and enables both men and women to engage in care and employment (cf. Knijn and Kremer 1997). The father's entitlements were barely discussed, mostly in the function of the 'second carer', who can step in when the mother is unable to provide care. Until recently the ECEC policy was mostly absent from the national political agenda and promoted only on a project basis by some international organisations. While the political landscape of the post-Dayton period is dominated by numerous international actors, they follow heterogeneous agendas (Obradović 2016), and none of them has shown a genuine interest in a coherent childcare policy. Finally, reinforced gender and social inequalities in employment and care that became additionally interwoven with inequalities based on ethnicity and/or locality, as well as occupational status, can hardly be overcome within the context marked by a lack of genuine interest for gender equality as well as a dominance of ethnicised discourses and power of ethno-nationalist elites seeking to satisfy their own agendas (cf. Obradović 2016; Deiana 2018; Stubbs and Zrinščak 2019).

The case of Bosnia-Herzegovina, the country that experienced one of the most considerable post-1990 erosions of childcare-related rights among the post-socialist countries and became the only country without a uniform statutory maternity benefit (Dobrotić and Stropnik 2020), contributes to studies challenging the homogeneity of the post-socialist experience (cf. Szelewa and Polakowski 2008; Javornik 2014; Dobrotić and Stropnik 2020). It provides an insight into the detrimental implications of devolution of maternity benefits for women's social citizenship and their ability to engage in care and employment, especially within the governance structure that failed to set up mechanisms that would guarantee fundamental social rights to all citizens, independently of local conditions in which they are embedded. Finally, it points to a need to strengthen a social rights perspective while exploring childcare policy developments, which allows for a more comprehensive look at policy dimensions and their implications for inequalities in care and employment. This is particularly relevant for countries with a pronounced tendency to closely link access to social rights to labour market 'productivity', not taking into account inequalities that already exist in society and thus having a high risk of excluding groups such as precarious workers, migrants, students or workers in the informal economy (cf. Dobrotić and Blum 2019a, 2019b). As shown, there is a need for 'a pluralistic conception of citizenship [that] would recognize that "woman" [and man] is not a homogeneous category but is cross-cut by other structural categories including not only class but also age, sexual orientation, race and ethnicity, which have implications to varying degrees for level and type of participation in different societies' (O'Connor 2013, 141).



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<sup>i</sup> Parenting-related leaves typically refer to maternity leave (granted to mothers around childbirth), paternity leave (granted to fathers or co-parents around childbirth) and parental leave (care-related rights available to both mothers and fathers after the initial maternity/paternity leave).

<sup>ii</sup> They differ from other family allowances (e.g., child benefits) by their clear linkage to employment and the limits/opportunities they place on involvement in care and employment (Dobrotić and Blum 2019a). Child benefits would also have to be generous to have gender-related implications, for example, motivate mothers to withdraw from the labour market (Dobrotić 2012; Saxonberg 2014), which is not the case in the region as these are low, often means-test benefits whose primary aim is to mitigate poverty (Bašić 2017; Bruchauf 2014).

<sup>iii</sup> While in some of the SEE countries such as Croatia, childcare policy was able to enter the public agenda, especially as a part of pronatalist agenda and a so-called ‘demographic renewal’ frame (Dobrotić 2019b), that was not the case in Bosnia-Herzegovina.

<sup>iv</sup> The Constitution defined child and motherhood protection as an area of special government interest: ‘the state guards interests of mothers and children by establishing maternity wards, children’s homes, kindergartens and grants mothers maternity leave before and after the childbirth’ (Monografija socijalnog osiguranja SFRJ 1985, 214).

<sup>v</sup> The replacement rate was set at 100% of previous earnings with the 1949 reform (Dobrotić 2019a).

<sup>vi</sup> In addition, various family benefits (e.g., child benefits, financial assistance for nourishment, one-off birth grants) were introduced, aiming to mitigate the financial costs of raising children (Društveni plan razvoja Jugoslavije 1957–1961).

<sup>vii</sup> That practice eventually changed in the late socialist period when these categories also gradually become covered by social insurance.

<sup>viii</sup> For discussion on care as a fundamental element of social citizenship, see Knijn and Kremer (1997).

<sup>ix</sup> While there was no systematic data monitoring to provide details, ECEC services were not widely provided in factories where women worked in Bosnia-Herzegovina. Only some large conglomerates, such as a steel factory in Zenica, had ECEC organised for children of their employees.

<sup>x</sup> Republic of Bosnia and Herzegovina, Croat Republic of Herzeg-Bosnia and Republika Srpska.

<sup>xi</sup> In the post-Dayton period, maternity leave was 18 months for both cases. Also, this ‘extended’ leave period expanded to cover the birth of a fifth and each subsequent child.

<sup>xii</sup> Federation of Bosnia and Herzegovina was created in 1994 by the Washington Agreement, which ended the conflict between ethnic Croats and Bosniaks.

<sup>xiii</sup> In 2002, Office of the High Representative imposed changes of the entity and cantonal constitutions, which pertained to the Constitutional Court of Bosnia and Herzegovina Decision on Constituent Peoples in 2002 (No. U5/98–III), whereby Serbs became constituent peoples in the FBiH and Bosniak and Croats in the RS, while also affecting ‘Others’ expending their political rights at the entity and cantonal levels.

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<sup>xiv</sup> ‘Regular’ refers to maternity leave period available in the case of the birth of a first child, while the RS and DB also have ‘extended’ leave period that can be used in the case of multiple births or birth of a third and every subsequent child until the child turns 18 months.

<sup>xv</sup> The RS Fund for Child Protection is financed mainly from social insurance contributions, but some maternity and child benefits are financed by the entity budget.

<sup>xvi</sup> Posavina is an ethnic Croats–dominated canton, while Herzegovina–Neretva is a former canton with a parallel regime, where ethnic Croats and Bosniaks share dominance. Both cantons border Croatia and many families that have dual citizenship register their address in neighbouring municipalities in Croatia in order to claim the relatively generous maternity and child benefits (cf. Stubbs and Zrinščak 2015).

<sup>xvii</sup> The FBiH Law on Health Protection from 1997 established the post-Dayton organisation of the healthcare system in the FBiH, thereby devolving competencies for policy implementation to cantons. As a result, the FBiH has 11 ministries of health and 11 health insurance funds.

<sup>xviii</sup> As argued by Bašić (2017), in the field of gender equality, only issues of political representation or gender-based violence were able to enter the public agenda.

<sup>xix</sup> Two main political parties in FBiH in the late 1990s (SDA, ethnic Bosniak political party, and HDZ, ethnic Croatian political party) were not able to reach a consensus about the future organisation of social systems and thus decentralised them, leaving cantons with the obligation to create, finance and manage basic social rights (Pavelić et al. 2008).

<sup>xx</sup> Again, with different dynamics, with the last being introduced in Herzegovina-Neretva Canton in 2017.

<sup>xxi</sup> Namely, benefits remained organised around the same status-based principles that distinguished entitlements based on the women’s labour market status.

<sup>xxii</sup> Namely, when advocating for equality of leave benefits throughout Bosnia-Herzegovina, actors only invoke 92/85/EEZ directive, defining maternity leave (Udruženje VESTA 2012; Institucija ombudsmena... 2015).

<sup>xxiii</sup> In 2017, out of 3,200 beneficiaries of maternity leave, only 22 were fathers, which is an increase compared to the previous year when only 15 fathers used this provision (Nezavisne novine 2018).

<sup>xxiv</sup> Data retrieved upon request by the Agency for Statistics of Bosnia and Herzegovina. It is important to note that the enrolment rate of kindergarten-aged children (starts at the age of three) also includes children attending a short preschool program that serves as an obligatory preparation for primary school and typically lasts 150 hours in a year before the primary school entrance. It is a program implemented upon the insistence of international organisations; however, it is still not fully implemented in all the areas.

<sup>xxv</sup> The increase in coverage is also a result of a decrease in the number of children.

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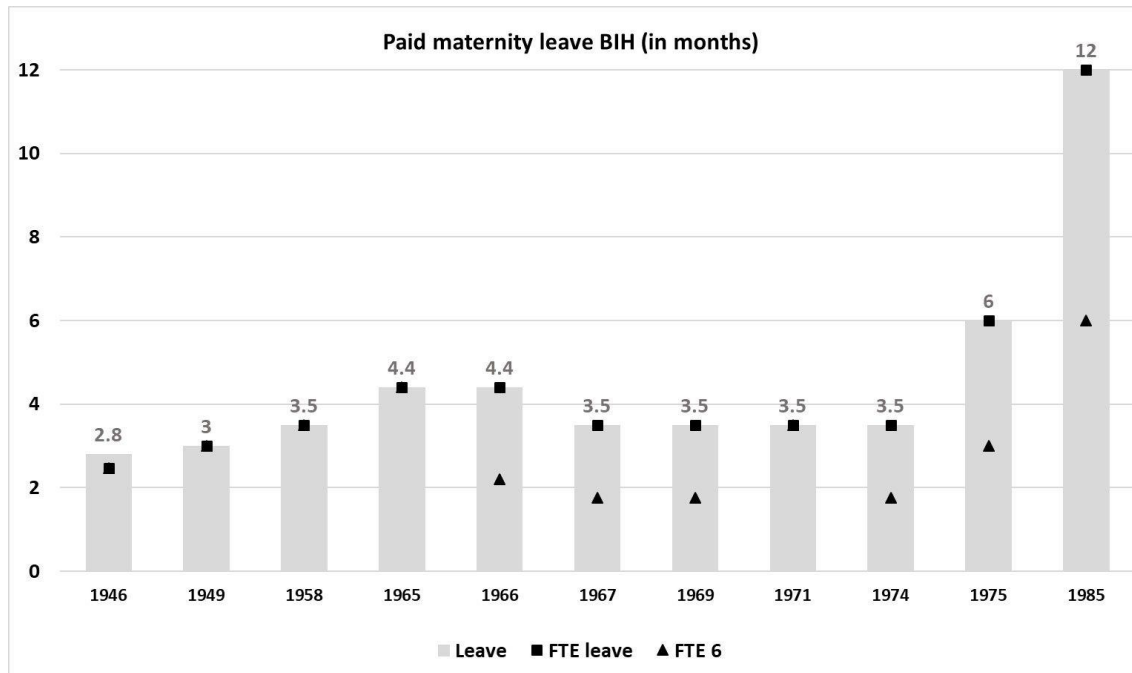
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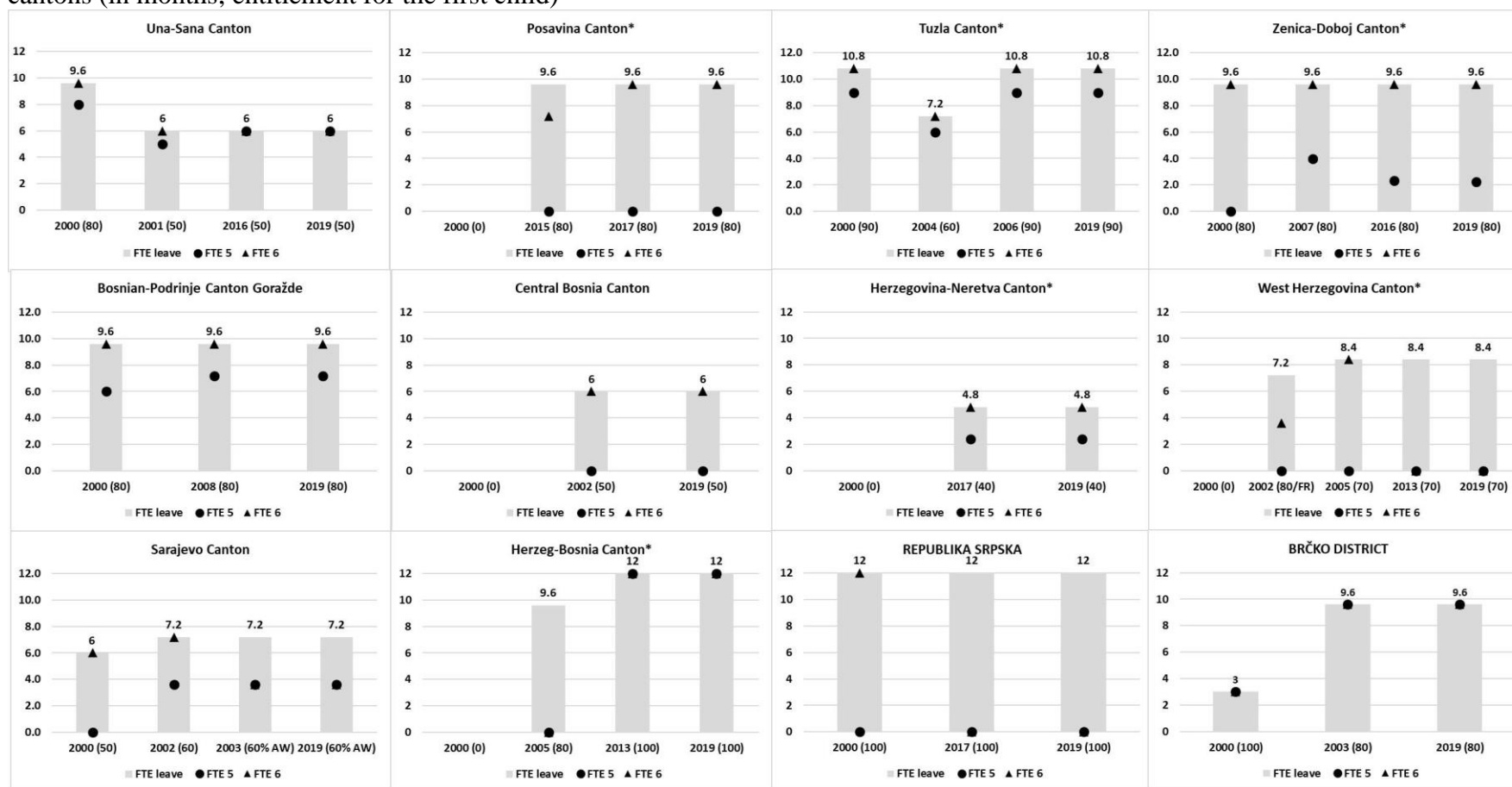
Figure 1: Leave policy development in Bosnia-Herzegovina 1945–1990: FTE leave by the duration of the previous insurance period (entitlement for the first child)



Notes: ‘Leave’ indicates the duration of maternity leave and ‘FTE leave’ the period of paid maternity leave expressed in ‘full-time equivalent’ units for employees *who fulfil* the employment-related eligibility criteria. ‘FTE leave’ is calculated as the wage replacement rate multiplied by the duration of leave (Ray et al. 2010). ‘FTE 5’ and ‘FTE 6’ indicate the period of the ‘FTE leave’ for employees *who do not fulfil* eligibility criteria for (full) maternity benefit (‘FTE 5’ has five and ‘FTE 6’ six months of uninterrupted employment period before the leave started). If the ‘FTE leave’ and ‘FTE 6’ values overlap, eligibility criterium for a full benefit is set at six months of continuous insurance period before the leave starts; if the ‘FTE 6’ is lower than the ‘FTE leave’, eligibility criteria is set per the longer insurance period (typically 12 months). Only reform years are presented in the figure.

Source: Dobrotić and Obradović (2020)

Figure 2: Paid maternity leave in Bosnia-Herzegovina 2000–2019: FTE leave by the duration of the previous insurance period, by entities and cantons (in months; entitlement for the first child)



Notes: See Figure 1. Maternity leave duration is 12 months in the whole country. Numbers in the brackets denote the replacement rate effective in a particular year; \* denotes that there is an upper ceiling, typically set at the average salary in the FBiH; FR denotes that part of the benefit is paid as a flat-rate benefit; AW denotes that the benefit is paid as a share in average salary in the FBiH and not in previous earnings. Only years with the reforms affecting the level of maternity benefits are shown. The missing values in 2000 indicate the absence of maternity benefits in the canton.

Source: Dobrotić and Obradović (2020)

