



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of the reports submitted by States parties under article 44 of the Convention

Combined second to fourth periodic reports of States parties
due in 2009

Bosnia and Herzegovina^{*,}**

[24 February 2010]

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** The annex can be consulted in the files of the Secretariat.

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I. Introduction and purpose of the report

1. Pursuant to article 44, paragraph 1 (b), of the Convention on the Rights of the Child that Bosnia and Herzegovina assumed by succession on 23.11.1993 ("Official Gazette", No. 25/93), and upon a proposal by the Ministry of Human Rights and Refugees, the Council of Ministers at its 105th session held on 18th November 2009 adopted the second to fourth periodic report of Bosnia and Herzegovina on its implementation of the Convention on the Rights of the Child.
2. The second to fourth periodic report of Bosnia and Herzegovina on the implementation of the Convention on the Rights of the Child was made in accordance with the general guidelines on the structure and the content of periodic reports that State Parties are obliged to submit in accordance with article 44, paragraph 1 (b) of the Convention (CRC/C/58/Rev.1), which were adopted by the Committee on the Rights of the Child at its 39th session held on June 3rd 2005.
3. The general guidelines provided a review of the purpose and structure of the report as well as content information required by the Convention. The annex contains more detailed information with regard to the type of statistical data required by the Committee in accordance with the basic provisions of the Convention.
4. This approach reflects a general perspective on children's rights that are the subject of the Convention, in the sense that these rights are indivisible and interlinked, and that all the rights recognised in the Convention are of the same importance.

II. Preparation of the report

5. Bosnia and Herzegovina presented the initial Report of Bosnia and Herzegovina on the implementation of the Convention on the Rights of the Child in May 2005, after which the Committee on the Rights of the Child discussed the initial report of Bosnia and Herzegovina (CRC/C/11/Add.28) at its 1030th and 1031st meetings (see CRC/C/SR.1030 and 1031) held on May 19th 2005 and adopted concluding remarks (CRC/C/15/Add.260) at its 1052nd meeting held on June 3rd 2005.
6. After June 2005, Bosnia and Herzegovina started preparing initial reports on implementation of the two Optional Protocols to the Convention on the Rights of the Child, namely on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, which were adopted by the Council of Ministers of Bosnia and Herzegovina in June 2008 and submitted to the Committee.
7. On the basis of the previously conducted activities with regard to the implementation of the concluding observations of the Committee, as well as those activities conducted with regard to preparation of the initial reports on the implementation of the two aforementioned Optional Protocols, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina prepared a plan of activities aimed at preparation of the second to fourth periodic report on the implementation of the Convention on the Rights of the Child.
8. In accordance with this plan and with specific regard to the preparation of the periodic report, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina included representatives of the following ministries: Ministry of Labour and Social Policy of the Federation of Bosnia and Herzegovina, Ministry of Health of the Federation of Bosnia and Herzegovina, Ministry of Education of the Federation of Bosnia and Herzegovina, Ministry of Health and Social Care of Republika Srpska, Ministry of

Education and Culture of Republika Srpska and Department of Health of Brčko District of Bosnia and Herzegovina.

9. Representatives of these institutions participated in the first phase of the preparation of the periodic report in such a way that all available reports and information, together with the general guidelines for preparation of periodic reports issued by the Committee on the Rights of the Child (CRC/C/58/Rev.1 of 29.11.2005), were presented to a wide selection of civil servants and representatives of non-governmental organisations, who were subsequently afforded an opportunity to submit their proposals and suggestions. Following the implementation of the aforementioned activities, an expert group, appointed by the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, prepared an analysis of submitted comments as well as a final proposal of the periodic report which was then submitted for adoption to the Council of Ministers, in accordance with its Rules of Procedures. The adopted proposal of the periodic report was submitted to the Committee on the Rights of Children in one of the official languages of the United Nations.

III. Report on the status of implementation

A. General measures of implementation (arts. 4, 42 and 44, para. 6)

10. The Parliamentary Assembly of Bosnia and Herzegovina nominated three (3) Ombudsmen for Bosnia and Herzegovina in mid-2008, thus providing the conditions for initiation of the transition process of entity ombudsmen into the Institution of Human Rights Ombudsman for Bosnia and Herzegovina. At the moment, the merging of BiH Ombudsmen for Human Rights and entity ombudsmen institutions has not yet taken place. It is important to note that there has been some progress in the previous period, in particular with regard to creating a normative environment for functioning of the institution of Ombudsman of Bosnia and Herzegovina. The internal regulations necessary for functioning of the institution have been prepared and adopted, and they have been developed in two directions:

(a) The adoption of normative acts of the institution that ensure its unhindered functioning (the Rulebook, the Rules of Procedures and Decision Making Process of the Ombudsman, The Rulebook on Salaries, The Rulebook on Office Practice, the Rulebook on Internal Organisation and Systematisation of Posts, The Rulebook on Disciplinary Responsibility etc);

(b) The adoption of acts that create conditions for cessation of the work of entity institutions (The Rulebook on Internal Organisation and Systematisation of Work Posts and the Decision on Takeover of Staff, Resources and Equipment of entity institutions).

11. Seven specialised departments have been established:

- Department for monitoring the rights of children
- Department for monitoring the rights of disabled people
- Department for monitoring the rights of national, religious and other minorities
- Department for economic, social and cultural rights
- Department for political and civil rights
- Department for elimination of all forms of discrimination
- Department for monitoring the rights of detainees/prisoners

12. The Department for Elimination of All Forms of Discrimination is very important, given the fact that there is an ongoing process of adopting the Law on Prohibition of Discrimination which proposes that the institution of the Ombudsman for Human Rights BiH should be a mechanism for monitoring the application of this Law and for filing complaints.

13. With regard to staffing, the BiH Ombudsmen, according to their Decision on Taking Over the Staff, Resources and Equipment of Entity Ombudsmen (No. 08-17/09 of 10.02.2009) took over nine employees from the Institution of FBiH Ombudsman – Office in Sarajevo. In parallel, the BiH Ombudsman advertised vacancies for positions in their offices in Banja Luka, Mostar and Brčko District on March 27th 2009. By completing this vacancy procedure, the process of staffing was completed, thus enabling normal functioning of the Institution of the Ombudsman. The office in Mostar is not yet functional due to the financial situation there.

14. The Law on the Cessation of Functioning of the Institution of the Ombudsman of Republika Srpska and transfer of its competencies to the Institution of Human Rights Ombudsman of BiH has not yet been adopted. It is important to note that the Law on the Ombudsman for Children has been adopted in Republika Srpska (“Official Gazette RS”, No. 103/08). All of this additionally complicates the procedure of unifying the Institution of the Human Rights Ombudsman for BiH. The Institution of the Ombudsman in the RS consists of only one Ombudsman; the Ombudsman for Children. The RS National Assembly at its 28th session held on March 10th 2009. under item No 9 discussed the Draft Law on the Cessation of Functioning of the Institution of RS Ombudsmen – Human Rights Protector (note: the Law on this matter has been on the agenda of the RS National Assembly session three times so far, the last time being March 10th 2009). The proposer of the law, the RS Ministry of Justice, withdrew the draft from the procedure.

15. At its 24th session held on May 22nd 2009, the Joint Commission for Human Rights, Rights of the Child, Young People, Immigration, Refugees, Asylum and Ethics of the Parliamentary Assembly of Bosnia and Herzegovina, as the competent and authorised commission, discussed the Information by the Human Rights Ombudsman on the existing situation in 2008 and activities that were taken over in 2009. Following the discussion, the Joint Commission adopted the conclusion that invites the Joint Collegium of both Houses of the Parliamentary Assembly BiH to hold a meeting with the members of the Collegium of the National Assembly of Republika Srpska and the members of the Federation Parliament of Bosnia and Herzegovina, and propose solutions with regard to the problems in implementation of the Law on Changes and Amendments to the Law on the Human Rights Ombudsman of Bosnia and Herzegovina, based on the Information from the Human Rights Ombudsman on the existing situation in 2008 and activities taken over in 2009. The House of Representatives of the Parliamentary Assembly of BiH at its session of June 10th 2009, discussed the Information from the Human Rights Ombudsman and offered its full support to the proposed conclusions of the Joint Commission for Human Rights, Rights of the Child, Young People, Immigration, Refugees and Ethics of the Parliamentary Assembly of Bosnia and Herzegovina.

16. The Law on Preschool Care and Education at the level of Bosnia and Herzegovina was adopted in the course of 2007 and the Framework Law on Higher Education was adopted in August 2007. The laws foresee that harmonisation of lower level legislation should take place in the Federation of BiH, Republika Srpska and Brčko District BiH within 6 months. Republika Srpska, in accordance with article 51 of the Framework Law on Preschool Care and Education in BiH, adopted the Law on Preschool Care and Education (Official Gazette of Republika Srpska, No. 115/08).

17. The Law on Prohibition of Discrimination in Bosnia and Herzegovina was adopted at the 57th session of the House of Representatives held on July 8th 2009, and at the 33rd session of the House of People held on July 8th 2009, and published in the Official Gazette of BiH No. 59/09. Given that the current Constitution of Bosnia and Herzegovina prioritises the European Convention for the Protection of Human Rights and Fundamental Freedoms over all domestic laws, the concept as such enters the very basis of this Law at the level of Bosnia and Herzegovina aimed at protection of human rights of citizens of Bosnia and Herzegovina and promotion of their equal rights and opportunities. Universality and sovereignty, as a concept of equality of all human beings, is defined in this Law as a value of its implementation in the entire territory under the jurisdiction of Bosnia and Herzegovina. Therefore this Law presents an equal and unique framework for protection from discrimination, and apart from protecting the most vulnerable categories, it also emphasises a particular possibility and responsibility of competent authorities to protect children's rights as a priority in Bosnia and Herzegovina and foresees sanctions for breaching of this Law. This introduces a unique and stronger mechanism of judicial protection against discrimination and a stronger role of the Institution of the Ombudsman of Bosnia and Herzegovina.

18. Apart from this Law, Bosnia and Herzegovina in 2008 initiated procedures for the consideration of even more new international instruments related to children's rights, amongst which the most important are: the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, the European Convention No. 192 on Contact concerning Children, the European Convention No. 085 on the Legal Status of Children Born Out of Wedlock, the European Convention No. 160 on the Exercise of Children's Rights, the European Convention No. 105 on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children and the European Convention No. 058 on the Adoption of Children. There is an ongoing procedure of consideration and decision-making regarding the aforementioned conventions, through which Bosnia and Herzegovina will initiate the accession procedure.

19. In accordance with the concluding observations of the Committee, the Presidency of Bosnia and Herzegovina has made a Decision on withdrawing its reservations in relation to article 9, paragraph 1, of the Convention on the Rights of the Child. The Ministry of Foreign Affairs of Bosnia and Herzegovina submitted the information to the United Nations General Secretary as a depositary, in the course of 2008.

20. The application of General Principles of the Convention on the Rights of the Child has been presented in detail in the Report on the Implementation of the Optional Protocol on the sale of children, child prostitution and child pornography (see items 4 to 19).

1. Financing of childcare in BiH

21. The total BiH spending on social protection is slightly higher against GDP than in other transition countries with faster growth rate, but its structure, according to the report, is significantly different to those in most European countries.

Table 1
BH spending on cash transfers financed from general income 2002–2005 (in millions of KM and in percentages of GDP)

	2002		2003		2004		2005	
	<i>In millions of KM</i>	<i>In % of GDP</i>	<i>In millions of KM</i>	<i>In % of GDP</i>	<i>In millions of KM</i>	<i>In % of GDP</i>	<i>In millions of KM</i>	<i>In % of GDP</i>
Federation	472	4.5	480	4.3	474	4.0	481	4.3
Childcare	31	0.3	47	0.4	48	0.4	38	0.3
RS	137	2.9	164	3.4	180	3.7	170	3.5
Childcare	21	0.4	16	0.3	21	0.4	25	0.5

Source: Bosnia and Herzegovina: Addressing Fiscal Challenges and Enhancing Growth Prospects, a Public Expenditure and Institutional review, World Bank, 2006.

22. According to this report, decentralised financing mechanisms result in significant inequalities between the regions in BiH. In FBiH, the criteria for acceptance of users for most allocations are ad hoc, as local social care offices are free to make decisions independently when rationalising available resources. The system in RS is an exception, as it is financed at the central level and administered through the Public Childcare Fund.

Budget allocations for social sector from the budget of the Federation of BiH for the period 2006–2008

	<i>Budget in millions – KM</i>			<i>% of FBiH budget</i>			<i>% of FBiH GDP</i>		
	<i>2006</i>	<i>2007 rebalance</i>	<i>2008</i>	<i>2006</i>	<i>2007 rebalance</i>	<i>2008</i>	<i>2006</i>	<i>2007 rebalance</i>	<i>2008</i>
Federal Ministry for Soldiers and Invalids	326.7	350.0	364.8	28.7%	22.1%	20.8 %	2.4%	2.5 %	2.4%
Federal Ministry of Labour and Social Policy	66.5	246.0	288.0	5.8%	15.5%	16.4 %	0.5 %	1.8%	1.9%
Federal Ministry of Displaced Persons and Refugees	20.4	31.8	34.8	1.8%	2.0%	2.0 %	0.2%	0.2%	0.2%
Total	413.6	627.8	6 897.6	36.3%	39.6%	39.1%	3.1%	4.5%	4.6%
BiH Federation Budget				1 139.0	1 586.3	1 757.7			
Nominal GDP of FBiH							12 058	13 855	14 971

Financial support – UNICEF programmes

23. Bosnia and Herzegovina has received significant support from UNICEF, directed at programmes related to improvement of childcare in Bosnia and Herzegovina.

24. Between 2005 and 2008, UNICEF in BiH provided support to the government with primary regard to fulfilling its obligations arising from the Convention on the Rights of the Child as well as the Convention on the Elimination of All Forms of Discrimination against Women. In partnership with governmental and non-governmental organisations, UN agencies and donors, the UNICEF programme aims at achieving three fundamental results:

- Policy creators and community representatives should take a leading role in development of state strategies for improvement of implementation of the rights of children, young people and women
- Service providers and caretakers should accept such a manner of behaviour which will ease and enable access to education, health care and childcare also to those who are most vulnerable
- Policy creators and community representatives should encourage and enable quality participation of children and young people in their communities, including participation in addressing the problem of mine risk

25. The UNICEF Programme for BiH 2005–2008 was focused on capacity building of the Government, communities and caretakers in addressing the issues of social exclusion and its impact on children, young people and women. Through the awareness raising process, families, young people and communities are encouraged to participate in the improvement and coverage of services. Gender equality is considered as a priority thematic strategy that links promotion of the rights of children and women.

26. Through its work with policy creators, service providers, community leaders and families, UNICEF promotes principles of non-discrimination and social inclusion in all its advocacy programmes.

27. UNICEF sponsored researches and analyses aimed at evaluation of the impact of transition and social and economic reform, including the impact of the Mid-Term Development Strategy (Poverty Reduction Strategy Paper – PRSP) on social exclusion. These UNICEF supported researches strengthen the basis of government development policy. The UNICEF Programme strengthens institutional capacities for establishment of minimal national standards with regard to the rights and welfare of women, and the mechanisms for ensuring quality, monitoring and reporting in accordance with those standards.

28. The best practices of multi-sectoral coordination are developed at the municipal level in order to improve services in education, health and social care and have an impact on the development and implementation of state policy. Support to strengthening the regulation framework and development of professional capacities improves mutual coordination and strengthens responsibility of service providers, including non-governmental organisations and the private sector. Support to the participation of civil society strengthens advocacy for children and women's rights as well as sanctions in case of violation of their rights.

29. Capacity building of non-governmental organisations (NGOs) and civil society organisations (CSOs) strengthens their skills and capacities to negotiate, express their requests for services and monitor the work of official institutions. The principles of social inclusion and non-discrimination are being strengthened through promotion of media responsibility and through provision of an environment for children and young people conducive to motivating and enabling them to participate in the work and activities of their schools and communities.

30. The most significant programme in 2009, whose implementation is currently ongoing in Bosnia and Herzegovina is "Strengthening the Social Protection and Inclusion System for Children in BiH" (SPIS).

31. The overall objective of this project is development of a fiscally sustainable and effective social safety net and establishment of a harmonised, well-targeted, efficient and sustainable social protection system, that will contribute to the goals as defined in the BiH strategic documents (Medium-Term Development Strategy, Social Inclusion Strategy etc.).

32. The specific objective of the project is to enhance the capacity and as such increase the effectiveness and relevance of the social protection and inclusion system for children and families in BiH, as a way of meeting its treaty body obligations, the requirements of the SAA process and Paris Declaration commitments.
33. The main target groups are policy makers and professionals accountable for the reform of the social protection system, as well as vulnerable groups of children and their families.
34. The main activities to be implemented within the Project include: advocacy for an integrated system of social protection and inclusion; analysis of the system according to international and national standards; conducting vertical and horizontal functional reviews of the system, capacity development for improved service delivery, review of social protection legislation and evaluation of the impact of changes in the social protection and inclusion system on excluded children.
35. Out of the total budget for this project of 7,400,000 EUR, about 3,700,000 EUR is donated by the Department for International Development (DFID) of the United Kingdom of Great Britain and Northern Ireland, the Government of Norway and UNICEF. The remaining funds are to be provided from the IPA funds of the European Commission. It was planned that this project would be implemented by 2011, including a six-month preparation phase.
36. The Council of Ministers of BiH, at its 59th session held on September 11th 2008, adopted the Decision on Establishment of the Steering Board for Coordination of the Project “Strengthening the Social Protection and Inclusion System for Children in BiH”. The Steering Board is chaired by the Minister of Civil Affairs of BiH, and the members of the board are representatives of UNICEF and state and entity institutions, signatories of the Protocol on Cooperation.
37. Management boards at the level of the entities and state were established, coordinated by the Ministry of Human Rights and Refugees in the form of an Expert Group at the level of Bosnia and Herzegovina.
38. The Project “Strengthening the Social Protection and Inclusion System for Children in BiH” is implemented through the total ownership of institutions in BiH and includes three levels: the community level, social protection institutions level and the development and policy making level.
39. Within the Project “Strengthening the Social Protection and Inclusion System for Children in BiH”, the implementation of which is supported by UNICEF, with an aim to improve child development and parenthood capacities, the establishment of 10 integrated centres for parents and children (ICRD) has commenced in the Federation of BiH and Republika Srpska. The centres will be complementary to all existing municipal services providing services in the area of health, nutrition, education and social care. They will not replace the existing services in these areas; their aim is to assist them to function better and to complement existing gaps in services they provide at the municipal level.
40. That is why the Steering Board for coordination of the Project decided to initiate the project activity of establishment of the Integrated Early Childhood Development Centre for parents and children in the territory of FBiH. The Integrated Early Childhood Development for parents and children is a model which aims to improve and achieve challenging and responsible parenting and early development of children aged 0–10 years, with a special focus on children aged 0–3 years. UNICEF, in cooperation with the Federal Ministry of Education and Science, the Federal Ministry of Health and the Federal Ministry of Labour and Social Policy, developed a proposed model of the integrated centre of early childhood development and work programmes of the centre. The municipalities Novi Grad Sarajevo

and Novi Travnik are already implementing activities related to the opening of the integrated centre. Activities related to the opening of integrated centres are also being implemented in Republika Srpska.

Financial support – Government of Norway and Save the Children Norway

41. It is also important to mention programmes of support of Save the Children Norway, which was a long term partner primarily of the Ministry of Human Rights and Refugees Bosnia and Herzegovina but also of the institutions in Bosnia and Herzegovina, such as the BiH Ombudsman and the Department for Combating Trafficking in Human Beings etc.

42. These joint programmes and projects are dedicated to education of children, protection of children from violence, improvement to participation of children and other programmes related to the improvement of child protection in Bosnia and Herzegovina, also comprising development of regional cooperation and exchange of experiences with European countries.

43. With the support of ‘Save the Children Norway’, the Report on Violence Against Children in BiH was created, as well as the State Strategy for Combating Violence against Children in B&H, the Analysis of capacities, procedures and gaps in the system of protection of children against child pornography in BiH, the Standardized Procedures of Different Professions in Protection and Treatment of Child Victims and Victims/Witnesses of Human Trafficking in B&H, as well as the Manual for professionals employed within prosecutors office, police, social and health institutions – protection of children from trafficking in human beings etc.

44. Also, the Ministry of Human Rights and Refugees BiH, in the area of protection of the rights of the child in Bosnia and Herzegovina, amongst other things, did the following:

- Contributed to the preparation of the strategy for fight against drug abuse, organised a round table “Right to strike, right to education” (with support of UNICEF)
- Organised a Conference on prevention of violence against children and women in Bosnia and Herzegovina
- Participated in the development of the BiH National Strategy to Eliminate Iodine Deficiency Disorders (IDD)
- On the occasion of International Children’s Day, with the help of UNICEF and the Council for Children, organised a two-day conference on the following topic: “Children speak out about children’s rights” where they presented the activities of NGOs

45. The presented projects pointed out the readiness of NGO representatives, children and young people to assist in addressing the problems of marginalised groups. This organisation itself also offered significant financial support to local non-government organisations. Their programmes are considered very important by the government of Bosnia and Herzegovina, due to the fact that they respond entirely to the most urgent needs of children at the present time.

2. Description of provisions in favour of the rights of the child

46. In the period following the initial report submitted by Bosnia and Herzegovina, there were intensive activities on adoption of new family laws in both entities.

47. The Family Law of the Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District BiH are good examples of consistency with the provisions of the Convention on the Rights of the Child.

48. This Law prescribes that all activities undertaken by responsible bodies (guardianship authorities and courts) and the decisions they make related to the relationship between parents and children, guardianship, adoption, child support etc. must be made in the child's best interest.

49. According to the provisions of the Convention, the aforementioned Law foresees that the child has the right to care for his or her life, health and development of personality. The child has the right to live with his or her parents, and if he or she is not living with one or both parents, it's the child's right to maintain regular personal and direct contacts with a parent he or she is not living with. Also, the child has the right to maintain personal and direct contacts with grandparents, as well as other persons, if it is in the child's best interest.

50. The child has the right to protection from interference with his or her privacy and family and the right to express personal views on the matter; these views should be taken into account in accordance with the child's age and his/her degree of maturity. In this sense, the Law prescribes that the child should be advised by a competent body in all procedures related to deciding on parental care and guardianship and that the child needs to be informed about the circumstances significant to the decision taken on care and be enabled to express opinions about those circumstances. The child's opinion should be taken into account in accordance with his/her age and level of maturity.

51. The Law prescribes that parental care includes a set of responsibilities, obligations and rights of parents aimed at protecting personal and property rights and interests and that parental care should be achieved in the best interest of the child. Parents have joint and primary responsibility for the child's development and education. Parental rights can be limited and terminated by the decision of a competent body for reasons and the manner prescribed by the Law. Parents are required to take care of the life and care of the child, meet his/her routine needs and protect the child from all forms of vice such as drugs, alcohol, vagrancy, banditry, theft, prostitution, beggary and any other forms of juvenile delinquency; and to protect the child from violence, injuries, economic exploitation, sexual abuse and any other asocial behaviour. Parents are required and have the right to raise the child in a spirit of peace, dignity, tolerance, freedom, equality and solidarity and, in accordance with the child's age and level of maturity, develop the child's rights and responsibility to freedom of thought, conscience and religion. Parents are required to support minors and in order to do so they have to use all their abilities and opportunities. It is a duty of a parent to ensure living conditions conducive to the child's development.

52. The guardianship authority shall point out to parents the gaps in parental care and assist them in addressing them. The guardianship authority will support parents in sorting out their social, material and personal circumstances and relations and, if it is in the child's best interest, they will direct the parents to appropriate counselling.

53. The guardianship authority is required *ex officio* to take any required measures in order to protect the rights and the best interests of the child, based on direct knowledge or information. All bodies, organisations and physical persons are obliged to immediately submit notification of child rights violation to the competent guardianship authority, in particular with regard to any violence, abuse, sexual abuse and neglect of the child.

54. Entity Family Laws in Bosnia and Herzegovina foresee fostering as one of the forms of protection of minors without parental care. The purpose of foster care is to replace parental care, provide protection of personality and interests of the child and to provide the child an opportunity to live and work independently. The guardianship authority will review the care and upbringing of a minor ward to a foster parent, other person or institution. The foster parent of a minor ward is required, as is a parent, to take care of the child's personality, in particular the child's health and education, providing the child an opportunity to live and work independently. The foster parent is obliged to report to the

guardianship authority on the ward's development and on the status of the ward's property. The guardianship authority is obliged to occasionally review the manner of the foster parent's fulfilling its obligations towards the ward, through personal insight.

55. Adoption is a special form of family-legal protection of children without parents or without adequate parental care, which establishes a parental relationship, i.e. relationship with relatives. Adoption can be approved only if it is in the adoptee's best interest. The adopter may be a citizen of Bosnia and Herzegovina. The adopter may also be a foreign citizen, if the adoption is in child's best interest and if the child may not be adopted in Bosnia and Herzegovina.

56. The Project "Strengthening the social protection and inclusion system in Bosnia and Herzegovina" is in its initial phase at the state level. The aim of this project is to improve the current system of social protection and inclusion (SPIS) of children and families, in such a way that fundamental social services are available to every child in Bosnia and Herzegovina.

57. The activities on social protection and inclusion within this project have the following objectives:

- Enabling access to primary social protection for marginalised and socially disadvantaged groups.
- Ensuring particular protection of vulnerable groups of children and victims of multiple exclusion, stemming from violence, abuse, exploitation, risky behaviour and poverty.
- Implementation of pilot projects and development of a renewed integrated approach to child protection, in order to establish stronger links between the existing parts of the system, in particular the system of gathering data related to strategic planning, legislative development, expert training, strategy harmonisation with the budget and monitoring and evaluation. Furthermore, this also presumes better cooperation between different sectors within the social protection system, such as those related to education, health, social welfare, financing, justice, interior affairs, employment, etc.

58. The goal is to strengthen, within the next three years (2009–2011), various services provided to children and their families and improve their links in order to provide better services, relying upon an inter-sectoral coordination system.

59. This project is developed primarily due to the fact that social protection in Bosnia and Herzegovina is planned at the level of policy, only partially at the state level, with basic objectives set at the level of entities and the main implementation taking place at the local level, with the participation of key social protection institutions (such as health institutions, schools, social welfare centres etc), decision makers at the municipal level, families/guardians, as well as children themselves in cooperation with representatives of civil society.

3. Council for Children BiH

60. After the expiration of the mandate of the Council for Children of Bosnia and Herzegovina in 2007, the Council was supposed to have been re-established with a new composition. A new Decision on the Council for Children was prepared in order to enhance the mandate and competencies of the Council for Children, and this Decision was adopted by the Council of Ministers in July 2007. However, due to different interpretations by the responsible entity ministries with regard to the new responsibilities of the council, ranging from strengthening the mandate of the Council to turning the Council into a political body, the Council for Children has not yet been established with a new composition.

61. During the final phase of preparation of this Report, the positions of the responsible entity ministries were getting closer to resolving this very important issue and there is a hope that the Council for Children will be re-established again in the near future.

62. The Government of Republika Srpska adopted the Decision on Establishment of the Council for Children of Republika Srpska in 2006 (hereafter: the Council), as a permanent governmental advisory body in charge of issues related to children's rights, in accordance with the United Nations Convention on the Rights of the Child and other international legal documents in the area of human rights. ("Official Gazette of Republika Srpska" No. 66/06). The Council consists of 11 members from different ministries, institutions and organisations from the governmental sector, but also representatives of the non-governmental sector in Republika Srpska. There were no similar initiatives in the Federation of Bosnia and Herzegovina with regard to establishment of a similar body.

63. In the course of 2009, the idea of establishing the Council for Children of Bosnia and Herzegovina was resurrected with an aim of somehow breaking the existing deadlock in its work. The concept to be used as the basis for convening the new Council for Children was agreed at a joint meeting of entity representatives in June 2009.

4. Familiarizing children with the Convention

64. Apart from a series of workshops for children and education seminars for teachers aimed at familiarizing children/students with the Convention on the Rights of the Child, organised to raise awareness of its principles and provisions, in particular amongst children and parents (these findings are part of the initial report of Bosnia and Herzegovina on the implementation of the Convention on the Rights of the Child), the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, in cooperation with Save the Children UK, started to implement the Project on the Prevention of violence involving children and promotion of respect for differences in Bosnia and Herzegovina through the education system in October 2008, with an aim to build capacities within primary education institutions in Bosnia and Herzegovina, to enable them to prevent and adequately respond to all forms of violence involving children, in cooperation with the social welfare centres, health institutions, police and non-governmental sector, through the implementation of the curriculum and programmes for prevention of violence involving children in schools and pilot communities and participative work. Training plans for parents, a training programme for teachers and a curriculum for students from the 1st to the 9th grade were prepared within the Project. All these three training plans (for parents, teachers and students) include education on the rights of the child, i.e. familiarizing with the Convention on the Rights of the Child, with the aim of raising awareness of its principles and provisions.

65. The initial report on the Implementation of the Convention on the Rights of the Child, including remarks made by the Committee that Bosnia and Herzegovina adopted, are available for debate on the website of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina to the public, civil society organizations and youth groups and children in both entities, in order to start discussions and raise awareness of the Convention, its implementation and monitoring. The Ministry of Human Rights and Refugees of Bosnia and Herzegovina also participated in several non-governmental projects aimed at making the Convention more accessible while strengthening its understanding in everyday life of children and parents. The Convention itself became a part of the Curriculum for several teaching subjects for different ages of children in primary and secondary education. The text of the Convention on the Rights of the Child was also translated into Roma language, the language of the largest minority in Bosnia and Herzegovina.

5. Cooperation with non-governmental organizations

66. The Council of Ministers of Bosnia and Herzegovina adopted the “Agreement on Cooperation between the Council of Ministers of BiH and the NGO sector in BiH” on April the 6th 2007, which resulted in preparation of the basis for establishment of a new joint body that will ease the implementation of joint governmental and non-governmental initiatives. Apart from this Agreement, the Ministry of Justice of Bosnia and Herzegovina issued a legal act that imposed a procedural obligation on all responsible institutions in BiH for all legislative projects and other important plans, programmes and strategies to be implemented with mandatory consultations with the non-governmental sector. The Ministry of Human Rights and Refugees of Bosnia and Herzegovina had a similar practice of consulting non-governmental organisations in preparation of strategies in the past. Also, non-governmental organisations are invited to all seminars, round tables and conferences, and there are many successful joint projects between the governmental and non-governmental sector. Amongst them, we would like to particularly point out the implementation of the project aimed at developing the Human Rights Code in schools. The process of development of this document was realized through the participation of 797 parents, students and teachers from 142 schools in 56 communities across Bosnia and Herzegovina, with the support of educational institutions such as the Ministry of Civil Affairs of Bosnia and Herzegovina, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, the Ministry of Education and Culture of Republika Srpska, the Federal Ministry of Education and Science, the Ministry of Education, Science, Culture and Sport of USK, the Ministry of Education, Science, Culture and Sport of SBK-KSB, the Ministry of Education, Science, Culture and Sport of ZDK, the Ministry of Education, Science, Culture and Sport of HBŽ, the Ministry of Education, Science, Culture and Sport of ZHŽ, the Ministry of Education, Science, Culture and Sport of HNŽ-HNK, Ministry of Education and Science KS, the Ministry of Education, Science, Culture and Sport of BPK, the Ministry of Education, Science, Culture and Sport of TK, the Ministry of Education, Science, Culture and Sport of PŽ and the Organisation for Security and Co-operation in Europe – OSCE BiH.

67. After a successful process of gathering and unifying materials, the document “Codex of Human Rights Protection in the School” was created. The purpose of this document is to enable the school, as it is an educational institution, to become a place where the human rights of each individual will be respected and where each individual will develop capacities to become a responsible citizen who will contribute to empowerment of the democratic processes in Bosnia and Herzegovina. The Codex developed standards and norms that will become the common foundation for development of democratic relations in the school. The document places actual rights within the school content and obliges schools to implement them in actual school practice, with the aim of learning democratic principles in a democratic framework. The starting point for actual standards in this document is “The General Law on Primary and Secondary Education in BiH”. This document offers common values and principles founded on respect of human rights, by which school members should be guided. The Codex offers ethical principles by which the school should be governed. The Codex has developed basic standards for human rights protection in curricular and extracurricular activities, healthy and safe educational surroundings and democratic involvement in school life. Finally, the Codex develops a model for protection and monitoring of human rights in schools.

68. In addition, within the implementation of the Strategy for Juvenile Delinquency Prevention for Bosnia and Herzegovina (2006–2010) the Ministry of Human Rights and Refugees of Bosnia Herzegovina issued a public call to NGOs to get actively involved into the implementation of the Strategy. A database of NGOs was also created.

69. The Ministry for Family, Youth and Sport of Republika Srpska and the Federal Ministry of Labour and Social Policy also pay special attention to providing support to non-governmental organisations which play an important role in promotion and support of positive behaviours and in creating a more nurturing child environment. Programmes and projects of the Association are financially supported. Special support is given to the project of purchasing school textbooks and supplies for students from socially deprived multi-member families. The aim of the Project is to provide support to parents in meeting their obligations with regard to their children's education, and also to encourage children to put in more effort and achieve better results in school.

70. In the reporting period, the responsible ministries organised and sponsored several events promoting responsible parenting as well as fundamental children's rights, in accordance with the Convention. In addition to these activities, the responsible ministries financially supported activities and events held during the Children's Week and Children's Day.

B. Definition of the child in the legislation of Bosnia and Herzegovina and general principles

Definition of the child (art. 1); General principles (arts. 2, 3, 6 and 12); Non-discrimination (art. 2); Best interest of the child (art. 3); The right to life, survival and development (art. 6); Respect for the child's opinion (art. 12)

71. In relation with article 1 of the Convention, in terms of the definition of a child under domestic legislation and regulations, we would like to refer to paragraphs 40 through 53 of the initial report on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/BIH/1), dealing with this issue.

72. The most vulnerable category are children of displaced persons, refugees, minorities, foreign nationals and asylum seekers and children with disabilities. The Programme of Social Inclusion of Children that is being implemented in Bosnia and Herzegovina and the Programme of Social Inclusion of Population Program both establish special objectives and measures to improve the protection of rights of all these categories of children. Difficulties in providing appropriate protection of these children's rights are a result of the global crisis and a lack of funds available to social services which have a prime task of ensuring the protection of children and/or improving the status of families with children. Children in Bosnia and Herzegovina do not always enjoy equal protection, as some areas allocate greater funds for their protection and there are areas that do not have appropriate resources, so we are mainly focusing our activities on harmonization efforts in order to ensure equal exercise and protection of rights of children in BiH.

73. Juvenile children cannot receive a death sentence in Bosnia and Herzegovina, i.e. the death sentence is completely abolished and it is not applied in Bosnia and Herzegovina, with an exception of the Entity of Republika Srpska. A death of any person, including a child, is registered in line with the valid legislation, and if there is a suspicion as to the cause of death, the competent prosecutor orders an autopsy. As a rule, death cannot be officially acknowledged without a death certificate that has to be issued before the acknowledgement by the responsible and designated doctor or a medical team.

74. Bosnia and Herzegovina monitors statistical data on suicides and the situation in families with children with regard to suicide cases. According to 2008 data for the Federation of BiH, men committed suicide in 171 cases (or 76%) and women in 54 cases (or 24%). The age structure of those who committed suicide is as follows: under 18 age group – 3 cases; 18–24 age group – 6 cases; 25–30 age group – 19 cases; 30–40 age group

– 32 cases; 40–50 age group – 33 cases; 50–60 age group – 45 cases; 60–70 age group – 38 cases; 70–80 age group – 35 cases and over 80 – 14 cases.

75. Early growth and development of children and measures undertaken to ensure survival of children of all ages are also some of the priorities for the BiH society as a whole. Children should be a priority of any society and ensuring a good start for a child has long-term positive effects on acquiring basic social and health protection values. These principles are also underpinned by the Declaration and the Convention on the Rights of the Child that recommends creation of conditions for upbringing a child in line with the highest available standards of the community. There is evidence confirming the importance of investment into early growth and development of children and their effects on the change of the approach to children and society as a whole. There are several arguments that support this claim: children have the right to life and development of their full potential; investment into early childhood brings economic benefits to the society as a whole; programs for children are a starting point in the mobilization of a society; scientific evidence shows the importance of early recognition of children's needs and intervention during child's early age; programs of early growth and development promote equality.

76. A significant progress has been made in the reconstruction of the infrastructure since the end of the war in Bosnia and Herzegovina; however, economic rehabilitation of the country progresses at a slow pace. Poverty as a side-effect of circumstances prevailing in our society and the entire social and economic situation in the country has a direct impact on children population. High unemployment rate drags families into poverty, thereby directly affecting health, growth and development of children. It would be crucial to engage all available resources of governmental and non-governmental sector, family and individuals in order to improve the status of children. Engagement of all segments of the society entails a multi-disciplinary approach in creating activities and measures aimed at the improvement of the status of children. Social policy should support families that need help in order to create a safe environment for the upbringing of a child.

77. Health care policy should be focused on children through monitoring their health from gestation to adulthood, monitoring their health during entire childhood, which has, to a great extent, a decisive effect on the health of future adults. Children's health care at the same time represents a preventive activity that results in a healthy adult population.

78. Education and acquiring knowledge on healthy parenthood are corner stones in any family, in terms of the need to monitor the growth and development of a child, and the preschool education contributes to healthy living habits and healthy development of a child.

79. It is known that stable social relations during the first seven years of life significantly affect a psychological profile of a person and person's capability to deal with stressful situations in life. Creation of an environment in early childhood that enables development of child's physical, emotional and social potentials is the best investment in terms of a healthy start in life.

80. With view to the overall situation in BiH, there is a need to harmonize health care for children, ensure a minimum in terms of social security and provide basic development possibilities for all children. Therefore, an initiative has been launched with the aim of developing a strategic document of this kind, which would encompass elements of the integrated approach of the health care sector, social sector and preschool education sector that are important for early growth and development of children under age of 6. This of course does not serve to diminish the role of other institutions in the society in giving their full contribution to creation of these requirements.

C. Civil rights and freedoms (arts. 7, 8, 13–17 and 37 (a))

81. In accordance with the existing law regarding juveniles and at the request of parents, children's selected citizenship is being registered. Spouses are obliged to agree on the citizenship of the child. A child ceases to be a BiH citizen by waiver, at the request of both parents whose BiH citizenship was terminated by waiver or at the request of a parent whose citizenship was terminated due to renouncing, or in case the other parent passed away or lost parental rights, is a foreigner or stateless person (which should be evidenced). If the child is older than 14 his written consent is required.

82. Registration at birth is one of the fundamental human and child rights and is prerequisite to the exercising of rights in other areas of life, such as: the right to identity, the right to education, the right to health care and more. The Ministry of Human Rights and Refugees has for a long period faced the problem of failing to register children's' births into the Register of Births, especially when it comes to children who belong to the Roma minority. Therefore, during the last two years, a program whose main objective was to solve the issues facing primarily the Roma population was implemented, as well as preparations for implementing tasks assumed by signing the Framework Convention for the Protection of National Minorities. The main goal of this program includes improving the status of the Roma population and creating conditions for their social inclusion.

83. The problem of failing to register children into the Register of Births, especially amongst the Roma population, in the last two decades, increased to such an extent that it can be claimed that the issue of registration became a subjective choice rather than a legal obligation.

84. Individual actions to update registration and registration campaigns produced only short-term and limited results. Our experience tells us that this problem is present not only among the Roma population but also among other population groups. The reasons for this are varied: incomprehension of legal obligations, ignorance of procedures, lack of money for administrative procedures, as well as the absence of sanctions for failing to undertake this legal obligation. A detailed legal explanation that refers to children's nationality, personal name and registration in the context of the Register of Births, is included in paragraphs 491–509 of the report on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/BIH/1).

85. For these reasons, in 2008, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina and UNICEF in Bosnia and Herzegovina, in cooperation with the authorized entity institutions and legal experts in the area of child protection and human rights, prepared a legal analysis of legislation in Bosnia and Herzegovina, which regulates the area of birth registration. The analysis highlighted the complexity of the problem, described the forms and offered appropriate final considerations and recommendations.

86. The Ministry of Human Rights and Refugees Bosnia and Herzegovina and UNICEF believe that this legal analysis can serve the state and entity authorities while considering the change in regulations governing the area, thus creating an environment that would facilitate social inclusion of not only the Roma minority in Bosnia and Herzegovina but also children and other citizens who are not currently able to exercise the right to identity.

87. The education of registrars on practical implementation of the recommendations of the aforementioned legal analysis and realization of the UNICEF program which, in cooperation with the Your Rights BiH Organization, secured the registration of 536 members of the Roma minority as additional registers into the Register of Births and recipients of personal documents, in the period between April 2008 and the end of February 2009. This project aims to provide assistance to at least 1,000 members of the Roma minority and is funded by Swiss Agency for Development and Cooperation (SCD).

1. Articles 8 and 13–16

88. The Constitution of Bosnia and Herzegovina and its entities, as well as individual laws pertaining to family and social protection, religious freedom, education and the right of association, guarantee the children of Bosnia and Herzegovina the right to identity, especially with respect to freedom of expression, thought, conscience, religion and protection of privacy. In Bosnia and Herzegovina, the Law on Protection of Personal Data was adopted in 2001 and amended and improved in 2006. In order to control the protection of personal data the Personal Data Protection Agency in Bosnia and Herzegovina has been established and the Law on Freedom of Access to Information, which regulates the manner of data usage, has been passed. It also remains a fact that there are certain problems related to exercising children's rights, especially in situations where children's personal information reaches the public domain though in recent years fewer of these cases have been reported. The Communications Regulatory Agency (RAK) in all cases of violation imposes fines or a broadcast ban if a media violates the applicable code of conduct, especially when it comes to children and unauthorized media disclosure of information related to children.

2. Article 37 (a)

89. Any form of physical punishment of children, as well as any form of neglect or disregard of children is prohibited and punished primarily in accordance with all criminal laws that apply in Bosnia and Herzegovina. Special measures for protection of children are identified in family law and prescribe the duties and responsibilities of parents in terms of care and protection of children from neglect and exposure to any form of violence. This issue is treated in detail in this report as well as in the report on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography, which thoroughly enumerates legal solutions regarding these forms of protection. Explicit protection from violence is defined in the law regulating education and preschool education of children.

90. Within the Family Law of the Federation of BiH, the problem of physical punishment of children is specially regulated in Part I – General provision – of article 4 which explicitly states:

“(1) In the family, violent behaviour of a spouse and any other family Article is prohibited.

(2) Violent behaviour includes any physical or psychological violation of integrity in terms of Article 4, Law on Gender Equality, in Bosnia and Herzegovina.”¹

¹ Article 4 Law on Gender Equality in BiH

This Law supposes:

(a) Gender: socially established role of women and men in public and private life as opposed to the same expression that gives a biological definition. The term sex, in conformity of this law, shows the importance that is given to the biological definition of sex, within the society;

(b) Violence based on gender: any act that causes physical, mental, sexual, or economic harm or suffering, as well as threats of such acts, which seriously hinder people from enjoying their rights and freedoms on the principle of gender equality, in public or private sphere of life, including trafficking for forced labour, restrictions, or arbitrary deprivation of liberty;

(c) Harassment: any situation where there is unwanted conduct related to sex, which has the aim and result of damaging the dignity of the person, or creating an intimidating, hostile, humiliating, threatening or similar situation;

91. According to this law, in Part III – Section C – Rights and duties of parents and children, measures to protect children have been established in article 134:

“(1) Parents are obliged to take care of the life and health of a child.

(2) Parents are obliged to take care of the child, to meet his normal needs and protect him from all forms of vices: drugs, alcohol, vagrancy, banditry, theft, prostitution, beggary, and all forms of juvenile delinquency, violence, injuries, economic exploitation, sexual abuse and all other forms of asocial phenomena.”

92. Also, according to this law, Chapter C — Protection of personal rights and interests of a child — article 150, paragraphs 1 and 2, determines that:

“(1) The guardianship authority shall *ex officio* take the necessary measures to protect the rights and best interests of a child, based on direct discovery or information.

(2) All organs, organizations and individuals, shall, without delay, submit notice of violation of child rights to the guardianship authority – especially regarding violence, abuse, sexual abuse and child neglect.”

93. Under Chapter C — Suspension of parental care — article 154, paragraphs 1 and 2, it has been determined that:

“(1) The parent who abuses his rights, profoundly neglects his duties, abandons the child, or neglects the child who does not reside with him and by acting so obviously puts at risk the safety, health or morals of the child, or who fails to protect the child from such behaviour of the other parent or another person, shall be deprived of his parental rights by the court, through extra judiciary procedure.

(2) The abuse of rights is especially present in cases of physical and mental violence against a child, sexual exploitation of a child, leading a child to socially unacceptable behaviour and serious violations of child rights in other ways.”

94. The procedure for protection from bullying in the family is regulated by articles 147, 380, and 381, of this law.²

(d) Sexual harassment: any behaviour that implies words or actions, or mental activity of a sexual nature for the purpose or the result of damaging one’s dignity, or creating an intimidating, hostile, threatening or similar situation, motivated by affiliation to a different gender or different sexual orientation, which the injured party finds to be undesirable physical, verbal, suggestive behaviour;

(e) Employer, employee, the worker: the way it is defined by entity laws regulating labour relations.

² **The procedure for protection against domestic violence**

Article 380

(1) The right to protection from domestic violence can be exercised by parents, extramarital partners, and all family members.

(2) The protection from violent behaviour shall be provided by the police, guardianship authorities, and magistrates’ court.

(3) All individuals and legal entities are obliged to provide notification to an authorized police department, immediately upon the discovery of violent behaviour.

Article 381

The Police Department shall immediately, upon the receipt of a notification, detain a person who is behaving violently or poses a risk of violent behaviour and place him in an appropriate institution.

3. Family law RS

95. Article 3: “Republic of Srpska provides special protection ... to the family, mother and a child in accordance with internationally recognized human rights and fundamental freedoms.”

96. Article 97:

“(1) Parents and other family members shall not subject a child to degrading treatments, mental and physical punishment nor abuse.

If the parents, or one parent with whom the child resides abused the child, neglected childcare, neglected the child’s upbringing, or if the child’s education was disrupted, the guardianship authority may take over the custody of a child and grant it to another parent, another appropriate person or an institution if there is no judicial decision on assigning a child.

(2) During constant supervision over exercising parental rights the guardianship authority shall, by offering advices and implementing other appropriate methods of social work, assist parents in exercising parental rights, invite parents to negotiate an agreement on exercising parental rights, visit parents and children and invite parents and children to regular periodic meetings in the premises of guardianship authority etc.”

4. Depriving parental rights and responsibilities

97. Article 106:

“(1) The parent who abuses a child, abuses parental authority, abandons a child, neglects childcare or ignores his parental responsibilities, shall, through extra judiciary court procedure, be deprived of parental right.

Article 382

The procedure for protection against domestic violence is urgent and will be regulated by a special law of the Federation.

Article 147

(1) At the request of one or both parents, or ex officio, the guardianship authority may decide on accommodation of the child and giving custody over him to another person or institution, if it is necessary to protect the best interests of a child.

(2) A decision under Paragraph 1 of this Article on guardianship authority shall be adopted by the without the consent of parents if they are absent, detained or unable to take care of a child while failing to trust the custody to a person who meets the requirements for guardianship.

(3) Accommodation, care and upbringing of the child, defined in accordance with Paragraph 2 of this Article, cannot exceed two months.

(4) Appeal against the decision from Paragraph 2 of this Article does not delay its execution.

(5) If the circumstances from Paragraph 2 of this Article exist even after expiration of the period defined by Paragraph 3 of this Article, then the guardianship authority shall immediately make a decision on placing the child under guardianship.

(6) If parents insist on a decision to terminate guardianship and return the child back to them, and the guardianship authority decides that this request is not in the interest of a child, measures to protect the rights and best interests of a child shall be taken.

(7) If the guardianship authority does not take the measures defined in Paragraph 6 of this Article within 15 days from the date parents filed a request, parents can file a lawsuit to decide on further care of the child.

- (2) The parent abuses parental responsibilities:
 1. By implementing physical or psychological violence against the child.
 2. By sexually abusing the child.
 3. By exploiting the child – forcing him to work excessively or to perform work inappropriate for his age.
 4. By allowing the child to enjoy alcoholic beverages, drugs or other narcotic substances or leading him to it.
 5. By leading the child to any form of socially unacceptable behaviour.
 6. By seriously violating the child’s rights in any other way.
- (3) The parent seriously neglects parental responsibilities and rights:
 1. By abandoning the child.
 2. By failing to provide monthly care for a child who does not reside with him.
 3. By failing to, within a year, create the conditions for life together with the child who is placed in another family or institution, without providing justified reason.
 4. By neglecting to take care of the basic living needs of a child who resides with him, or failing to comply with measures to protect the rights and welfare of the child, previously issued by a competent authority.
- (4) The court may restore parental right, if the reason for which the parent was denied that right no longer exists.”

5. Family law BD

98. Article 3 (Violence/abuse):
- “(1) Violent behaviour of marriage partners or any other family member is not permitted within the family.
- (2) Violent behaviour implies any kind of behaviour which has the characteristics of domestic abuse, defined by the Criminal Code of Brčko District.”
99. Article 110 (The right to protection from all forms of violence): “A child within the family is entitled to protection from all forms of violence, abuse, neglect and abandonment.”
100. Article 136 (Taking away parental care):
- “(1) The parent who abuses his rights, profoundly neglects his duties, abandons the child, or neglects the child who does not reside with him and by acting so obviously puts at risk the safety, health or morals of the child, or who fails to protect the child from such behaviour of the other parent or another person, shall be deprived of his parental rights by the court, through extra judiciary procedure.
- (2) The abuse of rights is especially present in cases of physical and mental violence against a child, sexual exploitation of a child, leading a child to socially unacceptable behaviour and serious violations of child rights in other ways.
- (3) Serious neglect of responsibilities implies a parent who fails to provide childcare for more than 3 months, fails to comply to previously determined measures for protection of the rights and interests of a child, fails to protect a child from the

consummation of alcohol, drugs, and other intoxicants and prohibit late nights out for children under 16.

(4) The parent whose rights to reside with a child have been taken away may also be deprived of the right to offer parental care, if during one year he fails to exercise obligations and rights which were not terminated by this decision or fails to create conditions for restoring these rights.

(5) Parental care may also be taken away from a parent who fails to create conditions for maintaining personal relations and direct contacts with another parent, or prevents and hinders their continuation.

(6) In the process of withdrawal of parental care from parents, or a single parent, the guardianship authority shall appoint a special legal guardian for a child. This legal guardian carries out responsibilities even after imposition of measures referred to in Paragraph 1 of this Article.

(7) Upon imposing these measures, all parental rights and obligations regarding a child, apart from child support, shall be terminated.

(8) The right to parental care shall be restored by decision of a court, when reasons for its initial termination no longer exist.

(9) The court shall deliver its final decision on withdrawing and restoring rights to parental care to an authorized court registrar for entry into the Register of Births, to the guardianship authority and, if a child holds the right to real estate, the decision shall also be delivered to the Land Office of the authorized court, for registration.”

101. Article 288 (The right to protection from bullying in the family):

“(1) The rights to protection from bullying in the family extend to parents, extramarital partners, and all family members.

(2) The protection from violent behaviour shall be provided by the police of Brčko District BiH and guardianship authorities.

(3) All individuals and legal entities are obliged to provide notification to the police department of Brčko District BiH or Prosecutor’s Office of Brčko District BiH, immediately upon the discovery of violent behaviour.”

102. Article 130 (Child accommodation):

“(1) At the request of one or both parents, or ex officio, the guardianship authority may decide on accommodation of the child and giving custody over him to another person or institution, if it is necessary to protect the best interests of a child.

(2) A decision under Paragraph 1 of this Article on guardianship authority shall be adopted without the consent of parents if they are absent, detained or unable to take care of a child while failing to trust the custody to a person who meets the requirements for guardianship.

(3) Accommodation, care and upbringing of the child, defined in accordance with Paragraph 2 of this Article shall last for as long as it is in child’s best interest.

(4) Appeal against the decision from Paragraph 2 of this Article does not delay its execution.”

D. Family environment and alternative care (arts. 5, 9–11, 18 (paras. 1 and 2), 19–21, 25, 27 (para. 4) and 39)

103. Social security laws that apply in Brčko District BiH, the Federation BiH and the Republic of Srpska imply establishing social welfare centres for the purpose of performing immediate tasks of social protection, protection of families, particularly families with children, and performing other tasks defined by laws and other regulations. The funds for operation and organization of these important institutions have been secured, but their organization and professional staff availability and the structure generally, cannot meet current needs in the field of child protection.

104. Social Welfare centres are public institutions. The law of Brčko District BiH only states that the social welfare centre may be established if all preconditions defined by the law are met and if it employs at least four workers with a university degree or higher education degree, professional qualifications: psychologist, educator (educator-psychologist), social worker, lawyer and special educator.

105. Regarding authorization of centres for social work, they are similar because centres:

Deal with exercising rights in the field of child protection in the first degree

- Deal with exercising rights in the field of family protection and guardianship in the first degree
- Offer social work services in the process of dealing with rights in the area of social protection
- Administer the rights to cash payment, defined by this law
- Perform, in addition to activities referred to in Paragraph 1 of this Article, professional duties in the implementation of social welfare and social work, family and child protection
- Locate and monitor social needs of citizens and the problems in the field of social protection
- Propose measures and take action in addressing the status of citizens' social needs and monitor their implementation
- Organize and conduct proper forms of social protection and child protection and directly provide services of social protection and social work
- Develop and promote preventive activities that contribute to preventing and combating social problems
- Provide diagnostic services, carry out the appropriate treatment, offer therapy-advisory services and professional support to users
- Promote, organize and coordinate professional and voluntary work in the field of social protection
- Execute educational measures for underage persons
- Keep records and documentation of services provided and measures taken within the framework of its activities
- Perform other duties determined by law and the decision of the Mayor

106. Implementation of the SPIS project in Bosnia and Herzegovina, which was previously mentioned in the text, is underway. The project aims to improve social protection and inclusion of children and especially to introduce equal standards of child

protection throughout the entire area of Bosnia and Herzegovina. Data regarding profiles of the staff employed in centres are available in the annex of this report.

107. In relations to exercising parental rights and duties, it is first necessary to further clarify the explanation given in the first report from June 2001, in accordance with article 18, paragraphs 1–2 (Parental responsibilities) of the Convention. The aforementioned laws were adopted and entered into force, and in the years 2000 and 2003 they were amended.

108. In fact, by amending the Labour Law of Federation Bosnia and Herzegovina from the year 2000, a general legal solution has been provided in accordance with which a woman, during pregnancy, childbirth and childcare, holds the right to uninterrupted maternity leave lasting 1 year, and based on the test results of a certified physician, it is well within her rights to initiate maternity leave 28 days in advance of the expected date of birth.

109. This presents a change to the existing practice explained in the initial report where working woman had the right to interrupted maternity leave lasting 18 months for twins, third or every subsequent child, as well as the right to use the 28 days intended for the period prior to the birth subsequently (after the birth), if she was not responsible for not taking these 28 days off before the expected date of birth.

110. It still remains the right of one of the parents of a child with severe development disorder to be employed part time, in the event that a single parent or if both parents are employed, provided that the child is not placed in a social health-care institution, based on written recommendation of an authorized medical institution. Apart from this, the parent who exercises this right is also entitled to salary compensation in accordance with the law and he cannot be ordered to work during the night nor overtime and nor can his place of work be changed without his written consent.

111. Also, a pregnant woman, a mother or adoptive parent with a child not older than 3, and a single parent or adoptive parent with a child not older than 6, can work overtime only if a written statement of voluntary consent to such work is submitted.

112. In addition, please note that the procedure of amending the aforementioned Labour Law is in progress, which generally confirms previously guaranteed rights and possible updating. Among other things, the suggestion was to prohibit working night shifts for juvenile employees and pregnant women — employees starting with the sixth month of pregnancy, as well as to mothers with a child not older than 1, and that under certain conditions the employee — father of the child as well as one of the adoptive parents or a person entrusted with child's care and education, based on the decision of the authorized body for social protection, may exercise certain rights regarding maternity leave.

113. The Labour Law of Brčko District Bosnia and Herzegovina from the year 2000. Article 45, regulates the right of women to uninterrupted maternity leave during pregnancy, child birth or childcare in a duration of six (6) months, three months of which shall be paid. During maternity leave female employees shall not be deprived of social and pension benefits. The aforementioned law, article 45, was amended in 2004 and now states: "During pregnancy, child birth and childcare, a woman is entitled to uninterrupted maternity leave for duration of twelve (12) months." Now there are certain problems in Bosnia and Herzegovina because for example salary compensations during maternity leave are being carried out at the expense of the budget of Brčko District Bosnia and Herzegovina and Republic of Srpska, whereas in Federation BiH this right is exercised on a cantonal level, providing that contributions for pension and health insurance have been paid, and not all cantons have funds for this purpose. Regarding this problem, a special report of the Ombudsmen BiH, supported by the Ministry of Human Rights and Refugees was prepared and a response from the Council of Ministers requested (in June 2009) in order for this

issue to be adequately coordinated therefore ensuring equal protection for all pregnant women in Bosnia and Herzegovina.

114. The right to salary compensation during maternity leave can be exercised by the employee (mother or adoptive parent or a person entrusted with a child's care and education by appropriate authority) in a duration defined by the Labour Law.

115. Based on the test results of a certified physician, it is well within a woman's rights to initiate maternity leave twenty-eight (28) days in advance of the expected date of birth. Based on the findings of an authorised physician, a woman is obliged to initiate maternity leave no later than seven (7) days before the expected date of birth. This Law does not regulate a woman's right to uninterrupted maternity leave with duration of 18 months in case of twins, third, or each following child.

116. Existing laws, especially in Brčko District where the best solutions are offered, regulate the right of a single parent to be employed part-time at the place of work until the child is 1 year old, in cases where according to a recommendation from an authorised medical institution or a physician a child requires intensified care even after six (6) months of life. According to amendments to this law from 2004, in art 48 the words "six (6) months" shall be replaced by the words "twelve months", and words "one (1) year of life" shall be replaced by "eighteen (18) months of life".

117. As in the Federation of Bosnia and Herzegovina, it remains the right of one of the parents of the child with a severe development disorder to be employed part time, in the event that a single parent or if both parents are employed, provided that the child is not placed in a social health-care institution, based on the written recommendation of an authorized medical institution. Apart from this, a parent who exercises this right is also entitled to salary compensation in accordance with the law and he cannot be ordered to work during the night, nor overtime and nor can his place of work be changed without his written consent.

118. When it comes to certain issues related to separation from parents, connecting with the family and child support, no new changes have been made to existing laws and some of the details have been thoroughly elaborated within the Report on the Implementation of the Optional Protocol on Child Trafficking, Child Prostitution and Child Pornography, especially for those children deprived of a family environment.

1. Adoption (art. 21)

119. The possibility of accession of Bosnia and Herzegovina to The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption (1993) is being considered at the level of Bosnia and Herzegovina. After the consideration of the initial report, the Family Law of the Federation and Family Law of Republika Srpska were adopted in Bosnia and Herzegovina. The provisions of the Law related to adoption have already been harmonised with article 21 of the Convention on the Rights of the Child.

120. Namely, the Law prescribes that adoption procedure should be carried out by social welfare centres as responsible guardianship authorities; these centres shall in every specific case, on the basis of collected evidence and facts as well as with agreement of all participants in the process (parents, guardians, adoptive parents and the child itself, if older than 10 years) determine the existence of legal preconditions for adoption and best interest of the child.

121. The Family Law of the Federation of Bosnia and Herzegovina prescribes that the adopter may also be a foreign citizen, if the adoption is in the best interest of the child and if the child cannot be adopted in Bosnia and Herzegovina. Such adoption cannot be finalized without prior approval by the federal authority responsible for social affairs.

122. The Family Law of Brčko District of Bosnia and Herzegovina (“Official Gazette of Brčko District of Bosnia and Herzegovina”, No. 23/07) prescribes that adoption procedure is carried out by the social welfare centre, as responsible guardianship authority that will in every specific case, on the basis of collected evidence and facts, as well as with agreement of all participants in the process (parents, guardians, adoptive parents and the child itself, if older than 10 years) determines the existence of legal preconditions for adoption and best interest of the child.

123. The Family Law of Brčko District of Bosnia and Herzegovina prescribes that the adoptive parent may also be a foreign citizen, if the adoption is in the best interest of the child and if the child cannot be adopted in Bosnia and Herzegovina. Such adoption cannot be finalised without prior approval by the Head of Department for health and other services.

2. Strategy for combating violence against children in BiH

124. The provisions related to protection measures against violence against children have been presented in detail in the previous part of the text. The National Strategy for Combating Violence against children of Bosnia and Herzegovina 2007–2010 was adopted in June 2007 by the Council of Ministers of Bosnia and Herzegovina (hereinafter: the Strategy). The Strategy is mandatory for all relevant institutions at all levels of authority, it defines forms of violence against children and sets concrete objectives and measure aimed at prevention of violence against children in Bosnia and Herzegovina.

125. Representatives of all relevant institutions at all level of government were participating in the creation of the Strategy (at state, entity, cantonal and local levels). In the analysis of the situation in Bosnia and Herzegovina, following the recommendations of the Committee on the Rights of the Child, a special focus was put on legislative framework and lack of harmonisation of laws in Bosnia and Herzegovina, as well as on the problems with regard to professional standards of the work of professionals and institutions, as well as impact of technical and financial resources in the activities.

126. The Strategy is mainly directed at establishment of a lasting and sustainable system of monitoring the problems of violence against children, and reporting and continuous planning of measures for suppression of violence against children at the level of Bosnia and Herzegovina. The intention of such a system is to try to direct the activities of responsible institutions enhance their professional and financial resources and improve their cooperation.

127. On the basis of the defined principles for action, the recommendation for Bosnia and Herzegovina by the Committee on the Rights of the Child and the recommendation from the United Nations World Report on Violence against Children, with an intention to create an efficient and sustainable child protection system that will help any child to achieve its right to live without violence and to have the right to protection regardless of where it takes place: at home, at work place, in community or in institution, four basic goals have been defined:

(a) To sensitize and educate broad public, especially children parents and experts, about the existence of the problem of violence against children and mechanisms for fight against the violence.

(b) To develop a multidisciplinary approach to children victims of violence, through improving cross-institutional cooperation of responsible bodies;

(c) To establish rehabilitation and reintegration programmes that ensure individual needs of children victims of violence;

(d) To ensure a sustainable financial system, technical and human resources and a central database of information on violence against children in all responsible bodies.

128. Each one of these main goals contains definitions of specific objectives and measures with clearly defined implementing institutions and deadlines for each area of work (social sector, health sector, education sector and justice and police sector). Amongst others, it has been envisaged to enhance the measures to encourage reporting of cases of violence against children and strengthen measures for criminal prosecution of perpetrators of such acts and provide care and full physical and psychological recovery and reintegration of children victims of violence.

129. In order to more efficiently implement the Strategy in practice, the Team for Monitoring the implementation of the Strategy was established, and they created the Plan for monitoring the implementation of the Strategy as well as Questionnaires on violence against children in order to regularly collect information related to violence against children.

130. The Questionnaire was submitted to all institutions working for or with children in March 2009, in order to collect data on violence against children in the period 2005–2008. The data will be entered in the database of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, in order to be adequately processed and used as basis for the Report by the Monitoring Team in June 2009.

131. Also, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina as a partner, together with Save the Children Norway, participated in the Council of Europe campaign for banning of corporal punishment of children. In order to raise public awareness on the need for prohibition of corporal punishment of children, a press conference was held, posters and books in local language were printed, and a promotional video clip was created and broadcasted by electronic media.

132. Also, the Ministry of Human Rights and Refugees continued with its activities in this direction and establish the Working Group for analyses of positive legislation in Bosnia and Herzegovina that deals with corporal punishment of children.

133. Given that this issue has been addressed in several different laws in Bosnia and Herzegovina (criminal code, family law, law on protection against domestic violence) mostly at the entity level, some of the general conclusions and recommendations related to corporal punishment of children are: this area is pretty much regulated and covered by domestic legislation, however, explicit prohibition of corporal punishment as such should be introduced, the criteria for pronouncing and amount of prescribed punishment for identical offenses in entity laws and Law of Brčko District of Bosnia and Herzegovina should be harmonised, awareness of citizens should be raised to enable them to recognise and react in situations when there is an act of corporal punishment of children and mechanisms for law implementations should be strengthened.

3. Law on Protection from Domestic Violence

134. Laws on Protection from Domestic Violence were adopted after 2005. The Rulebook on implementation of protective orders under police responsibility, the Rulebook on the manner and location of implementation of protective orders of mandatory psycho-social treatment of perpetrators of domestic violence and the Rulebook on the manner and location of implementation of protective orders of mandatory treatment of perpetrators of domestic violence from alcohol dependency, drug dependency or dependency to other psychotropic substances (“Official Gazette of the Federation of BiH”, number 23/08), were adopted later.

135. The Law on Protection from Domestic Violence defines protection from domestic violence, the term ‘domestic violence’, the term ‘family members’ in terms of this Law, the manner of family members protection and the purpose of sanctions on perpetrators of violent acts.

136. The Law prescribes that family members shall respect the rights, freedoms and safety of other family members in such a manner that they shall not limit or prevent them from achieving their rights and freedoms which family members enjoy according to existing regulations.

137. Also, the Family Law of the Federation of Bosnia and Herzegovina prescribes that violent behaviour by a spouse or any other family member is forbidden. The term 'violent behaviour' implies any infringement of one's physical and psychological integrity in terms of article 4 of the Law on Gender Equality in Bosnia and Herzegovina.

138. In order to review implementation of the Law on Protection from Domestic Violence, the Gender Centre of the Federation of Bosnia and Herzegovina organised a series of meetings at the end of 2007 in all ten cantons with representatives of courts, cantonal ministries of internal affairs, centres for social work, non-governmental organisations which have safe houses for victims of domestic violence within their structure, as well as with representatives and delegates of both houses of the Federation Parliament of Bosnia and Herzegovina.

139. The situation analysis showed that, regardless of a legal obligation of all actors involved to cooperate in the prevention of domestic violence, such cooperation has not been achieved in practice. The reasons lie in problems related to the functionality of actors responsible for implementation of activities related to countering violence, the absence of a systematic solution to the issue of accommodation of victims of violence, problems related to placement of perpetrators in adequate institutions, as well as undefined forms of social protection that would provide victims of violence with the potential to address their status and rights. Also, there is no unified statistics and registration process, no unified programme of mandatory and continuous education of professionals who deal with violence and no system to enhance the functionality of existing services has been established.

140. However, there are many examples of good practice. The Law on Basic Social Protection, Protection of Civilian war victims and Protection of Families with Children in Sarajevo and Tuzla canton defines victims of violence as a specific category of beneficiaries and therefore there are funds in cantonal budgets allocated to temporary accommodation of such victims in Safe Houses.

141. According to data from the Federal Ministry of Labour and Social Policy, violence was registered in 3,070 cases in 2006 and in 4,007 cases in 2007, showing an increase of 937 cases. The most worrying data relates to violence against children aged 4 to 6 and 7 to 14. For example, out of the total number of victims of violence in Tuzla canton, 510 were children and young people and out of that number 324 were children, which is a significant number and an indicator that there is an ongoing need to take measures.

142. All the aforementioned issues and problems resulted in the need for development of a Strategic Plan for Prevention of Domestic Violence for the Federation of Bosnia and Herzegovina 2009–2010, adopted in September 2008.

143. The main objectives of the Strategic plan are:

- Harmonise existing and adopt new regulations which regulate the area of domestic violence and establish a system for funding prevention activities, meet the needs of victims of violence and work with violent people starting from the local community level and up to the level of the Federation of Bosnia and Herzegovina
- Establish an efficient network of professional services in education institutions aimed at protecting children from violence caused by family circumstances

- Continuous education and sensitization of professional staff about the problem of domestic violence and the need to protect victims of domestic violence in legal, educational, health, psychological, social and economic aspects
- Develop a unique multi-disciplinary model of preventive action and protection from domestic violence and achieve the co-operation of all actors in the prevention of domestic violence and during the procedure of protecting victims of violence
- Sensitize and educate the public about the problem of domestic violence from the legal, educational, health, psychological, social and economic points of view
- Establish a unique database on victims of domestic violence and violent people, as well as a unique SOS line for reporting domestic violence

144. As several bodies are responsible for the implementation of each individual activity within the Strategic Plan, depending on their legally defined scope of work, the Gender Centre of the Federation of Bosnia and Herzegovina coordinates the work on implementation of the Strategic Plan and is obliged to report to the Federation Government of Bosnia and Herzegovina on implementation every six months, on the basis of quarterly reports received from those responsible for the implementation of activities.

145. Some activities from the Strategic Plan have already been implemented. For example, the unique SOS phone number for the territory of the Federation of Bosnia and Herzegovina has been established and it will be used for providing support to victims of violence.

146. As the necessity for an alternative, more complete and different manner of regulating protection from domestic violence was recognised, the Federation Government of Bosnia and Herzegovina, instead of amending the existing law, decided to create a new law in this area. This law was created and passed to parliamentary procedure in the form of a Draft. In the process of drafting the Law, all remarks and proposals from the meetings organised in cantons at the end of last year related to the implementation of the existing law in this area, as well as the positions of the House of Representatives of the Federation Parliament of Bosnia and Herzegovina with regard to more efficient protection of victims of violence, were taken into account.

147. In this regard, in a rather unique manner, the Draft Law regulates issuing of protective orders, forms of protection of victims of domestic violence and a multidisciplinary approach to the procedure for protection of victims of violence and implementation of issued protective orders.

148. According to the proposed solutions, a protective order is issued if there is a reasonable doubt that one member of a family caused physical, psychological or sexual pain or suffering to another family member, or made threats that caused fear of such violence in another family member. In deciding on protective measures, the focus is on the use of physical force that causes pain, suffering or fear from violent acts towards another family member.

149. Given that any act of domestic violence is a criminal offence, and that criminal procedures before the court last for a long time, it was necessary to foresee a specific procedure with regard to issuing protective measures, from the moment of submitting the request by the police authority (and, exceptionally, the prosecutor's office) until a court decision made upon appeal, which had not been prescribed by the existing law. Urgent protection of a victim of violence has the aim of preventing new violence against the same person, removal of circumstances that favour or encourage violence, as well as removal of consequences of a violent act.

150. The proposed Law prescribes the right of the victim of violence to be provided with basic needs and temporary support, prescribes a form of care for victims of violence, establishment of a safe house, obligation to adopt a strategy i.e. programme of prevention and protection measures, measures for the fight against domestic violence by the Federal and cantonal governments, including financial sources to meet the needs of the victims of violence.

151. The budget of the Federation Government of Bosnia and Herzegovina for 2008 provided financial resources of 200,000 KM for the support and survival of six safe houses in the territory of the Federation of Bosnia and Herzegovina (Foundation of local democracy Sarajevo, Association “Women from Una” Bosnia and Herzegovina, Shelter for women and child victims of violence “Mirjam” Caritas-Mostar, Association “Women of Bosnia and Herzegovina” Mostar, Association “Medica” Zenica and Association “Vive women” Tuzla).

152. With regard to the trafficking of children, the rules applied are those related to protection of victims and witnesses to the trafficking of citizens of Bosnia and Herzegovina. More detailed data on this may be found in the aforementioned report on the Optional Protocol (CRC/C/OPSC/BIH/1).

153. Many important activities were implemented in Republika Srpska too, by the Gender Centre RS and the responsible Ministry of Health and Social Protection, including the adoption and implementation of the Framework Protocol on Procedures in Cases of Child Abuse, the Action Plan on Suppressing Domestic Violence in the RS and establishment of mobile teams and SOS phone lines.

154. The experience we have had so far in our environment point to the main obstacles to more efficient protection of children from abuse, amongst others, as being unclear steps in the process of child protection, as well as unclear roles of participants in that process. Complex management structures of social and childcare systems in Bosnia and Herzegovina additionally imposed a need for adoption of the Framework Protocol in Cases of Child Abuse, in order to establish efficient functioning and coordination between responsible institutions and achieve full social protection of children from abuse. An adequate response to child abuse requires the active cooperation and contribution of all responsible bodies, as a precondition to comprehensive and quality social protection for children.

155. The Text of the Framework Protocol on Procedures in Cases of Child Abuse was created between 2006 and 2008, as a result of the work of representatives of the Ministry of Human Rights and Refugees BiH, the Ministry of Labour and Social Policy of FBiH, the Ministry of Health of FBiH, the Ministry of Health and Social Care of RS, the Ministry of Internal Affairs of FBiH /FBiH Police, the Ministry of Internal Affairs of RS/RS Police, the Ministry of Justice of FBiH, the Ministry of Justice of RS, the Ministry of Education and Science of FBiH, the Ministry of Education and Culture of RS, the Association of Courts Experts of FBiH, the Association of court experts RS, the High Judicial and Prosecutorial Council of BiH and the Ombudsman of Federation BiH and Ombudsman of Republika Srpska, with the support and assistance of the Office of the Ombudsman of Catalonia and through co-financing from the Catalan Cooperation and Development Agency.

156. The aim of this document is to ensure efficient coordination between different institutions participating in the process of research and assistance to children, while respecting legal procedures and disabling reoccurrence of acts that have caused stress for the child.

157. The Protocol is recognised as a framework document with the aim of adjusting to the specifics of each entity. The responsible entity ministries will take this Protocol as a

basis for creating action protocols that will be adjusted to the organisational structure of work and other specifics of each entity.

4. Periodic review of the placement of the child (art. 25)

158. Placement of the child in another family (fostering) in the Federation of Bosnia and Herzegovina has been regulated by the Law on Social Welfare, Welfare for Civilian war victims and Families with Children and cantonal laws in the area of social care, that have not changed since the submission of the initial report.

159. The collected data, although incomplete, show that there are still a large number of children without parental care in institutions for care of children without parental care.

160. In order to develop a protection system which will have capacities to optimally respond to the needs of children to live with their biological families, as well as to the needs of children already separated from their parents to receive protection which will match their best individual interests, the "Policy Document on protection of children without parental care and families at risk of being separated in Bosnia and Herzegovina 2006–2016" was prepared, and the Federation Parliament of Bosnia and Herzegovina, in order to implement the strategic guidelines from this document in the Federation of Bosnia and Herzegovina, agreed with its amended text in July 2008.

161. The document was created as a result of a joint initiative of the Federal Ministry of Labour and Social Policy, the Ministry of Health and Social Welfare of Republika Srpska, UNICEF and Save the Children UK, within the policy development project for protection of children without parental care in Bosnia and Herzegovina, which included a great number of experts, theoreticians and practitioners engaged in the area of social and child protection in Bosnia and Herzegovina, both from governmental institutions in the social welfare system and from the non-governmental sector active in this area.

162. The policy contained in the document is a result of the conclusions and recommendations from the conference "Protection of children deprived of parental care in Bosnia and Herzegovina" and the work of four thematic working groups formed around the key areas: (1) transformation of institutional care of children without parental care; (2) development of alternative forms of care for this category of children; (3) strengthening capacities of centres for social work in the area of protection of families and children without parental care; and (4) developing a legal framework for protection of families and children, and prevention of separation of children from their parents.

163. The purpose of the protection policy for children without parental care and families at risk is to develop a protection system which will have capacities to provide an optimal response to children's needs to live with their biological families, as well as the needs of children already separated from their parents to receive such protection consistent with the child's best interests. Such a system will be in favour of the family as a form of placement of children without parental care and transformation of big institutions into smaller placement units, where existing capacities and resources will be transformed into several services primarily focused on activities to prevent the separation of children from their parents.

164. The overall goal of the policy is to determine legal and professional criteria, dynamics and the roles of those who will take charge of the implementation of reform initiatives and programmes, contributing in upcoming years to more complete and equal social protection of children without parental care, and in 10 years at the latest to completion of the reform of the system of social protection of children without parental care and families at risk in the Federation of Bosnia and Herzegovina.

165. The reform will be implemented by a coordination body at the level of the Federation of Bosnia and Herzegovina, an expert Group and planning and implementation groups in regions/cantons. Financing of transition costs of the implementation will be provided through donors.

166. It has been envisaged that the reform of the welfare system for children without parental care in the Federation of Bosnia and Herzegovina will last for ten years and that it be implemented in three periods. In the short-term period (two years from the start of the reform) and the mid-term period (from the third to the end of the sixth year), improvement to the position of a large number of children without parental care and children at risk of separation from their families will be facilitated. In the long-term period (from the seventh to the end of the tenth year of implementation of the reform) it is expected that all children without parental care and those at risk, included in the system, will receive optimal protection and assistance, in accordance with the recommendations of the document.

167. In addition, the document "Framework of Child Fostering Standards in Bosnia and Herzegovina" was created as a result of cooperation of the responsible entity ministries of social welfare, the responsible institution in Brčko District and Save the Children UK. This document is a part of activities within the project "Promotion and Development of Alternative Forms of Care for Children Without Parental Care in Bosnia and Herzegovina", implemented by Save the Children UK, with financial support from the Government of the United States of America through the United States Agency for International Development (USAID).

168. The Framework of Standards was created in order to provide support to participants in the process of protecting children and young people without parental care: policy developers, practitioners, children's biological parents, persons and families taking care of a child or a young person (foster parents and foster families), organisations and social and child protection services, as well as national and international institutions and organisations.

169. The creation of the Framework of Standards was preceded by an analysis of federal and cantonal laws regulating placement of children in other/foster families, and, as this analysis revealed that existing legislation insufficiently defines this area, it was therefore concluded that it is necessary to amend the existing laws and create bylaws in order to fully regulate the issue of family placement/fostering of children without parental care.

170. Brčko District of Bosnia and Herzegovina shares the same view on the issue of children without parental care. There are 47 children there without parental care, out of which 5 are placed in institutions and 42 in foster care, kin and non-kin families.

5. Signing up to new international agreements

171. The Convention on Cybercrime was ratified by BiH in 2006 and some activities on improvement of the child's protection from pornography and paedophilia have already been taken, both in terms of strengthening professional and technical capacities, as well as with regard to harmonisation and adjustment of existing criminal laws. One comprehensive project is currently ongoing with an aim to develop the Action plan for Prevention of child Pornography and paedophilia, and this project is being implemented in co-operation with Save the Children Norway.

172. The authorities of Bosnia and Herzegovina are seriously considering a possibility of signing the following multilateral agreements, contracts or conventions, recognising that it is necessary to assess all possible implications on its legal system and, in particular, the direction which Bosnian authorities will take and the manner of meeting the obligations that Bosnia and Herzegovina will receive by joining the new international instruments, in order to achieve better planning of the obligations and financial costs:

- The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
- The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance
- The Convention on Contact concerning Children

E. Basic health and social care

1. Survival and development (art. 6, para. 2)

173. The Multiple Indicator Cluster Survey – MICS is a household survey programme developed by UNICEF to assist countries in filling data gaps for monitoring the situation of children and women. The main objectives of the survey is to provide new and up-to-date information for assessing the health and social situation of children and women in Bosnia and Herzegovina at mid-decade and to furnish the data needed for monitoring progress towards Millennium Development Goals and the goals established in the document entitled “A world fit for children” (General Assembly resolution S-27/2, annex).

174. The sample for the FBiH Multiple Indicator Cluster Survey – MICS was designed as part of the sample for Bosnia and Herzegovina and provides estimates of health indicators at the state and entity levels, as well as for urban and rural areas.

175. MICS in the Federation of BiH was carried out by the Federal Institute for Public Health and the Federal Ministry of Health, with financial and technical support by UNICEF and DFID.

176. The survey sampled 3,744 households with a rather high response rate of 92%. A total of 10,718 people lived in the households that responded, making this survey one of the largest conducted in Bosnia and Herzegovina in the past 5 years. The level of completion of all questions from the survey was very high, and the data were subjected to multiple quality checks.

177. The questionnaires were based on the MICS model questionnaire modified for use in Bosnia and Herzegovina.

178. Three different groups of questionnaires were used in the survey:

- (a) Household questionnaire used for collecting data on all de jure household members, the household and the dwelling;
- (b) Questionnaire for women in each household aged 15–49;
- (c) Questionnaire for children under 5, filled by mothers or caretakers of under 5 children identified in each household.

179. The survey was carried out in mid 2006 and the Federation level data are presented in the report.

Nutritional status

180. Almost one in fifty children (3%) under 5 years of age in the Federation of BiH are malnourished, 2 per cent of whom are moderately malnourished, while 0.7 per cent are classified as severely malnourished. Boys are more likely to be malnourished than girls.

181. Around 9 per cent of children are stunted or too short for their age, with no significant difference between boys and girls.

182. Around 5 per cent of children are underweight, i.e. skinny, boys slightly more than girls.

Breastfeeding

183. Every second woman in the Federation of BiH started breastfeeding their infants within one hour of birth (51%). Over two thirds of women (83%) started breastfeeding their infants within one day of birth.

184. Around 22 per cent of children under six months of age are exclusively breastfed.

185. Only 17 per cent of children aged 6–11 months are adequately fed. Adequate feeding among all infants (0–11 months of age) is 19%.

Low birth weight

186. Overall, 99 per cent of newborns were weighed at birth; around 5 per cent of newborns are estimated to have been born with birth weight less than 2,500 grams.

Immunization

187. Overall, 94 per cent of children between 18 and 29 months of age have received BSG vaccine before their first birthday, whereas the first dose of DPT was given to 91 per cent.

188. The percentage declines for subsequent doses of DPT to 84 per cent for the second dose and 74 per cent for the third dose. Similarly, 91 per cent of children received Polio 1 by 12 months of age and this declines to 75 per cent by the third dose.

189. MMR immunization coverage by 18 months of age is lower than for the other vaccines at 72 per cent.

190. The percentage of children who received all eight recommended vaccines by their first birthday is 58%.

191. Overall, 70 per cent of children between 18 and 29 months of age received all eight recommended vaccines at any time up to the date of the survey.

Oral rehydration treatment

192. Overall, 5 per cent of under five children had diarrhoea in the two weeks prior to the survey.

193. Two-thirds of children (75 per cent) with diarrhoea received one or more of the recommended home treatments (i.e. were treated with ORS or RHF), while 25 per cent received no treatment.

194. Every second child with diarrhoea (54 per cent) received increased fluids and continued feeding.

Care seeking and antibiotic treatment of pneumonia

195. Four per cent of children aged 0–59 months were reported to have had symptoms of pneumonia during the two weeks preceding the survey.

196. Of these children, 67 per cent were taken to the primary health care centre/clinic, 16 per cent to hospital, and 6 per cent to private practitioners.

197. Around 81 per cent of under-5 children with suspected pneumonia had received an antibiotic during the two weeks prior to the survey.

Contraception

198. Around a third (34 per cent) of married or in union women aged 15–49 reported that they currently use a method of contraception.

199. The most frequently used method of contraception is withdrawal, which is used by 19 per cent of married women or women in union. The second most popular method is the condom, used by 5 per cent of women, closely followed by contraceptive pills, which are used by 4% of women.

Unmet and met needs for contraception

200. Unmet need for contraception refers to fecund women who are not using any method of contraception, but who wish to postpone the next birth or who wish to stop childbearing altogether.

201. Total unmet need for contraception in the Federation of BiH was reported by 23 per cent of the married or in union female respondents aged 15–49.

202. Percentage of satisfied demand for contraception is defined as the proportion of women currently married or in union who are currently using contraception. Percentage of satisfied demand for contraception in the Federation of BiH is 59%.

Antenatal care

203. Coverage of antenatal care (by a doctor, nurse, or midwife) is high in the Federation of BiH and all women received antenatal care.

Assistance at delivery

204. Overall, 99 per cent of births were delivered by skilled personnel and almost all were delivered in health care institutions.

Child development

205. For almost two-thirds (70 per cent) of under five children, an adult was engaged in more than four activities that promote learning and school readiness during the 3 days preceding the survey.

206. The average number of activities that adults were engaged with children was 4. Father's involvement with one or more activities was 75 per cent.

207. In the Federation of BiH, 77 per cent of children are living in households where at least 3 non-children's books are present.

208. Around two-thirds (67 per cent) of children aged 0–59 months have children's books.

209. The average number of children's books is five, and the median number of non-children's books is ten.

210. Twenty-four per cent of children aged 0–59 months had 3 or more playthings to play with in their homes, while 5 per cent had none of the playthings.

211. Almost 7 per cent of children aged 0–59 months were left in the care of other under-ten children, while 2 per cent were left alone during the week preceding the interview.

212. All children under 18 have the right to health care, as well as children under 26 who attend regular education.

213. All children have the right to free health care against all infectious diseases, including HIV, tuberculosis and malaria. With regard to HIV, there was only one registered case of a child infected with HIV by the end of 2007, and that case is under control. There was no registered case of death of a child caused by HIV. There is no malaria in Bosnia and Herzegovina.

Preschool attendance and readiness for school

214. Only 7 per cent of children aged 36–59 months are attending preschool.

215. According to the available data, 2.47% of children below 3 years of age, 5.99% of children aged 3–5 and 9.47% of children between 5 years of age and school entry are attending preschool in Republika Srpska. Overall percentage of children attending preschool in Republika Srpska is 12.08%.

Primary and secondary school attendance

216. For the purposes of this survey and development of comparative international indicators, the number of 6-year-old children in the Federation of BiH who attended the first grade was taken as denominator.

217. Therefore, 28 per cent of children who are of primary school entry age (age 6), are attending the first grade of primary school.

218. The per cent of enrolment in primary school for this age group (age 6) is quite low because in the Federation of BiH parents/caretakers still traditionally enrol children in the first grade of primary school at a later age. The said indicator should be continuously monitored and efforts should be made to continuously improve it/increase the percentage. In practical terms, the indicator showing the actual status is the percentage of children who are of primary school entry age and who are attending primary school and this percentage is 91%.

219. In Republika Srpska, 100% of children of primary school age are attending primary school.

220. Overall, 62 per cent of children of secondary school age are attending secondary school.

221. The percentage of children attending secondary school is highest for children aged 16 (92 per cent).

222. In Republika Srpska, 99.7% of children of secondary school age are attending secondary school (as it was mandatory).

223. Gender Parity Index for primary school is 1.00, indicating no difference in the attendance of girls and boys to primary school. However, the indicator drops to 0.96 for secondary education.

Adult women literacy

224. Only 82 per cent of women aged 15–24 are literate. Women aged 15–19 are likely to be more literate (93 per cent) than women aged 20–24 (71 per cent).

Birth registration

225. The births of 99 per cent of children under five years in the Federation of BiH have been registered.

Child labour

226. Almost 6 per cent of children 5–14 years of age are involved in a child labour activity.

Disciplining children

227. Overall, one third of children aged 2–14 years (34 per cent) were subjected to at least one form of psychological or physical punishment by their mothers/caretakers or other household members.

Early marriage

228. Almost 23 per cent of married or in union women aged 15–19 have a spouse who is 10 or more years older, whereas 7 per cent of women aged 20–24 have a spouse who is 10 or more years older.

Domestic violence

229. Almost 5 per cent of women agree with the attitude that husbands/partners are justified to hit or beat their wives/partners for a variety of scenarios.

Child disability

230. Overall, 3 per cent of children aged 2 through 9 years have difficulties with speech. Overall, 9 per cent of children of the same age cannot name a single object.

Knowledge of HIV transmission and condom use

231. Overall, 97 per cent of the respondents have heard of AIDS.

232. The percentage of women who know of all three main ways of preventing HIV transmission is 67 per cent.

233. Comprehensive knowledge of HIV prevention methods and transmission is still below 50 per cent.

234. Overall, 87 per cent of women know that HIV can be transmitted from mother to child.

235. The percentage of women who know of the three main ways of mother-to-child transmission of HIV is 70%, while 10 per cent of women did not know any of the three ways.

236. Of women who had given birth within the two years preceding the survey, 11 per cent received information on HIV prevention during their visits to health workers in connection with pregnancy, whereas 4 per cent received HIV testing during pregnancy and all have received the result.

Sexual behaviour related to HIV transmission

237. Overall, 68 per cent of women reported using a condom when they had sex with a high risk partner.

Orphans and vulnerable children

238. Overall, 91 per cent of children aged 0–17 years in surveyed households are living with both parents. Six per cent live only with mother, while 2 per cent live only with father.

239. As for the coverage of antenatal and postnatal care by skilled professionals trained in hospital and antenatal care in the Federation of Bosnia and Herzegovina, there are 139 gynaecology specialists and 556 health workers with secondary education and two-year faculty qualification providing antenatal and postnatal care.

240. The primary health care services in the Federation of Bosnia and Herzegovina employ 118 gynaecology specialists and 208 health workers with secondary education and two-year faculty qualification providing pre- and antenatal care.

241. In the overall structure of all employed health workers in the Federation of Bosnia and Herzegovina employed in women's health care, providing pre- and antenatal care, there are 7.8% of doctors and 7.3% of other health workers.

2. Children with disabilities (art. 23)

242. The Law on Amendments to the Law on the Basis of Social Care, the Protection of Civilian war victims and Families with Children (Official Gazette of the Federation of BiH, 54/04) establishes the fundamental rights of persons with innate or acquired disabilities that as a consequence resulted in at least 60% of damages to the organism. These rights are the following: personal disability benefit, allowance for the care and assistance of a third person and orthopaedic allowance. The Law allows for the exercise of these rights for the first time, i.e. it deals with the rights that these persons could not exercise before the enactment of this Law. Funds for exercise of fundamental rights of persons with disabilities referred to in this Law are provided in the Budget of the Federation of Bosnia and Herzegovina, which secures equality of all persons to exercise their right, regardless of their place of residence.

243. A Decision of Brčko District Mayor No: 01-014-003478/05 of April 27, 2007 on identifying and assessing abilities, classification and registration of children and youth with special needs defines a manner of identification, procedure for assessing abilities, classification and record keeping on children with special needs, as well as a type and level of disability in physical or psychological development of children. Institutions in the Brčko District area that provide health services, educational services, Health Department and other services such as Sub-Department for Social Welfare identify children with special needs.

244. Persons with special needs in terms of this Decision are the following persons:

- (a) With sight impediment;
- (b) With hearing impediment;
- (c) With speech and vocal impediment;
- (d) With physical disability;
- (e) With insufficient mental development (slight, moderate, serious and severe degree);
- (f) With combined impediments/disabilities.

245. The assessment of abilities and classification of persons with special needs is performed by a professional commission. The Commission gives its findings on the abilities and an opinion on relevant protection measures for the persons with special needs. The Sub-Department for Social Welfare issues a decision on ability and sends a person with special needs to an education department and relevant educational institution, i.e. relevant social care institution for the purposes of ensuring special protection, upbringing, education and training for a job and living in general. If the assessment and classification procedure establishes that the person with special needs has damages in terms of his/her physical or psychological development but not in the extent used for classification under the provisions

of this Decree, the Professional Commission gives a recommendation on the need to administer medical treatment, correct the damage and apply the relevant procedure.

246. The data from MICS research give indirect information on children with disabilities. Mothers/guardians of children in the 2–9 age group were asked to provide answers to a number of questions to establish the number of disabilities/faults such as sight impediment, hearing impediment and speech impediment. Total of 3% of children from the 2–9 age group have speech disorders. Total of 9% of children of this group is unable to name any item (*Source: MICS 2006*).

3. Health and medical services (art. 24)

247. The Law on Health Insurance (Official Gazette of the Federation of Bosnia and Herzegovina, 20/97, 07/02 and 70/08) recognizes to all children the status of an original insured, starting from birth to the end of their education and up to the age of 26 maximum, provided that they do not exercise that status as members of the family of the insured. The fully ratified Convention on the Rights of the Child has been implemented in local legislation through amendments to this Law enacted by the Federation Parliament in 2008. All children are entitled to health care and do not have to pay a prescription charge for health care service. The enforcement of this Law started on January 1, 2009.

248. Furthermore, the basic package of health care rights explicitly establishes the right of all children under 18 as well as children getting regular education, up to the age of 26, to the basic package of health care services, including services in primary, secondary and tertiary health care. All children are provided with health care, especially in the area of infectious diseases such as HIV, tuberculosis and other infectious diseases.

4. Social security and childcare services (arts. 26 and 18, para. 3)

249. As it was the case at the time of the submission and presentation of the initial report, social welfare and child protection areas still fall within the responsibilities of the Federation and Cantonal authorities, wherein the Federation authorities establish policy and legal framework and the Cantonal authorities have an exclusive responsibility for the implementation of social policy.

250. The Law on the Basis of Social Care, the Protection of War Victims and Families with Children within the Federation of Bosnia and Herzegovina establishes the basic rights, types, beneficiaries and terms and conditions for the exercise of the social welfare entitlement, while the Cantonal legislation closely defines social welfare entitlements and the protection of families with children, procedure for the exercise of these rights, scope and a manner in which the social welfare can be enjoyed, supervision, funding of social welfare and other issues of importance for the exercise of rights of the Canton.

251. The Law on Allocation of Public Revenues in the Federation and Financing of the Federation of Bosnia and Herzegovina defines distribution of public revenues between the Federation of Bosnia and Herzegovina and Cantons. A significant portion of funds is being yielded to Cantons. Cantons define, by their regulations, a type and level of revenues that they yield to the municipalities. Accordingly, social welfare funds and funds for the protection of families with children originate from Cantonal budgets and amendments to the Federation Law define that the basic rights of persons with disabilities and civilian war victims have to be exercised and funds provided at the Federation level – this is done in full for persons with disabilities (non-war disabilities), while civilian war victims exercise their rights partially from the Federation Budget and partially from the Cantonal Budget under the principle of divided responsibility.

252. The number of social welfare beneficiaries registered by local social welfare services who are entitled to the rights defined by the aforesaid Federation Law keeps

increasing. Number of beneficiaries by categories at the end of 2006 was 72,106 (12,811 children and 59,295 adults), and we registered 98,858 beneficiaries by categories (16,191 children and 82,667 adults) at the end of 2007.

253. Cantonal regulations define amounts of financial and different contributions, conditions and a procedure for receiving such contributions. On the basis of the collected evidence, permanent financial assistance in the Federation of BiH ranges from 50 KM in Canton 10, up to 170 KM in Sarajevo Canton for a single member household (114 KM plus 50 KM for utility bills and 11 KM for each next household member).

254. The social protection system in the Federation of Bosnia and Herzegovina is in a very difficult position, facing an extremely high increase in terms of needs for different types of social care that continue to rise. The functioning of this system is burdened by inadequate laws that prescribe much wider scope of social welfare than the one which would be possible to finance from the available budget. The problem gets additionally complicated by the division of responsibilities between different levels of power, wherein the Federation of Bosnia and Herzegovina defines the level of social protection and Cantons have the obligation to provide funds for its implementation.

255. Things are additionally complicated by a lack of updated and complete information on social care beneficiaries. The establishment of a data base of social care beneficiaries in the Federation of Bosnia and Herzegovina within a Social Sector Technical Assistance Credit has been finished and it is now functional, covering persons with disabilities only; the social care centres data base became operational on January 1, 2006. With regard to this, it would be necessary to take activities on amendments and changes to the application, that is, improvement of the database for other social care beneficiaries in line with the Law on the Basis of Social Care, the Protection of Civilian war victims and Families with Children.

256. A disproportion in terms of volume of the rights envisaged by the Law and the provision of necessary funds and related unequal position of the beneficiaries in terms of exercise of their rights have pointed out an urgent need to take appropriate measures to overcome this situation and remove discrimination and human rights violations in this area.

257. With regard to this issue, the Federation of BiH has prepared a Preliminary Draft on Social Welfare and Social Security Minimum. The Law pertains to the basis of social welfare and security only, and the Cantons have the obligation to, in order to ensure enforcement, issue relevant regulations and general acts within their responsibility harmonized with this Law, to closely regulate this area and to do so within three months of the entry into force of this Law.

258. The Law introduced a number of novelties that significantly improve social welfare and accompanying system in the Federation of Bosnia and Herzegovina. First of all, the Federation of Bosnia and Herzegovina introduces, for the first time, the minimum of social security provided to citizens incapable of labour who do not have the means to support themselves, as well as to citizens and families that cannot ensure sufficient livelihood that meets their basic living needs by means of their work and on the basis of their work, by a legal obligation to support relatives, on the basis of property and property rights or in a different way.

259. The minimum of social security is being exercised through the right to material security as the entitlement of a person who lives on his/her own, i.e. in a family that earns an income that is below the minimal social security level established by this Law. The basis for the establishment of the minimum level of social security is an average net salary in the Federation of BiH earned in the course of the previous year and the minimum social security level is established in percentages of the basic rate depending on the number of

family members. In addition, the Law defines a property census for the exercise of right to material provisions.

260. In comparison to the previous Law, this Law defines new beneficiaries of social welfare as follows: victims of family violence, victims of human trafficking and victims of narcotics, and the new rights in the social care area are the right to day-care and the right to shelter and a shelter station.

261. Regarding other novelties introduced in a comparison to the existing Law, it should be emphasized the Law sets new principles of social welfare and social security; defines control mechanisms in more precise terms; defines, in more precise terms, types of fostering and requirements for the exercise of the fostering right, defines the role of the non-governmental and private sector in social welfare area, envisages enactment of regulations that will standardize terms and conditions, criteria, procedures and activities in the social welfare area and harmonizes the norms with the existing international acts in the social welfare sector.

262. Funding of the rights of families with children from the Cantonal Budgets is also followed by serious difficulties and some Cantons are not able to provide necessary funds for these purposes within their budgets; therefore, all Cantons do not pay these allowances or they are being paid but in small and different amounts. Posavina Canton and Herzegovina-Neretva Canton have failed to enact legislation regulating this area.

263. Starting from the fact that the protection of families with children represents an activity of special social interest that aims to provide equal conditions for healthy and proper development of children as well as assist the reproductive function of the family, it was necessary to take some activities in order to improve situation in this area.

264. With regard to this issue, a Preliminary Draft Law on the Protection of Families with Children has been prepared. The preliminary Draft proposes that the Budget of Bosnia and Herzegovina should provide and earmark some portion of funds required for the financing of the basic needs of families with children such as child allowance, one-time financial assistance for newborn equipment, compensation of salary for a mother under an employment contract and assistance to an unemployed mother during pregnancy, child birth and childcare.

265. This will ensure accessibility and evenness of these rights throughout the territory of the Federation of Bosnia and Herzegovina, regardless of the beneficiary's Canton of residence.

266. Activities related to social welfare, protection of civilian war victims and families with children are being performed by social welfare institutions. The direct social care and the protection of a child are being provided in ten Cantonal Ministries of Social Policy and through activities of 79 local departments that perform social care and conduct activities aimed at the protection of a child (55 social work centres and 24 services for social welfare and the protection of a child) and two Cantonal social work centres and 25 institutions for providing assistance to the beneficiaries.

267. The social work centre has a crucial role in proper implementation of social welfare programs. The establishment, operations and funding of the centre are regulated by Cantonal regulations. Their efficiency is limited by numerous problems: a lack of common standards or regulations for their operations, poor cooperation between different centres, lack of professional education, lack of coordination with other service providers, inappropriate working premises etc. The current situation is characterized by poor coordination in the implementation of social policy and the protection and poor coordination of measures taken at the Federation level down to Cantonal and Municipal levels in the Federation of Bosnia and Herzegovina.

268. The Federation of Bosnia and Herzegovina is yet to enact the Rulebook on standards, norms and procedures for operation of social work centres, although a Draft document has been produced to this end.

269. Recently there has been a slight increase in number of employed associates in social work centres and municipal social welfare services but this number is still insufficient in relation to a total number of inhabitants and the size and structure of work that they have to perform, or an increasing scope of tasks they have to perform due to daily political developments.

270. Technical assistance to centres and social welfare municipal services has been provided within SSTAC Project and a certain number of associates have received training.

271. Strategic documents issued in the Federation of Bosnia and Herzegovina in a recent period of time, such as document on the Policy of Protection of Children without Parents and Families under Risk of Separation in Bosnia and Herzegovina 2006–2012, envisage an improvement of staffing structure in the social work centres and continued education of staff associates in the centres.

5. Standard of living (art. 27, paras. 1–3)

Water and sanitation

272. Overall, 99 per cent of the population is using an improved source of drinking water – with equal percentages in urban and rural areas.

273. Ninety-three per cent of the population of the Federation of BiH is living in households using improved sanitation facilities.

274. Ninety-three per cent of households are using an improved source of drinking water together with improved sanitation facilities – 99 per cent in urban areas and 89 per cent in rural areas.

Security of tenure and durability of housing

275. Thirteen per cent of urban households do not have formal documentation for the residence, and 5 per cent of the respondents indicated that there is a risk of eviction.

276. Eleven per cent of household members were indeed evicted from any dwelling they were residing in during the last 5 years.

277. Around 15 per cent of households are living in dwellings which are considered as nondurable.

278. Almost 17 per cent of household members believe that they live in poorer areas.

Solid fuel use

279. More than a third (39 per cent) of all households in the Federation of BiH is using solid fuels for cooking.

F. Educational, recreational and cultural activities (arts. 28, 29 and 31)

280. In order to achieve the educational goals, the document Education Reform – Message to the citizens of BiH, signed by all ministers of education in Bosnia and Herzegovina in November 2002 in Brussels, carried a promise to all citizens of Bosnia and Herzegovina that transparent, concrete, rational and sustainable financing of public financial resources will be ensured, as well as implementation of legislation in the field of

education at all levels, based on European standards and norms and on international conventions on human rights, in the following way:

(a) Framework Law on Primary and Secondary Education in Bosnia and Herzegovina shall be implemented, as required by the obligations we accepted upon joining the Council of Europe, human rights and educational principles set forth in this association shall be implemented and laws in entities and cantons, which are in accordance with this Act, shall be adopted

(b) Modern legislation for higher and professional education and training shall be implemented, which is in accordance with the highest European standards of quality and governance, and meets the priority needs of the country

(c) Modern legislation on preschool education shall be implemented and the need for the development of modern legislation for adult education will be taken into account, as well as appropriate legislation and instruments to support lifelong learning and training

281. In order to realize these promises, the Parliament of Bosnia and Herzegovina initiated the implementation of Educational Reform and adopted the following laws:

(a) Framework Law on Primary and Secondary Education in Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina”, No. 18/03);

(b) Framework Law on Higher Education in Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina” No. 59/07);

(c) Framework Law on Preschool Education in Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina” No. 88/07);

(d) Law on Agency for preschool, primary and secondary education (“Official Gazette of Bosnia and Herzegovina”, No. 88/07);

(e) Framework Law on Secondary Vocational Education and Training in BiH (“Official Gazette of Bosnia and Herzegovina”, No. 63/08).

282. General acts which preceded or were adopted simultaneously with the framework legislation on the state level are:

(a) Medium-term development strategy of Bosnia and Herzegovina, PRSP 2003–2007;

(b) Strategy development for vocational education in Bosnia and Herzegovina, for the period from 2007 to 2013 (“Official Gazette of Bosnia and Herzegovina”, No. 65/07);

(c) Strategic directions for the development of preschool education in Bosnia and Herzegovina (adopted by the Council of Ministers of Bosnia and Herzegovina, in Sarajevo, on February 5th 2005);

(d) National strategy for combating violence against children (“Official Gazette of Bosnia and Herzegovina”, No. 64/07);

(e) Strategic directions for the development of education in Bosnia and Herzegovina with implementation plan 2008–2015 (“Official Gazette of Bosnia and Herzegovina”, No. 63/08).

283. The action plans are legal acts designed by the Organization for Security and Cooperation in Europe (OSCE) and experts in particular fields from all over Bosnia and Herzegovina and adopted by entity and cantonal ministers of education, as well as the Brčko District. Following action plans have been made:

(a) The Action Plan for the Educational Needs of Roma and Other National Minorities in Bosnia and Herzegovina (February, 2004) is being revised because of inadequate implementation in the field;

(b) The Action Plan for School Enrolment and Attendance in Bosnia and Herzegovina (May 2007);

(c) The Action Plan for Children With Special Needs (materials have been made, but due to exceptional sensitivity and demands, it has not yet been officially adopted).

284. All three documents have a common element that determines the comprehensiveness of the goal which is to identify the barriers to full inclusion of Roma children, children of national minorities and children with special needs in the educational system of Bosnia and Herzegovina.

285. Action plans are being implemented through determined goals. The most important ones are:

(a) Promoting systematic changes that will lead to meeting educational needs of Roma children, children of other national minorities in Bosnia and Herzegovina and children with special needs;

(b) Removing financial and administrative barriers for enrolment and attendance of school for Roma children, children of other national minorities in Bosnia and Herzegovina and children with special needs;

(c) Raising awareness on support and participation of parents, educational institutions and community, in terms of educational process.

286. Also, free textbooks, for school year 2008/2009, for all pupils in the Federation Bosnia and Herzegovina, from first to fourth grade, and for socially endangered groups such as Roma, socially endangered, pupils from families of three or more children, from fifth to eighth grade, have been secured.

287. In the Republic of Srpska, Ministry of Education and Culture RS provides free textbooks for all first and second grade pupils. Local communities provide free textbooks for Roma children. Also, Ministry of Education and Culture of Republic Srpska provides free transportation to all pupils who live four or more kilometres away from school.

288. The adoption of Framework Law on Preschool Education in Bosnia and Herzegovina introduced a mandatory preschool education for all children in a year before starting school. Framework Law on Preschool education in Bosnia and Herzegovina provided the following duties for the Ministry of Education and Culture of Republic Srpska, cantonal ministries of education in the Federation and the Department of Education in the Brčko District of Bosnia and Herzegovina: designing entity and cantonal laws on preschool education, harmonized with Framework Law within six months from Framework Law (article 51 of Framework Law) entering into force, creating standards and norms for preschool education, the criteria on financing preschool institutions, regulations on procedures determining the conditions, content and manner of keeping the Register, regulations regarding educational records and other documentation, regulations for evaluation and professional training of medical staff, teachers and other professional staff engaged into educational process, and regulations regarding professional supervision.

289. In this way, the legal preconditions for the achievement of goals of Education Reforms in Bosnia and Herzegovina, in the area of preschool education, are met.

290. The plans listed below are in use, but there is a possibility of their revision:

(a) The Agreement on Common Core Curricula ("Official Gazette of Bosnia and Herzegovina", No. 24/03):

- Guidelines for writing and evaluating geography textbooks for primary and secondary schools in Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina” No. 105/06)
- Guidelines for writing and evaluating history textbooks for primary and secondary schools in Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina”, No. 5/2007)

(b) The Implementation Plan for temporary agreement on meeting the special needs and rights of returnee children (March 2002).

291. In this reporting period it is very important to emphasize the adoption of Memorandum on the establishment of the Conference of Ministers of Education of Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina”, No. 19/08).

292. Ministry of Civil Affairs of Bosnia and Herzegovina coordinates the work of newly established Conference of Ministers of Education; which gathers the entity, cantonal and Brčko District ministers of education. The main tasks of the Conference of Ministers of Education in BiH, as an advisory body, are to take stands, give advice and recommendation for harmonization of educational policies and strategic plans for development of education, educational legislation, activities in defining, implementing, monitoring and development of educational standards and their harmonization with European and international standards, etc.

293. In the reporting period we list following improvements: the design of strategic directions of development of education in Bosnia and Herzegovina with the implementation plan 2008–2015, appointment of Director and Deputy Director of the Agency for preschool, primary and secondary education on state level, opening the Agency for the development of higher education and quality assurance and the Centre for Information and Recognition of documents in the field of higher education in BiH.

294. Obligations of Bosnia and Herzegovina, formed after the admission to Council of Europe (2002), include termination of segregation in schools. Also, this was confirmed by the Document of European Partnership (2007) which was signed with European Union. As stated in monitoring report of the Council of Europe (2008): “European future of the country largely depends on the ability of government and different communities to develop common educational framework.”

295. In this regard, the Committee on Economic, Social and Cultural Rights, asked the member states, including Bosnia and Herzegovina, to create conditions for the abolition of the organizational form “two schools under one roof”, as well as construction of separate schools for students of different ethnicity (E/C.12/BIH/CO/1, paras. 28 and 50).

296. Given the above mentioned obligations at the level of Bosnia and Herzegovina, the Conference of Ministers of Education in Bosnia and Herzegovina expressed readiness, and their commitment, to examine current state of educational institutions in the Federation of Bosnia and Herzegovina, where the existence of a specific phenomenon called “two schools under one roof” has been reported. Specifically, the need to redefine the concept of “two schools under one roof” appeared, as well as the need for its precise determination due to evidently different interpretation of this phenomenon in current educational practice.

297. Examination of the current state, conducted by the working group for analyzing the phenomenon of “two schools under one roof” – its forms and recommendations for its overcoming were formed by the Federal Ministry of Education and it has been determined that this phenomenon is generally manifested in various forms including:

(a) The existence of two separate legal entities that operate according to curricula and use common premises;

(b) The existence of two legal entities in the same school-municipality premises, registered under the same name in different registration courts outside school-municipality area, using two different curricula, with separate entrances, shifts and without any joint activities;

(c) The existence of a single legal entity with two different curricula, the same founder, but separate management, separate teachers', students' and parents' councils, and work in separate shifts;

(d) The existence of "two schools under one roof" which are fully integrated, in legal and administrative sense, but have no common multi-ethnic classes.

298. In order to fully meet the requirements of complete legal and administrative unification, the competent authority (the founder of educational institution) will take measures in order to make appropriate decisions about registering existing schools as one legal entity under the jurisdiction of a single municipal or cantonal authority.

299. This decision should contain:

- Appointment of a single director/headmaster of the school and an assistant
- Appointment of a single school board that reflects the ethnic composition of school population
- Making a decision on determining a commonly acceptable school name
- Appointment of common administration
- Appointment of common Council of parents and students, as well as Teachers' Council
- Creation of a joint budget

300. In order to eliminate all physical barriers between students and teachers in existing "two schools under one roof" the authorities-founders are required to take further measures, including:

- Establishment of a joint school bell and joint entrance
- Establishment of mechanisms that will insure equal access to school buildings (gymnasium hall, library, classroom for computer studies, offices, staff room)
- Organization of departments should be harmonized with grades, not with curriculum or language, that would insure that the children of the same grade are physically located on the same floor, rather than being separated
- Establishment of adequate mechanism which would ensure that children who follow different curriculum and are of the same grade, are able to attend classes in the same shift (shifts will not be organized on the language or curriculum criteria)

301. In order to increase the interaction between children and teachers outside the classroom, and insure uninterrupted functioning of school, relevant authorities are obliged to undertake the following measures:

- Organization of joint annual planning, including the planning of extra-curricular activities and joint celebration of holidays
- Joint breaks between the classes for all students and teachers, at the same time and same location
- Removal of inappropriate symbols

- Insure that the language and greetings that are used within academic institution secure the environment that is comprehensive, inclusive and suitable for work
302. In primary schools of Brčko District, Bosnia and Herzegovina, textbooks for national group of subjects have been regulated as follows:
- All offensive contents have been removed from the textbook.
 - The curriculum content was reduced by 30% in order to relieve the curriculum and teaching contents were shifted horizontally and vertically, for grades V–VIII. Classes will be carried out in accordance to common core curriculum at the level of Bosnia and Herzegovina and by analyzing and comparing curricula the estimate has been made that the curriculum implemented in Brčko District is in accordance with the common core. All students shall use textbooks written in the language and script of the people whose history they study.
303. Given that significant number of citizens of Brčko District of Bosnia and Herzegovina graduated abroad, or their education is still in progress, these citizens have the right to request notification and recognition of equivalence of their diplomas from competent educational institutions of Brčko District, Bosnia and Herzegovina. The same right can be exercised by other citizens, foreign citizens and stateless persons, if proven to have a legal interest. Recognition of equivalence and notification of foreign school certificates is conducted by the Department for Education of Brčko District of Bosnia and Herzegovina, with the approval and consultation of competent authorities of Bosnia and Herzegovina. In the process of equivalence and notification of foreign school certificates, provisions of the Law on Administrative Procedure, of Brčko District Bosnia and Herzegovina are applied. The relevant decisions on notification or equivalence are finalised through the administrative procedure. The department keeps the documents and retains required records on notifications and equivalence of diploma, in accordance with instructions on keeping these records and the contents determined by the Mayor of Brčko District, Bosnia and Herzegovina
304. National group of subjects in Republic Srpska, in schools where the class is composed of at least 18 students of other nationalities, as well as some regional schools attended only by returnee children, are taught in accordance with national composition of the class.
305. The Action Plan on Educational Needs of Roma includes promotion of systematic changes which would ensure recognition of Roma educational needs: removal of financial and administrative barriers for enrolment and completion of school, preservation of Roma language and culture, achieving support and participation of Roma children, parents and community in education of their children. Children with disabilities are included in primary education through regular classes (inclusion), and teachers work with these students in accordance with special and individually tailored programs.
306. Accreditation of higher education institutions is carried out by education ministries in Republika Srpska, Federation cantons and Brčko District BiH. Regarding the issue of accreditation and quality assurance, the Agency for the development of higher education and quality assurance will, as an independent administrative organization, assist relevant educational authorities in the process of conducting, licensing and accreditation of higher education institutions, establish criteria and standards for quality assurance, provide advice and recommendation for elimination of shortcomings in quality of studies and higher education institutions and implement other activities specified in the Framework Law on Higher Education in BiH and the Decree on starting the work and establishing headquarters of the Agency.

307. In 2003, Bosnia and Herzegovina ratified the Convention on the Recognition of Qualifications Concerning Higher Education in the European Region (Lisbon Convention) which regulates the recognition of academic qualification for the purpose of continuing education, employment, or exercising other rights arising from the acquired qualification. The BiH Centre for information and recognition of documents in areas of higher education in BiH, in line with the Lisbon Convention and its accompanying documents, makes recommendations on recognition of diplomas obtained outside Bosnia and Herzegovina to the responsible ministries in Republika Srpska, Federation cantons and Brčko District, with the aim of employment, continuing education or exercising other rights arising from the acquired education.

308. Leisure and recreational activities are very important for creating healthy personality. Physical inactivity affects physical and mental development of children. Popularization of sports, games and recreation among children and youth promotes physical, mental and emotional health, which is one of the essential objectives of the Ministry of Family, Youth and Sports of Republic Srpska. In the reporting period, Ministry emphasised creating conditions for enjoying recreation and sports in schools and communities.

309. The Small Olympic Games have been renewed in primary and secondary schools. Every year more than 100,000 pupils participate in the Small Olympic Games. These pupils are actively engaged in sports throughout academic year.

310. In 2007 the Ministry implemented a project distributing basketball equipment to more than 100 rural areas of Republic Srpska, with the aim of developing sports in these areas. In 2008, the Ministry awarded volleyball nets and balls to all primary and secondary schools in RS, with the aim of popularizing sports and involving pupils into sport activities. A large number of sport halls and school gymnasiums were built or rebuilt throughout RS. Realization of a plantography project which aims at early detection and prevention of foot deformity in children and adolescents is ongoing.

311. The Ministry of Family, Youth and Sports, in the period between 2005 and 2008, participated in construction and reconstruction of sport facilities, and opening of closed courts in the following municipalities and cities:

- The following facilities have been constructed or reconstructed in 2006: Kotor Varoš, Bijeljina, Foča, Istočno Novo Sarajevo, Istočna Ilidža, Petrovac – Drinić, Kozarska Dubica, Lopare, Banja Luka, Čelinac, Sanski Most, Novi Grad, Prijedor, Ribnik, Gradiška, Pale, Kneževno, Pelagićevo, Brod, Mrkonjić Grad
- The following facilities have been constructed or reconstructed in 2007: Foča, Mrkonjić Grad, Novi Grad, Srbac, Banja Luka, Gradiška, Rogatica, Kozarska Dubica, Podkozarje, Sitneši, Oštra Luka, Aleksandrovac, Ribnik, Teslić, Pale, Berkovići, Kostajnica, Čelinac, Pale, Prijedor, Donji Žabar, Bileća, Modriča, Bijeljina
- The following facilities have been constructed or reconstructed in 2008: Ribnik, Berkovići, Bileća, Banja Luka, Istočno Novo Sarajevo, Pelagićevo, Srbac, Bijeljina, Teslić, Priboj – Lopare, Kozarska Dubica

312. Cooperation between relevant educational authorities, UNESCO and UNICEF is already very developed (implementation of the Convention on the Rights of a Child) and it is expected that in a future it will strengthen even more not only due to completion of common projects but also due to initiating new ones for which a mutual interest and need exist.

313. Ministry of Human Rights and Refugees of Bosnia and Herzegovina initiated specific activities with the aim of introducing human rights education at all levels and all

forms of education. The measures imply improvement of education model for human rights and democratic citizenship and its implementation for certain levels and forms of education. The measures would also ensure the implementation of education for human rights and democratic citizenship at all levels, including educational programs for minorities, religious programs, youth re-socialization programs, adult education and would also establish system of evaluation, quality assurance and information for education in human rights and democratic citizenship and ensure necessary financial, institutional and personnel requirements for this operation.

G. Special protection measures (arts. 22, 30, 32–36, 37 (b)–(d) and 38-40)

314. Protection of civilian victims of war is regulated by the Law on the Basis of Social Protection, Protection of Civilian war victims and Families with Children. According to this Law, civilian war victim is a person who has suffered physical damage of at least 60% due to wounds or injuries, as well as the person who was killed, died or disappeared due to the effects of war. The right to a personal compensation can be exercised by persons with disability from 60% to 100% and depending on a degree of disability, categories I to IV can exercise the right to home care and orthopaedic benefit, while the right to family pension can be exercised by members of immediate family of a civilian war victim who was killed or died as a result of injuries, or a missing person. The compensation under this Act is payable in the total of 70% of the monthly amount of war veteran's personal pension, 50% from federal budget and 20% from cantonal budget – from appropriate groups, according to regulations of the Law on the Rights of War Veterans and Their Families.

315. The Law on Amendments to the Law on the Basis of Social Protection, Protection of Civilian war victims and Families with Children was passed in 2006. Its goal is to insure that all civilian war victims and their families, under equal conditions, on the entire territory of Federation Bosnia and Herzegovina, regardless of a canton in which they reside, exercise basic rights — unlike previously — when, due to different financial capacities, the degree of realization of these rights varied from canton to canton. For those reasons, the key change is in the provision which dictates that the funds for realization of basic rights of the civilian war victims are secured from the federal budget, therefore transferring the responsibility of carrying out these rights to the federal level.

316. The database of civilian war victims and their families in the Federation Bosnia and Herzegovina is still under construction.

1. Juvenile delinquency

317. Juvenile delinquency as a type of socially unacceptable behaviour is a negative occurrence that imposes a need for greater engagement of the society in resolving a number of outstanding problems that have been accumulating and deepening in Bosnia and Herzegovina in recent years.

318. An analysis of juvenile delinquency shows that in addition to persons who are senior and junior juveniles by their age, there are also persons under 14 who are perpetrators of crimes and a criminal procedure is not launched against those persons due to their ineligibility to be processed as criminally responsible; moreover, an age limit for juveniles who are in conflict with the law constantly shifts to younger and younger children. There is an increase in number of committed crimes, whereas juvenile persons show special inconsideration, brutality (crimes against life and body, crimes of violent behaviour and robberies) and persistent commission of crimes against property that they repeat within a short period of time.

319. Juvenile delinquency is becoming a greater problem and a challenge for Bosnia and Herzegovina that still struggles with the legacy of war and discrimination at all levels and with lasting economic and social transition.

320. In the area of labour and criminal – legal protection of children and juveniles who behave in an unacceptable manner and are in conflict with the law, there are a number of responsible actors that usually do not have sufficient and efficient cooperation that would be in the best interest of children and young people. Numerous levels of governments and administration are responsible for issues in the area of social welfare, health care and criminal – legal protection and education, including the state level, two entities and Brčko District of Bosnia and Herzegovina, ten cantons and 137 municipalities in Bosnia and Herzegovina.

321. A first step in an analysis of juvenile delinquency included a need for a Strategy Against Juvenile Delinquency for Bosnia and Herzegovina for 2006–2012 (adopted in July 2006) that gives a review of activities taken in the three-year research in the area of juvenile delinquency in Bosnia and Herzegovina and strategic objectives and main activity groups for each of the strategic topics as follows: legislation, alternative measures, institutional treatment of juveniles, prevention and enforcement of criminal juvenile laws in practice.

322. The implementation of individual activities with the aforesaid topics has been presented in Action Plans for each of the topics that also define implementing agents, timeframe for the implementation of activities, necessary resources (human and material), sets indicators as benchmarks for measuring success in implementation and establish priorities for each of these activities.

323. The objective of this strategic document is to improve activities in the fight against juvenile delinquency in next four years, on the basis of an approach that takes greater consideration of the rights of the child in conflict with the law in Bosnia and Herzegovina, and harmonize these activities with international standards as much as possible.

324. This strategic document is an expression of the responsibility of bodies and institutions of Bosnia and Herzegovina at all levels in implementation of their international obligations under international conventions, particularly with regard to the rights of the child. The strategy is a proof of efforts that BiH institutions make in the process of adapting to the European Union standards both in terms of judicial system for juveniles as well as operations of internal affairs bodies and social policy sector.

325. The implementation of reform processes required by this strategic document require a long-term support of the governmental institutions of Bosnia and Herzegovina, through engagement of human and financial resources. In view of the failure to implement the strategy, the Council of Ministers of Bosnia and Herzegovina, in May of 2008, established a Coordination Body as a vocational and advisory body authorized to initiate and monitor agreements with representatives of responsible institutions at the level of Bosnia and Herzegovina, Entities and Brčko District of Bosnia and Herzegovina on the implementation, monitoring and reporting on the proposed strategic activities.

326. It was noticed that criminal law regulations on juveniles have to be separated from the exiting criminal legislation. Namely, the Strategy against Juvenile Delinquency for Bosnia and Herzegovina covers, by its first strategic objective that consists of 11 types of activities and an action plan, underlines the importance of a special law for juvenile criminals. The proposed Law on Juvenile Perpetrators of Criminal Offences and the Criminal Justice Protection of Children and Juveniles has been forwarded to a parliamentary procedure along with the amendments to the Law submitted by OSCE and UNICEF; however, the Law is yet to be adopted.

327. A Decree on Enforcement of Corrective Recommendations for Juveniles was forwarded to the Entity Governments and Brčko District of Bosnia and Herzegovina, for their consideration and enactment. In January 2009, the Federation Government enacted the Decree on Enforcement of Corrective Recommendations for Juveniles, which introduces an institution of mediation for crimes that the valid legislation sanctions by pecuniary penalties or imprisonment up to three years, and sets forth the possibility, manner and procedure for enforcement of some of the eight recommendations that may be applied by a responsible judge or prosecutor for juveniles. The RS Government and Judicial Commission of Brčko District of Bosnia and Herzegovina are yet to enact the Decree on the Enforcement of Corrective Recommendations.

328. The Federation Ministry of Justice completed its activities on identifying a proper location for the construction of a correction facility for juveniles for the needs of the Federation of Bosnia and Herzegovina.

329. In Republika Srpska, the Department for implementation of corrective measures of sending people to correctional facility and the Department for execution of juvenile prison sentence, successfully operate within the system of execution of criminal sanctions. The Department for Execution of Juvenile Prison Sentence functions within the East Sarajevo Semi-Open Correctional Facility. It officially started its activities on October 1, 2008. Both Departments possess human and professional resources necessary for administrating the envisaged action programs.

330. In terms of general crime in 2008, out of 8,894 reported persons 781 were juvenile perpetrators of crimes.

331. In terms of committed crimes classified as incriminating by the legislation of the Federation of Bosnia and Herzegovina, the greatest number of crimes includes crimes against property, crimes against body and life, crimes against health, crimes against sexual freedom and ethics etc.

332. Statistical indicators available to Entity Ministries do not include information on age groups of juvenile perpetrators of crimes, or information on sex (male or female perpetrators), whether or not the competent courts completed the criminal procedures and on types of pronounced criminal sanctions.

2. Economic exploitation, including child labour (art. 32)

333. Almost 6 % of children aged between 5 and 14 are involved in some form of child labour; boys are significantly more involved (7%) than girls (4%). In rural areas children are significantly more involved in work (8%) whereas the percentage in urban areas is lower (2%). There is a noteworthy difference between age groups – children aged between 5 and 11 are more involved in work (8%), compared to older children aged between 12 and 14, whose involvement is less than 1%. Children of mothers who have no education are mostly involved in work (9%).

334. Almost 1% of children aged between 5 and 14 are involved in some form of economic work outside the home (paid or unpaid). About 5% of children of the same age are involved in some form of family business. No child has had 28 hours of work per week, at home.

335. About 6% of pupils who attend school are involved in some form of child labour where boys are more involved (8%) than girls (5%). Pupils from rural areas are significantly more involved in child labour (9%) compared to those in urban environment (2%). (*Source: MICS 2006.*)

	<i>MICS indicator</i>		<i>%</i>
Child labour	71	Child labour	5.8
	72	Children who attend school and work	94.0
	73	Children who work and attend school	6.5

336. In terms of article 32 (Economic exploitation of children – including child labour) of the Convention the same explanation applies as it does for article 18 in terms of current legislation. The current Labour Law retained the ban on signing the employment contract with persons who have not reached 15 years of age, and persons between 15 and 18 years of age need to meet the condition of providing a certificate from a licensed physician or authorised medical institution, proving general health ability for performing those tasks. Also, juvenile employee's right to a minimum of 24 days of vacation has been regulated, and a ban for minors to be engaged into heavy physical work, work underground or under water, as well as other forms of work that could adversely or with increased risk impact his life and health, development and morals, given his mental and physical characteristics, has been retained. Working overtime and during night is forbidden for juvenile employees. For juvenile workers employed in industry, night work is defined by working hours between 7 o'clock in the evening and 7 o'clock in the morning the next day, and for juvenile workers who are not employed in industry night work is defined by working hours between 8 o'clock in the evening and 6 o'clock in the morning the next day. Planned amendments of the Labour Law do not affect existing rights of juvenile employees.

337. Unfortunately, in Bosnia and Herzegovina, including the Federation of Bosnia and Herzegovina, a census, which would serve as a basis for any other data extraction regarding population, has not yet been done. This means that gathering data about children is filled with irregularities so the proper statistics on child labour does not exist, or it takes a form of estimates and assumptions. In fact, several NGO projects, such as a pilot project DevInfo (UNICEF) in 2007, have been launched with the purpose of monitoring data and statistics regarding the rights of children that would possibly reflect the implementation of the relevant Convention. This project had significant results and triggered important activities at a local level – municipality, as well as in terms of establishing cooperation between municipalities and institutions of Bosnia and Herzegovina dealing with problems of monitoring the situation of children. Although characterized as a success, this program failed to fully meet the requirements. However, although the Labour Law and the Criminal Code prohibit and sanction all forms of child labour, the problem of children begging in the streets, as a form of exploitation of children through work, is still present. As we have reported, this problem is usually related to Roma population, even though the phenomenon of forced labour and begging in the streets of children who are not members of Roma population has become more common. For example, in November 2008, according to data from the Federal Police Administration, 121 violations related to begging have been recorded. In relation to November 2007 when the number of offences against public peace and order by begging of people of all age groups increased by 50 or 70, 4%. At the level of Federation of Bosnia and Herzegovina, 888 juveniles prone to begging have been recorded, mostly aged between 7 and 14 – 277; between 15 and 16 – 230; between 17 and 18 – 192, and up to 7 years of age – 100 children. In some cantons, such as Sarajevo Canton, we may say that the statistics increased. Namely, the main problem is that begging is still a major source of income for Roma families who are socially excluded and extremely poor and this is their way of survival and struggle with extreme poverty. Having this in mind, tightening of sanctions cannot provide desired results.

338. In comparison to an earlier period, a certain progress has been observed in places where Roma live, but these shifts are insufficient to address the accumulated problems of Roma people. For example, in 2004, the Action Plan on Educational Needs of Roma and

other National Minorities in Bosnia and Herzegovina has been adopted. The Action Plan implied free textbooks, free transportation from home to school and a warm meal, in order to encourage education of Roma children. Within the budgets of ministries of treasury certain funds are secured for these needs, and associations that aim to improve the financial status of Roma and provide for their education are supported. Some NGOs actively help solving the housing problems for Roma. One of those is Swedish humanitarian organization "SIDA" which is committed to addressing problems of several Roma settlements in Sarajevo Canton, under OSCE supervision.

339. In order to address the problems of Roma population, the Strategy for Roma in Bosnia and Herzegovina was adopted in 2005. Working groups composed of representatives of Roma Council of Bosnia and Herzegovina and representatives of relevant ministries of the Federation of Bosnia and Herzegovina and Republic of Srpska, together with representatives of municipalities inhabited by Roma, with technical support from humanitarian organizations, an Action Plan for employment of Roma, which includes the measures to increase the employment of Roma in Bosnia and Herzegovina, has been adopted. The proposed measures contained in action plans for employment, health care and housing, also include the employment of Roma in public administration, co-funding employers who employ Roma, and financial support for Roma self-employment. The Action Plan for employment envisages establishment of a body for monitoring and evaluation of proposed measures, as well as a body for implementation of those measures and activities. Implementation of these activities would improve financial stability of this population, and this would result in eradication of child exploitation in a form of begging. Widespread poverty in which they live remains a stumbling block for children of Roma families. Among the most important conventions of the International Labour Organization (ILO), which were ratified by Bosnia and Herzegovina, we would like to mention the following conventions related to social welfare and protection of children's rights:

- Night Work of Young Persons (Industry) Convention, from 1948 (revised) (No. 90)
- Social Security (Minimum Standards) Convention, from 1952 (No. 102) (Accepted parts II–IV, VIII–X, providing that Part VI is no longer applicable due to the ratification of Convention No. 121)
- Maternity Protection Convention, from 1952 (Revised), (No. 103)
- Convention concerning the Abolition of Forced Labour, from 1957 (No. 105)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- Minimum Age Convention, 1973 (No. 138)
- Paid Educational Leave Convention, 1974 (No. 140)
- Workers with Family Responsibilities Convention, 1981 (No. 156)
- The Worst Forms of Child Labour Convention, 1999 (No. 182)

340. Labour inspectors, within their jurisdiction, monitor the work of employers and the implementation of the Labour Law and regulations that were based on it, which includes the implementation of provisions regarding the minimum age required for signing employment contract and working conditions for young employees. However, the cases of violation of these regulations, when it comes to employment of minors, are very rare and sporadic, especially because they were characterized as offenses with specified fines. Abuse in terms of economic exploitation of children is mainly carried out through so-called informal work; work on the streets, begging, etc.

3. Illicit use of narcotic drugs (art. 33)

341. The state level strategy on narcotic drug control, prevention and suppression of narcotic drug abuse in Bosnia and Herzegovina, for the period between 2009 and 2013 was adopted on March 23rd 2009 and the State Action Plan against the abuse of narcotic drugs in Bosnia and Herzegovina was adopted on September 24th 2009, and this represents a significant step forward.

342. The overall goals of the Strategy are: to raise public awareness by educating community to adopt healthy lifestyle and preserve mental health; to combat and prevent further spread of substance abuse; to prevent development of drug addiction disease, death and health damage due to abuse of psychoactive substances; to reduce damage to communities caused by abuse of psychoactive substances; to decrease substance demand, especially among the youth; to strengthen institutional capacities and secure more responsible involvement of the society; to improve the legislation and its implementation; to reduce the drugs supply and establish an independent multi-sector Office for suppression of drug abuse, at the level of Bosnia and Herzegovina.

4. Other forms of exploitation (art. 36)

343. One-third of children aged between 2 and 14 (34%) were exposed to at least one form of psychological and physical punishment by their mothers/guardians or other household members.

H. The Optional Protocols to the Convention on the Rights of the Child

344. In 2008, Bosnia and Herzegovina prepared the initial reports related to the two optional protocols to the Convention on the Rights of the Child (Optional Protocol on the involvement of children in armed conflict and Optional Protocol on the sale of children, child prostitution and child pornography), but they have not been considered by the Committee by the time of this report.

IV. Conclusions

345. In order to meet Bosnia and Herzegovina's obligations, as an international subject, to report on the implementation of the Convention on the Rights of the Child, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, proposes to the Council of Ministers of Bosnia and Herzegovina to adopt the following.

346. The second to fourth periodic report of Bosnia and Herzegovina on the implementation of the Convention on the Rights of the Child is adopted.

347. The Council of Ministers of Bosnia and Herzegovina reminds all relevant institutions and bodies in Bosnia and Herzegovina of their obligation to apply in practice the principles of international instruments for protection of the rights of the child, as the Convention on the Rights of the Child as a part of Annex I of the Dayton Peace Agreement, along with other conventions ratified by Bosnia and Herzegovina, has priority in implementation over all domestic legislation, as it has the power of constitutional norm.

348. The Council of Ministers of Bosnia and Herzegovina invites all relevant institutions and bodies in Bosnia and Herzegovina to follow in the scope of their work the principle of respect of the child's best interests (article 3 of the Convention).