

CHILD PROTECTION INDEX 2.0



BOSNIA AND HERZEGOVINA 2019

Measuring government efforts to protect girls and boys

Acknowledgements

Sincere thanks to all the government and non-government actors who took part in and contributed to the measurements and development of the Child Protection Index 2.0 for BiH, demonstrating commitment to continued progress in achieving some of the most important and most meaningful obligations any state can take on.

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About network “Stronger Voice for Children”

‘Stronger Voice for Children’ (SVC) is gathering 20 civil society organizations that work with and for children, providing different services and activities. SVC was established in 2009, with the aim to strengthen influence of civil society organizations on local, national and international level and advocate for promotion and implementation of UN Convention on the Rights of the Child. Main

activities of the Network include promotion of child participation, child rights monitoring in the country and advocacy for overall improvement of children quality of life in Bosnia and Herzegovina. SVC is a member of regional coalition for child protection ChildPact. Association “Our Children” Sarajevo is coordinating activities of Network.

About World Vision Bosnia and Herzegovina

World Vision is a global Christian relief, development and advocacy organization dedicated to working with children, families and communities to overcome poverty and injustice and reach their full potential. World Vision works in nearly 100 countries, serving all people, regardless of religion, race, ethnicity, or gender. In Bosnia and Herzegovina, World Vision has been working since 1994, implementing community development, emergency relief and promotion of justice programs for the well being of children and their families, focusing especially on the most vulnerable. Reaching

up to a third of the country's population. World Vision BiH interventions have to date contributed to enhanced child protection and well-being, access to health, quality education and life-skills, improved family livelihoods and child-focused disaster preparedness in the target communities throughout Bosnia and Herzegovina. In 2011 World Vision Regional Office for Middle East and Eastern Europe supported the establishment of ChildPact, the Regional Coalition for Child Protection (www.childpact.org).

¹ ChildPact is a coalition of coalitions. Its members are national networks of child-focused NGOs from 10 countries: Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Kosovo*, Georgia, the Republic of Moldova, Romania, and Serbia, bringing together more than 600 NGOs which serve more than 500.000 children region-wide. ChildPact's first objective is to monitor and influence child-related policies by documenting child protection concerns and advocating for better policies to protect vulnerable children in their respective countries and the region, respectively. First Child Protection Index for BH was implemented in cooperation with ChildPact.

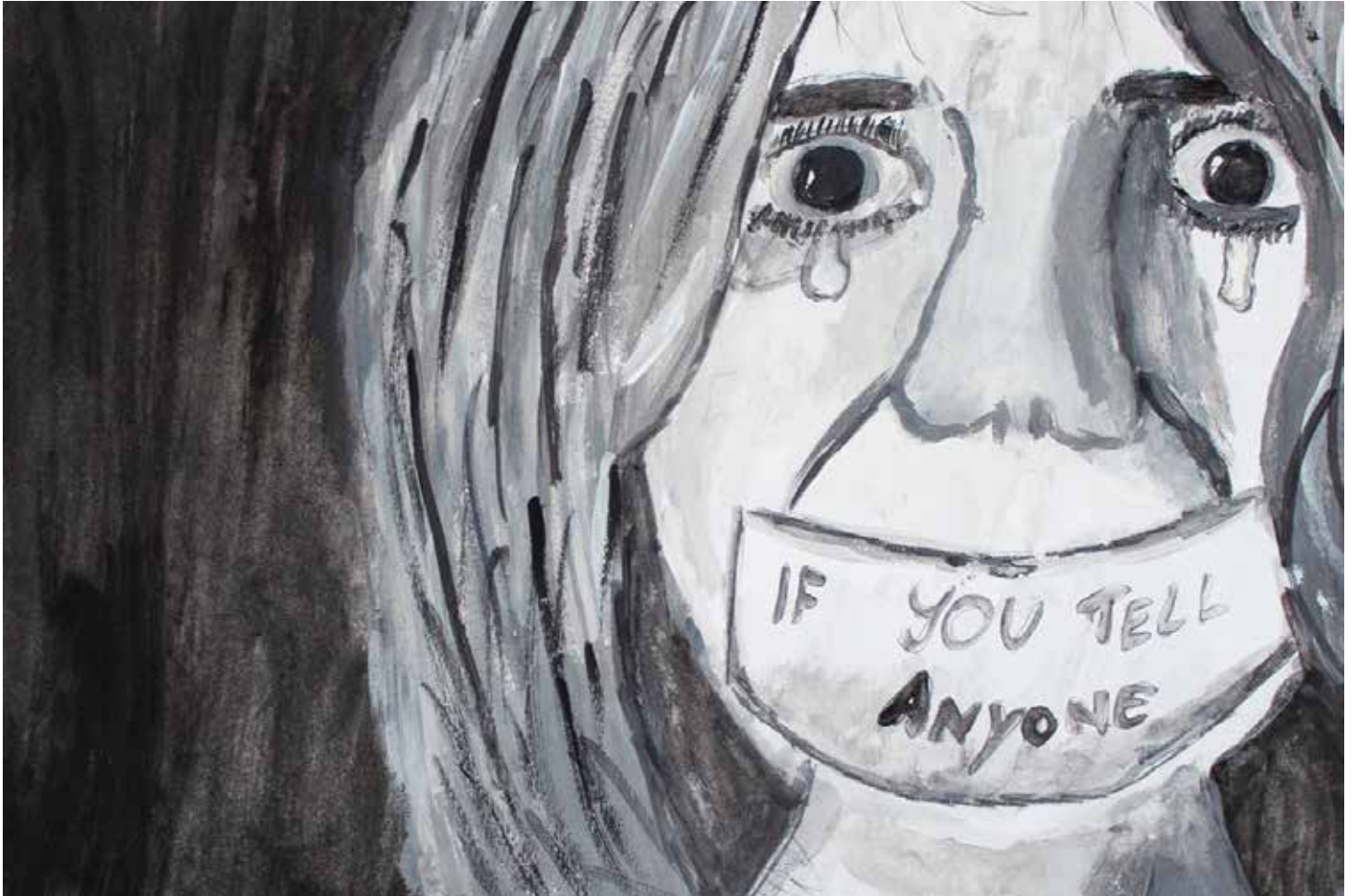
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

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Abbreviations

BMZ Germany	Federal Ministry for Economic Cooperation and Development
UNCRC	United Nations Convention on the Rights of the Child
BH	Bosnia and Herzegovina
FBIH	Federation of Bosnia and Herzegovina
RS	Republic of Srpska
BD	Brčko District
CSW	Center for Social Welfare
SOTAC	Platform for state social welfare management
ILO	International Labour Organization
NGOs	Non-governmental organisations
ESPAD	European School Survey Project on Alcohol and Other Drugs



Introductions

In 2014, supported by World Vision and BMZ Germany, ChildPact piloted Child Protection Index in nine countries, with a goal to develop a coherent, region-wide and cross-country comparable monitoring agenda on progress made in implementation of ongoing child protection reforms. Network Stronger Voice for Children and World Vision BiH promoted the first Index for Bosnia and Herzegovina in December 2016. Review of each country's scores that analyse specific child protection issues through the five dimensions of government action is available on <http://www.childprotectionindex.org/>

As data gathered during the Index pilot phase collated indicators up to the year 2013, World Vision in Bosnia and Herzegovina and Stronger Voice for Children joined efforts on implementing Child Protection Index 2.0, aimed to deliver wider scope of indicators and up to date data on the state's efforts and progress made in protecting children in BiH. We are pleased that almost all sets of indicators related to investigated child protection system shows improvements made by our country. Still, in comparison to the needs and our obligation to deliver best possible care and protection for our children, we cannot be satisfied as long as basic children rights are violated.

Data and results from Index gave us and all responsible for child protection solid evidence-based arguments for identified gaps and insight in what has to be done. We hope that in wider partnership between governmental institutions, non-governmental and international organizations, we can make a difference for safe and happy child upbringing.



BERINA CERIBAŠIĆ

ASSOCIATION OUR CHILDREN /
NETWORK STRONGER VOICE FOR CHILDREN

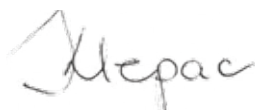
It is with much pleasure and positive anticipation that, together with our partners from Stronger Voice for Children, we bring before you the Child Protection Index 2.0 for Bosnia and Herzegovina.

This unique and much awaited report, is a result of a joint, year long, effort by 14 child protection and legal experts, dedicated to children, their rights and wellbeing. It provides a most up-to-date review of the status of the government's efforts towards achieving UN CRC obligations and promises made to the most vulnerable girls and boys in Bosnia and Herzegovina.

Reviewed through the astounding 987 indicators, the progress made is visible and most markedly noted in the domains of laws and policies, increased capacities and government accountability. While welcoming the improvements, we ought to also acknowledge the remaining gaps and the areas where decline has occurred in comparison to the last Index measurement in 2016 and embrace them towards the change.

For the government and non-government actors, mandated with and invested in assuring child rights and wellbeing, the Child Protection Index 2.0 is an invaluable and inviting resource in pursuing informed dialogue and result oriented advocacy action. While this Report is a summary of the key findings and recommendations, rich 'treasure box' of data remains unrepresented and available for further exploration and purposeful utilisation.

For this reason, Child Protection Index 2.0 is intended to be a live document, aimed to initiate constructive discussion, evidenced and targeted policy change action for the benefit of children in Bosnia and Herzegovina. Its relevance and value are to stand a test of usability and concrete action taken as a result of the recommendations made, but also improved understanding of all those mandated with children of where we stand and what efforts we need to make to as a country, fulfil promises we made to children.



LARISA KLEPAC
WORLD VISION IN B&H

Index Methodology

The Child Protection Index is designed to encourage regional cooperation, stimulate more robust implementation of the UNCRC and serve as a policy analysis tool for civil society, governments and donors. The Index consists of 987 main indicators that together measure a state's policy and actions to protect and care for girls and boys under their jurisdiction. The Index framework of indicators heavily relies on *the Implementation Handbook for the Convention on the Rights of the Child*, published by UNICEF.

The Handbook provides a series of yes, no and partially-implemented checklists to create an understanding of each UNCRC article's significance. The Index uses these checklists as core indicators to measure state performance.

Please see the addendum to this brief for further information on the Index framework, data collection and scoring.

To read the Index, a score of one is a perfect score; the lower the score, the weaker the action; the higher the score, the stronger the action for children.

Dimensions of government actions

The index measures five dimensions of government actions for each UNCRC member pertaining to child protection. These five dimensions are: policies and laws, services, capacities, coordination and accountability.



Policy & Law

The dimension of policy and law scores a country's efforts to create policy, laws and regulations that protect and care for children in situations of violence and vulnerability.



Services

The dimension of services measures a country's efforts to provide services that respond to children at risk or experiencing exploitation or in need of special care.



Capacity

The dimension of capacity scores a country's efforts to provide resources, staff, infrastructure and equipment necessary to adequately implement its policies and services for children.



Coordination

The dimension of coordination scores a country's efforts to effectively coordinate between different ministries, agencies and levels of government.



Accountability

The dimension of accountability measures a country's efforts to create accountability of public sector actions and formalise responsibilities so that public sector actors know their roles and limits of responsibility.

Index Indicators

The Index framework consists of a total of 987 indicators that are divided into the following groups.



Teams for creating the Index

The national team researched and collected data to answer each index indicator question and compiled data. The Regional Data Collection Manager analyzed the country results.

Regional expert



Manager
for data
collection
and analysis

National team



12

Child
Protection
Experts

1

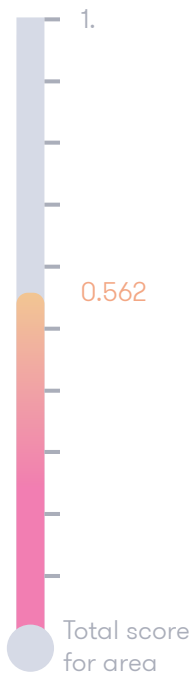
National
Coordinator

2

Legal
Expert



Analyses and Policy Recommendations



Governance

Generally, governance refers to the process of rulemaking and enforcement, and the Index reviews whether a government has pursued aspects of good governance in its implementation of the UNCRC. Good governance upholds citizen rights, provides transparent access to information, relies on consistent decision making and rule of law and pursues furtherance of the public good.*

BIH scores 0.562 out of a total possible score of 1.0 in the category of “governance environment”. The score is very similar to the one recorded under the previous Index (0.515) reflecting the fact that there were no substantial changes in the evolution in the general situation of the indicators connected to the governance aspects.

The Dayton Peace Agreement sets forth BIH’s legal alignment with the UNCRC and the cantons also include within their family law provisions key terms such as “best interests of the child”. The general principles of the UNCRC (identified in articles 2, 3(1), 6 and 12) are reflected in the legislation of all BIH entities (an improvement as compared to the previous Index). *To date, however, there has been no state-endorsed comprehensive overview of all legislation at the national level, entity level or canton level to verify whether BIH’s laws ensure compatibility with all UNCRC obligations, in order to allow identifying and addressing any inconsistencies found between domestic law and the UNCRC provisions.*

A consolidated law on child rights and child protection has not yet been adopted. *In order to build a unified approach to child protection, it is recommended that BIH adopts a comprehensive and consolidated national law on child rights and child protection that can extend jurisdiction of responsibility to all entities and the cantons. The responsibility to align and implement legislation remains at each level of authority but can be guided by unified national policy. Such a law could provide a pathway to develop coordination mechanisms between central, regional and local authorities charged with child protection.*

BIH has a number of permanent government bodies tasked to ensure the coordination of national policy. The Ministry of Human Rights and Refugees and the Ministry of Civil Affairs are national level coordinating bodies for child protection. The Council for Children is also a nationally-based coordinating and advisory body. However, because BIH’s two entities - the Republic of Srpska, and the Federation of Bosnia and Herzegovina as well as Brcko District - are relatively autonomous, the responsibility of social protection resides with the individual entities. In the Federation of Bosnia and Herzegovina (FBiH), the obligation of social protection resides with the cantons or municipalities. There are 10 cantons

* World Bank at <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/EXTMNAREGTOPGOVERNANCE/0,,contentMDK:20513159~pagePK:34004173~piPK:34003707~theSitePK:497024,00.html>

in FBiH that are also relatively autonomous. The distinct levels and autonomy within BiH present a challenge for national and entity coordination. Accordingly, the large number of distinct bodies dilutes authority and demands significant efforts of coordination for basic policy actions and analysis. At present, BiH cannot ensure effective coordination (especially between the national level and the regional/cantonal and local level) and evaluation of policies that relate to children. Due to the lack of permanent monitoring mechanisms at entity and national level, it is very difficult to effectively monitor implementation and collect appropriate nationwide data.

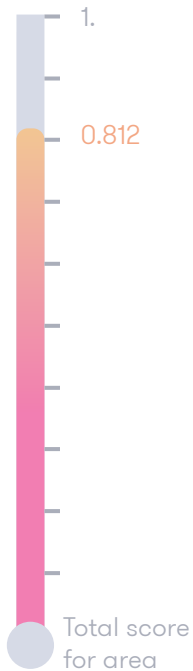
Permanent arrangements have not yet been established for budgetary analysis at national and other levels of government to ascertain the proportion of overall budgets dedicated to children, any disparities between regions (rural/urban) and budgets allocated to the most vulnerable groups of children.

Budgetary analysis is critical to allow for a transparent and equitable budget planning and allocation of funds to adequately respond to the needs of the children.

At national level, BiH has a number of mechanisms for consulting with civil society on matters relating to policy development and implementation, like the BiH Council for Children, public hearings and working groups. However there is no mechanism to consult on policy development and implementation with children themselves. Ensuring children's participation and voice at policy development platforms is considered of utmost importance and relevance.

BiH maintains parliamentary body on child protection: the Joint Commission for Human Rights, Rights of Children, Youth, Immigration, Refugees, Asylum and Ethics. This is a strong step towards greater accountability, if supported by funding and investigative power. For parliamentarians charged with legislative power, up-to-date information and a keen understanding of day-to-day child protection affairs would allow for more effective legislation and increased public sector accountability to the law. The Joint Commission does not yet allow the participation of children in its sessions and conversations.

BiH also maintains the Institution of Ombudsman for Human Rights. The Ombudsman office is independent, holds the power to investigate and recommend actions and is aligned with the international standards of the Paris Principles. Given that recommendations from the Ombudsman's office do not require a response by the government, there is a sense of such findings often remaining underutilised. It is recommended that recommendations from the Ombudsman's office require a substantive response by government actors involved, so that all complaints and observations are reviewed and addressed accordingly. It is also recommended that the Federation entity creates its own independent Ombudsman office for child rights. Given the variance of approach, policy and implementation in separate entities, only entity level Ombudsman will be able to delve into detailed complaints and seek answers.



Non-discrimination

Article 2 of the UNCRC requires State Parties to respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. It also requires States Parties to take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions or beliefs of the child's parents, legal guardians or family members.

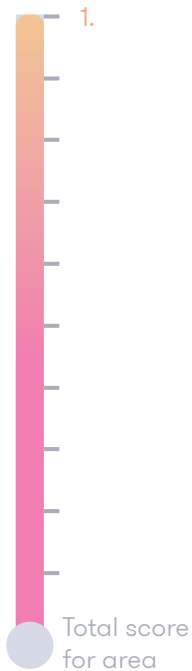
On the Article 2 related indicators, BIH is scoring 0,812 out of a maximum possible of 1, reflecting the fact that the state authorities have taken important steps towards fully implementing the UNCRC requirements.

Further efforts would be required for setting national-wide priorities, targets and programmes of affirmative action to reduce discrimination against disadvantaged and vulnerable groups.

State authorities also need to consider developing an implementation strategy (in relation to girls) for the Platform for Action adopted at the Fourth World Conference on Women, taking into account the recommendations of the 2000 and 2005 Reviews.

Another issue that needs attention is the fact that BIH needs to improve data collection and reporting. Data collected should be adequately disaggregated to enable effective monitoring of potential discrimination against various vulnerable categories of children.

While, for instance, children with disabilities are identified and recognized as a particularly vulnerable group, lack of disaggregated data collected by BIH for this group of children does not allow for an adequate strategic planning for developing support and response mechanisms and potential discrimination cannot be properly monitored.



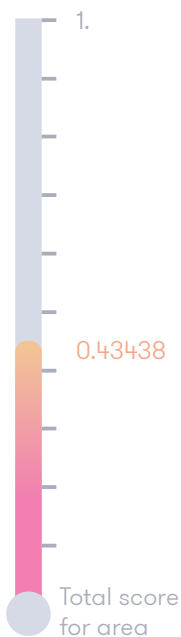
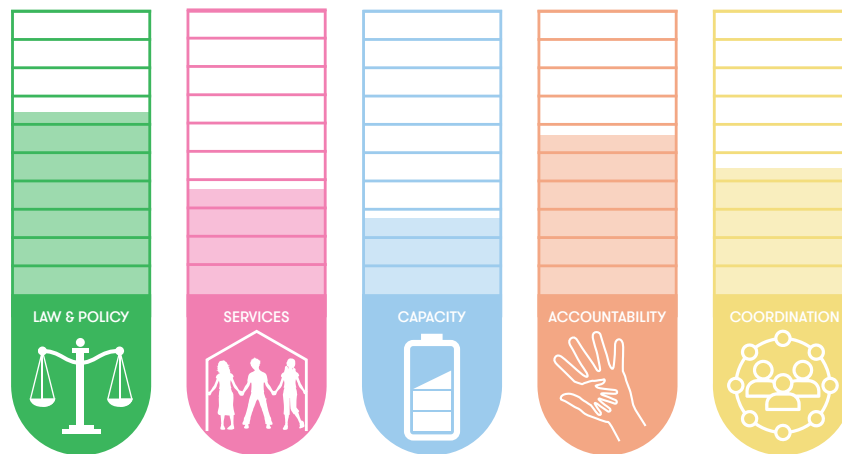
Birth registration

A name and nationality is every child's right, enshrined in the Convention on the Rights of the Child and other international treaties. Registering children at birth is the first step in securing their recognition before the law, safeguarding their rights and ensuring that any violation of these rights does not go unnoticed. Universal birth registration is also part of a system of vital statistics, which is essential for sound economic and social planning. Birth registration is therefore not only a fundamental human right, but also a key to ensuring the fulfilment of other rights. By available sources³, BIH is recording a perfect Index score of 1, but from grass root resources, this is argued as simply not possible. Efforts made by the state authorities are acknowledged but more have to be done to ensure 100 registration at birth.

² <https://data.unicef.org/topic/child-protection/birth-registration/>



Prevention of Violence and Exploitation



All forms of violence

According to Article 19. of UNCRC, State Parties shall take all appropriate legislative, administrative, social and educational measures to protect a child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for a child and for those who care of children, as well as for other forms of prevention, as well as identification, reporting, referral, investigation, treatment and follow-up on instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Efforts that Bosnia and Herzegovina does to ensure the protection of children from all forms of violence against children are rated at the total score of 0.434 of the maximum possible score of 1. Compared with the overall rating from the previous measurement (Child Protection Index 1.0), which was 0.385 of the possible score of 1, we can conclude that progress has been made on the obligations and responsibilities of the State referred to Article 19 of the UNCRC. Bosnia and Herzegovina's activities in preventing all forms of violence against children are most evident in the laws and policies (0.636) and thereafter in the field of accountability (0.551). Coordination (0.433) is poorly rated, while the results in the domain of services are low (0.379). The worst rated are capacities (0.286) of the possible score of 1.

Laws and policies of Bosnia and Herzegovina that follow implementation of the UNCRC are relatively well-rated but Entities and Cantons in BiH are responsible for social protection. They adopted a regulatory framework that regulates standards of quality of services and implementation varies a lot. Also, there is a lack of State financial assurance efforts for all state and sponsored services relevant to the prevention of all forms of violence. It is recommended that BiH provide financial standards for all state and sponsored services, including rehabilitation services for the recovery and reintegration of children victims of violence. In addition, the legal or regulatory framework does not require mandatory licensing of services provided by government entities and it is recommended that the State provide minimum quality standards with a goal to improving and harmonizing all of its services to children.

BiH has not made significant efforts to provide and finance mechanisms for reporting any form of violence that are child-friendly, such as the state or entity telephone hotline. Government activities on this indicator are also poorly rated in the Child Protection Index 1.0.³ Namely, the laws of BiH clearly define that all State bodies, organizations and individuals are obliged to notify the police and the Center for Social Welfare (CSW) about violation of child's right without delay, especially in the case of violence, abuse, sexual abuse and neglect of the child.⁴ It is recommended that the government takes responsibility for ensuring or increasing access to the child abuse reporting hotline services, currently provided by NGOs. The existence of an easily recognizable number at the state level and work on its promotion, ensures that children's voice is heard and systematically works to prevent injustice to children.

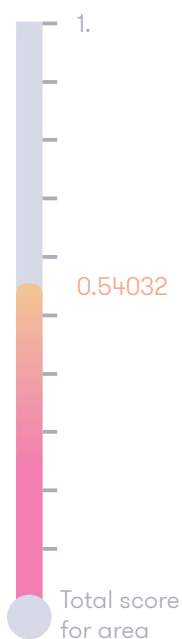
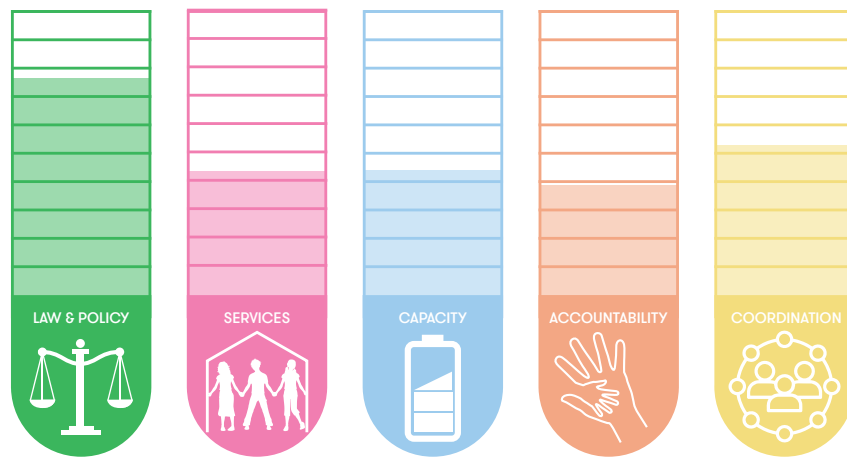
The poor rating that BiH has received for its capacities is somewhat expected given the complex manner in which the social protection system functions and the lack of binding communication channels between the systems in the entities. The existing social protection system is characterized by a series of gaps in both entities as well as in the Brcko District. Most centers for social welfare are overburdened and lack adequate capacities. The qualification structure only meets the minimum professional representation and may have a negative impact on the provision of quality and timely services. Changes and additions to systematization are rarely implemented or adapted to social standards and needs. It is recommended that the state ensures monitoring of existing social protection standards, as well as work on their improvement. This would encourage entities and cantons to create special standards for different CSW services that will regulate funding, adequate space and equipment for work, adequate number and structure of staff and their expertise, training of employees (education), employee supervision and evaluation of their achievements in relation to the set goals for each employee individually.

³<http://www.childprotectionindex.org/country/bosnia>

⁴BH Ministry of Human Rights and Refugees - Guidelines on handling cases of violence against children in BH, 2013, Chapter 5 and 6

It is recommended that the state secures the licensing of social, public and private as well as services provided by civil society organizations. In this way, services would meet the standardized quality, improve and monitor the level of developed countries.

In Bosnia and Herzegovina, there is no adequate coordination between state, local, private, non-governmental agencies, child-care agencies for victims of violence. Different approaches lead to violations of the child's rights. Bosnia and Herzegovina should provide an adequate system for gathering data on vulnerable children. Better data will enable policy makers to make decisions that respect the BiH legal framework. On the other hand, it will point to what laws or subordinate acts need to be amended and supplemented. Data should be centralized and regularly updated.



Economic Exploitation

According to Article 32 of UNCRC States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or interfere with the child's education or be harmful to the child's health or physical, mental, spiritual, moral or social development. States Parties shall also take legislative, administrative, social and educational measures to ensure the implementation of the article in question.

On the Article 32 related indicators, BIH is scoring 0,540 out of a maximum 1. BIH scores 0.77 on law and policy, 0.433 on services, 0.437 on capacity, 0.395 on accountability, and 0.524 on coordination.

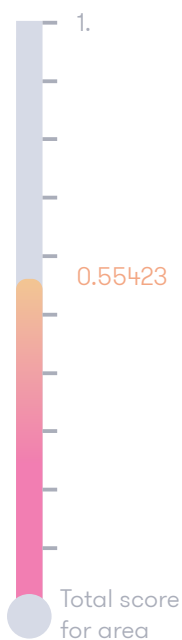
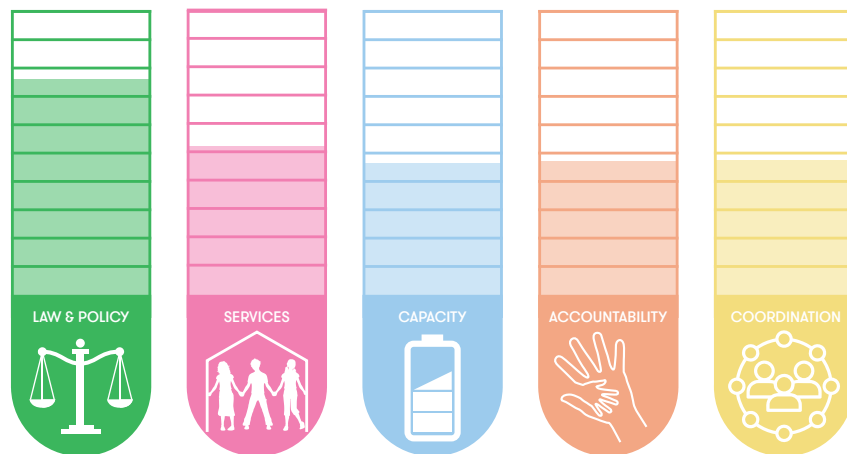
BIH has ratified the ILO's Worst Forms of Child Labour Convention, ILO's Minimum Age Convention and Forced Labour Convention. All kinds of work for children under 15 are prohibited so it does not interfere with child's education considering that by that age children finish elementary school which is compulsory. Children who have reached 15 years of age are permitted to sign employment contracts under BIH legislation. A minor may not work in particularly hard and dangerous jobs. A parent, adoptive parent, guardian or other person who abuses a child or a minor, forcing him to work that is unsuitable for his or her age, excessive work or begging or behaviour in a manner detrimental to child's development shall be punished by imprisonment based on RS, FBiH and BD Criminal Codes.

In BIH, entities and cantons have competence for social protection, health care, education, police and juvenile justice therefore regulatory framework regulating quality standards for the following services relevant to child labour, have been adopted at the entity and cantonal level. There are some general minimum standards for institutionalized social services, not very specific for children victims of exploitation. There are no financial standards adopted for services relevant for this article. *It is recommended that BIH provides quality standards and financial standards for services regarding child economic exploitation, as well as licensing system for social services, physical and psychological rehabilitation services provided by state or private entities.*

Even at the entity level there are no unique and accurate databases for child protection on all grounds. Existing databases (SOTAC) has certain disadvantages. There is insufficient data entry and update causing data to be unreliable. The database is not bound with other institutions that collect data on the state, entity and cantonal levels. Statistical data collected in the field are often inaccurate, arbitrary and unreliable because they are filled by unskilled people who sometimes are not so sure what the questionnaires are asking for, and questionnaires themselves are often non-uniform.⁵ *It is recommended that state provides accurate databases which will allow tracking the cases of child exploitation and research that could be crucial for further development of the system.*

The BIH Council for Children consults and coordinates actions against child labour and exploitation with the representatives of the civil society. Certain cooperation protocols have been signed with NGOs providing services for children victims of human trafficking. This only refers to the children who are “in the system” and referred by governmental bodies. However, the RS Government does not support the BIH Council for Children. The problem of children begging is addressed, primarily through establishing of day centres for children working on the streets. The main problem is that it is a partial, ad hoc activity that is carried out unilaterally, unequally, whose self-sustainability directly depends on the willingness of international donors to provide funds. *The state should provide legal framework for needed cooperation on national level between civil society, business representatives, and professional bodies regulating research and media representatives. There is also a need for improvement on coordination between labor inspection, social services, health, education, police and justice.* Identification of child victims of labour/exploitation is under responsibility of labour inspectors, but only when it comes to formal employment. Identification of other cases of child labour/exploitation is under responsibility of Social Welfare Center, but it is difficult for social workers to legally access and assist children exploited in agriculture, domestic work and other forms of child labour outside employment system. *The state should provide compliant mechanisms that are easily accessible and child friendly.*

⁵ Research Report ANALYSIS OF SITUATION IN THE AREA OF CHILD PROTECTION IN BOSNIA AND HERZEGOVINA Social Service Workforce Mapping - chapter 3.8.4, page 31, Save the Children and Child Protection Hub, 2016



Sexual Exploitation

Article 34 of the UNCRC requires that States Parties protect girls and boys from sexual exploitation and sexual abuse. The Convention requires States to prevent the abuse of children through prostitution and pornography and prevent actions engaging children in unlawful sexual activity. States Parties must take all necessary action including joint action with other States Parties to prevent this type of exploitation.

BIH scores 0,554 out of maximum possible of 1. BIH's highest score is in policy at 0,766 and services at 0,511. But, BIH's scores on implementation (0,482), coordination (0,476), accountability (0,473) and capacity (0,470) are respectively low in comparison to the dimensions of the government actions.

Although BIH law and policy scores higher than other dimension, there is still a lot of improvement to be done. BIH has ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2012 and that way the Convention became part of the legal regulatory framework for the protection of children from sexual exploitation. Special protection of children from exploitation is provided by the adoption of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.⁶

⁶http://www.mhrr.gov.ba/ljudska_prava/djeca_bih/Prvi%20periodicni%20izvjestaj%20BiH%20o%20provodjenju%20Fakultativnog%20protokola%20uz%20Konvenciju.pdf

The Laws on Social Protection in FBiH, RS and BD stipulate social protection of children who are victims of sexual exploitation. These regulatory framework regulate conditions for the establishment of social protection institutions and performance of social protection activities but there are some general minimum standards for institutionalized social services, not very specific for children victims of sexual exploitation. Also, there are no specific complaint mechanisms developed for children and there is no specific protocols to treat sexual violence against children, only that referring to violence in general. There are limitations in implementation of these protocols, because of limited resources and capacities of the authorities and institutions involved. In that case it is recommended that BiH should provide quality and financial standards for services regarding child sexual exploitation.

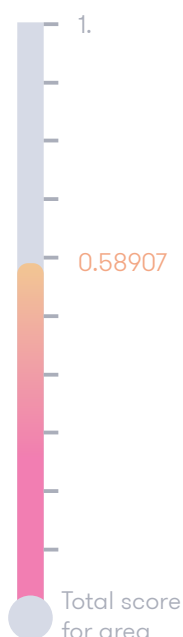
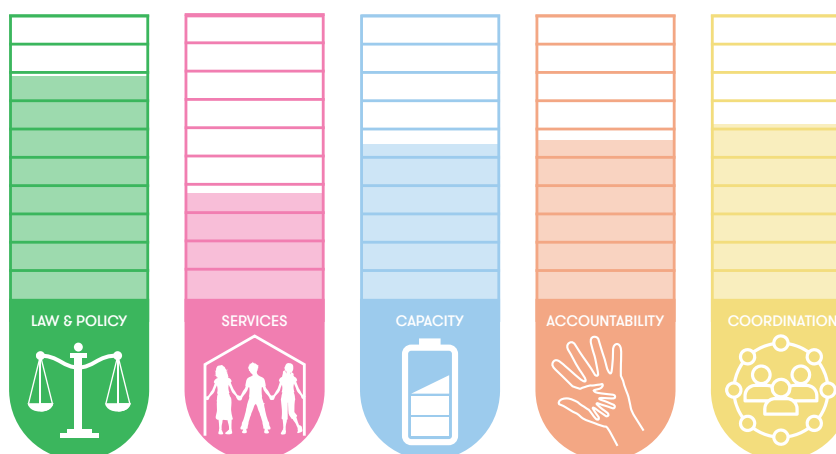
In BiH there are no rehabilitative services provided by state for recovery and reintegration tailored for children, boys and girls. Women's shelters are only places used for protection purpose. It is not common practice that state plan and implement programmes for recovery and reintegration and consider the views of child victims when planning. Individual planning of recovery and reintegration depends on the work of the CSWs, and this is very different from one CSW to another, because plans are not developed according to any Protocols and procedures, but are rather based on the experience of individual professionals (social workers). Social care for children is only partially organized on the principles and standards of case management and it is recommended that State work more on creation of strategy documents and policies, with regulated insight in children's opinions and insuring protective care. Services and mechanisms that the State should provide to ensure measures to prevent persons convicted of violent offences and sexual abuse of children from working with children should be improved. The register of convicted sexual offenders against children exists only in the Republic of Srpska. In the Federation of BiH and Brcko District this Register is still not in place.

It is significant that the state does not have national database and do not have centralise information on reports of children victims of sexual exploitation that provides numbers of children victims and is based on reliable and consistent mechanisms to channel sub-national data to the central level. The state should provide accurate databases which will allow tracking the cases of child sexual exploitation, violent offenses and research that could be crucial for further development of the system.

Considering coordination there is no special mechanism of coordination on the national level, other than Council for Children within BiH Ministry of Human Rights and Refugees, whose task is to coordinate implementation of

the National Action Plan for children which partially tackles issues regarding violence against children, and even this with limitations and effectiveness in coordination. There is no effective coordination and reporting between entities and it is recommendation for the state to engage and established coordination between various authorities, agencies and issues on protection of children from sexual exploitation at central (national) level.

It is important for children, parents and others caring for the child to be trained and education how to avoid, recognize and report on sexual exploitation and abuse but no such educations or programmes for parents was prepared or organized by the State, only through small projects realized by NGOs. In this area the State should financially support and to be involved in public campaigns, educational campaigns targeted children, parents, schools and others.



Trafficking

Article 35 of the UNCRC stipulates that the government should take all measures possible to make sure that children are not abducted, sold or trafficked. This provision in the UNCRC is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

Bosnia and Herzegovina has adopted all legal and administrative measures to ensure that children abducted within the jurisdiction are found as speedily as possible and returned and has clearly defined responsibilities and roles of relevant authorities at all relevant levels of governance. The State has also ratified or acceded to all the relevant protocols including the optional ones and conventions, thus the legal framework prohibits all forms of trafficking or the sale of children, with no exceptions.

However, **actual implementation and provision of services significantly lag behind.**

Even though most of the measures are in place they have not been adequately implemented in practice and guidance to some authorities on how to determine the best interests of a child and on how to work together with a multidisciplinary approach is still needed.

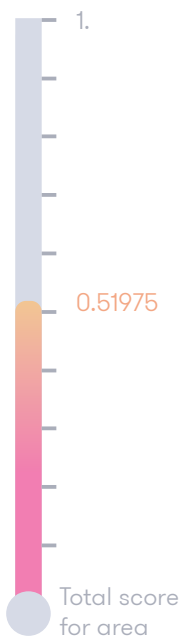
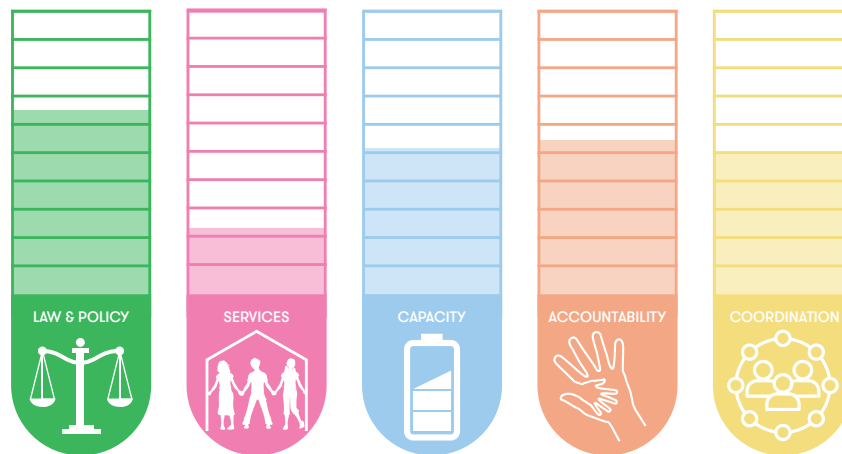
The State needs to undertake actual implementation of legislation recognizing the rights of children to express their views in decisions affecting them, as well as to put systematic monitoring by social workers and courts in place in order to address frequent challenges in ensuring that the various professionals understand and take into due account the child's needs, rights, views and their best interests throughout the proceedings. *Complaint mechanisms tailored to children should be put in place to enable children to express their opinion, concerns or dissatisfaction.*

The authorities also need to consider provision or full sponsoring of standard services accessible and with national coverage to all children who are victims of abduction, sale and trafficking.

The State should take urgent measures to address challenges and divergent opinions between relevant stakeholders regarding cases involving children, especially Roma, who are trafficked for the purpose of forced begging, forced criminality or forced marriages as current in interpretation of the existing legal provisions raises concerns and it is not in line with the international standards. This needs to be done in order to eliminate any risk that such children may be marginalised even further, and thus not provided the required support and protection to keep them safe from further harm.

Eventually, the authorities need to invest efforts regarding data collection and centralisation, as well as effective coordination of services and processes in response to the needs of children victims of abduction, sale and trafficking.

Due to those significant gaps in the implementation of the Article 35, BIH is scoring only 0.589 indicating that there are still many issues to be tackled and a lot of room for improvements to have all necessary measures possible in place and to make sure that children are not abducted, sold or trafficked; and if they are, that they are found as speedily as possible and returned.



Disability

Article 23 of the UNCRC recognises that children with disabilities often need additional resources and care to enjoy a full and decent life. Therefore, Article 23 creates a special duty to protect and promote the welfare of children with disabilities and their families.

BIH scores a 0,519 out of a possible 1,0 on its actions to protect children with disabilities, which is slightly improved score since Index 1.0 during which we scored 0,333 and were last out on nine Index countries.

BIH's highest scores on disability are in the areas of policy (0,645). Principle of non-discrimination, equal opportunities and inclusion are integrated in laws on entity level in social protection, primary and secondary education, law on sport and in BIH Law on Prohibition of Discrimination. Rarely, BIH have strategies that are up to date - Strategy for Improving the Social Position of Persons with Disabilities in RS 2017-2026 and Strategy for the Promotion of the Rights and the Position of Persons with Disabilities in FBiH 2016 - 2021 and coordinating bodies on national and entity level. However there is no provision that regulates inclusive settings for services towards children with disabilities in alternative care including institutional care and provision that regulates inclusive settings for services towards children with disabilities in play and recreation. Full inclusion in all aspects of children life need to be ensured by laws and financial standards adopted regarding rehabilitation services for children with disabilities.

Opposite to policy score, services for children with disabilities got a lowest score (0,233). Access to all public spaces for children with disability is still limited, especially in rural areas. In pre-school education, school year 2016/2017 there were 491 children with disabilities. Although some progress has been made in this area, it is noteworthy that system solutions are still lacking, as well as greater harmonization of legislation, data collection methodology and strategic planning, including the planning of an appropriate financing model, in working with children with disabilities throughout BiH. Progress in inclusive education is measured by "access" to the school instead of participation in education. Functionally, schools maintain physical barriers that limit access. Due to all of these, the competent authorities and institutions usually resort to the education of persons with disabilities in special schools.

Healthcare services, as much other, depend on locations (urban/rural environment) and types of disabilities. Most of the services are provided in the larger city centers. There is a need for more mobile teams in rural areas to provide health protection to children. BiH recently finally provided free dental services for children with disabilities but only on two location in whole country. Professional education is sporadic, these are happening but not enough and not for all. Lot is still dependent on personal will and interest of professionals (such as international congresses for special education teachers/ professionals)

Habilitation and rehabilitation services are rare and, where they exist, they are limited by the duration and resources. Services most often are provided by non-governmental organizations and organizations of persons with disabilities who are not part of the system and also have limited funding and support, mainly on project basis.

There are no standards for minimum funding of services, there is no clear insight into the level of funding institutions receive or spend, available to the public. There are transfers through government budgets at entity and local level and there are projects supported by donors so there is no clear evidence on the amounts allocated and the way they are spent. Reliability of transfer of funding is relative as, during the year, there might be budget revisions involving reduction in funding, and there have been cases when transfers have been delayed. Institutions and interviewed professionals believe that the budgets are largely inadequate; most point out that their budgets do not allow them to fulfil all the obligations envisaged by entity or cantonal law on social protection and undisturbed functioning of the social protection system.

Public spaces BiH law requires physical access to public institutions and facilities where services are offered. New efforts are necessary to enforce these laws and guarantee children with disability the right of entry and engagement as well as accessible public transport.

Bosnia and Herzegovina has formed a Council for Persons with Disabilities at the level of the state in 2010 with the aim of coordinating activities for persons with disabilities and their protection. The Council has the same number of representatives of governmental institutions from both Entities and Brčko District and representatives of persons with disabilities. In the RS, the Inter-Governmental Authority of the Government of the Republika Srpska operates in support of persons with disabilities. *It is recommended that these bodies are empowered to create quality and financial standards for rehabilitation services relating to children with disabilities and to advocate with entities and cantons across BIH to adopt these standards.*

There are multidisciplinary teams in a number of Centres for social work, health and educational institutions but it is not the case in all institutions, especially rural areas. In Situation analysis done by UNICEF⁷ it is underlined that existing good practices on local level should be properly identified, documented and analysed for replication and sustainable use and that institutions should support further development of multidisciplinary teams of experts.

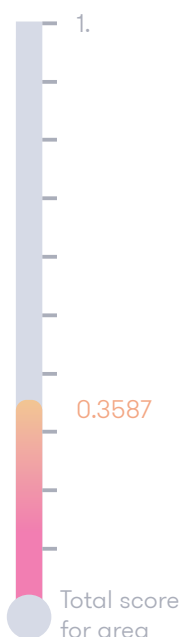
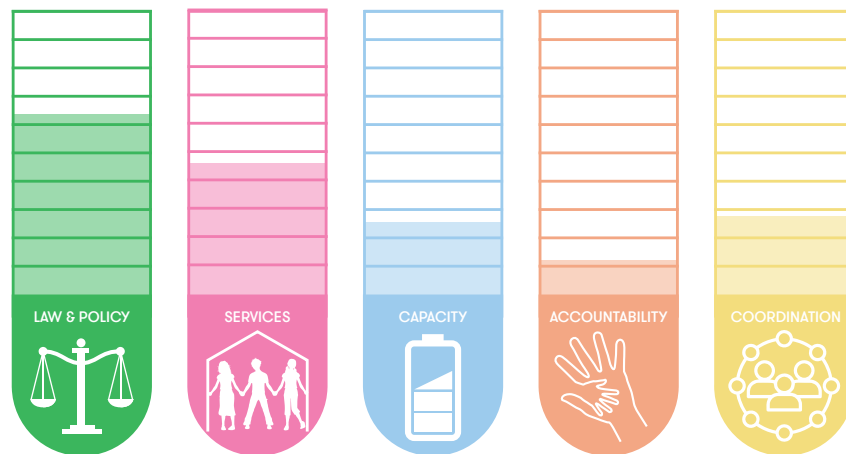
BIH policies, practices and funding for children with disabilities are not yet aligned with its UNCRC obligations under Article 23. *Strong next steps require further research and studies that document the number of children with disabilities, disaggregated by age, gender, types of disability and municipality. Stronger data will allow policy makers to take decisions that better validate BIH legal framework. Data should be centralised and updated at regular intervals.*

⁷ <https://www.unicef.org/bih/izvje%C5%A1taji/situaciona-analiza-o-polo%C5%BEaju-djece-sa-pote%C5%A1ko%C4%87ama-u-bosni-i-hercegovini>



Children Separated From Parents

The following three sections measure, in three different stages, the government efforts to manage the separation of a child from her/his parents. The first aim of state and institutions is to prevent family separation and allow the child to grow and develop in her/his family, since living outside the biological family, creates an additional set of vulnerabilities for children. However, despite the efforts done to keep families together, not all biological families are safe nor allow the appropriate child development. In such cases, state reserves the right to separate the child from the biological family and to proactively step in with mandated institutions and professionals in order to identify needs, provide protection and care and create a positive and warm environment for growth and development. Without the proactive engagement of the right advocates and social safety nets, children outside of family care do not receive the basic care and protection to foster long term development, resilience and well-being. The UNCRC sets clear obligation to States Parties, to ensure that they must first work to prevent child and parent separations as long as parent care is within the best interests of the child. If separation is required to protect a child, States Parties must follow certain protocols to keep children safe and encourage a strong path of development for the child. If separation will be permanent, the UNCRC recommends an alternative family or community-based environment for the child's development. Finally, the UNCRC instates a responsibility to care for children living on the streets without family or home.



Preventing separation – Helping families stay together

Article 9 of the UNCRC enshrines two essential principles of children's rights: first, that children should not be separated from their parents unless it is necessary for their best interests and, second, that all procedures to separate children from parents on that ground must be fair. It also affirms children's rights to maintain relations and contact with both parents, and places a duty on the State to inform parent and child of the whereabouts of either if the State has caused their separation.

On the Article 9 related indicators, BIH is scoring 0,358 out of a maximum possible¹, representing one of two lowest scores, together with Article 20.2 related indicators. This reflects the need for serious consideration and giving priority to the development of specific services in order to respond to the needs of children and their parents.

BIH scores 0.632 on law and policy, 0.454 on services, 0.250 on capacity and 0.284 on coordination. The implementation of the adopted laws and policies is the weakest (0,253) in the context of this article in relation to the other BIH processed articles, as is the case with state efforts to create accountability of public sector actions (0,104).

Article 9 requires that States Parties provide services and support to families with the goal of keeping family units together.

Responsibilities and roles of relevant authorities in BiH are defined by laws and regulations, but they are not consistent, clear, precise, supported by guidelines, etc. at all relevant levels of governance. The principle of participation and the ability to hear the opinion of a child is included in laws that regulate family relationships, social and childcare or penal and legal protection. *The capacities of existing institutions are insufficient and in the domain of responsibility are deficient and require additional work.*

The most common legally defined forms of preventive measures at all levels of government in BiH are tertiary, i.e. financial compensation for families and children at risk of separation, while the primary and secondary forms of prevention are insufficiently present.

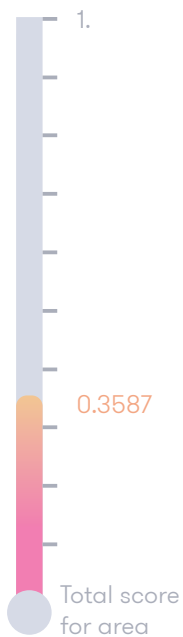
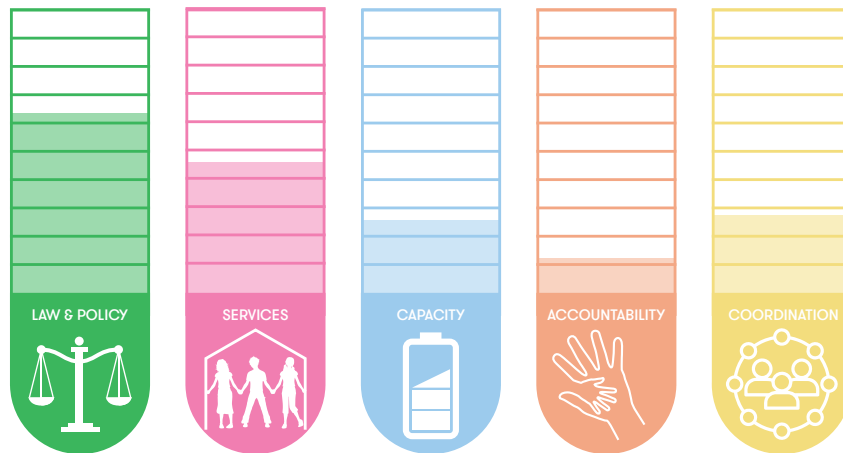
Centres for social welfare (CSWs) are the main resource for coordinating child protection and support services for families in BiH. 23% of CSWs have signed protocols on cooperation in the field of preventive protection of children at risk of separation. Family support services include material support programs as well as providing advisory and professional work, as well as home visits and revisions of the case of separation. The scope of support and preventive work with families in each municipality depends primarily on the capacity of the CSWs as well as on the existence of referral mechanisms and other services of NGOs and local authorities in the community.⁸ *It is recommended to strengthen capacities of CSWs and establish partnerships between CSWs and NGOs that provide effective support to families in the best interests of children.*

There is only a small number of CSWs that have a database for monitoring children and families at risk of separation and there is no uniformed database at the level of BiH. Centres for Social Welfare do not have a uniform methodology for registering socially vulnerable families with children. According to CSWs data, the most common risk factors identified in families at risk of separation are unemployment, poverty and health problems, and to a lesser extent parent behaviour, neglect and abuse of children, poor health status of parents, family of single parents and families with several children. In one-third of cases, the difficult economic situation leads to the separation of children and biological parents, and the placement of children in alternative care. The increase in the number of children excluded from the biological family due to the difficult material and housing situation was noted. *It is recommended to work systematically on early detection of families and children at risk of separation in order to prevent the separation of families solely on the basis of socio-economic disadvantage. There is a need for a clear and unique definition and criteria for identifying families at risk, which would focus on the prevention of unnecessary separation of families.*

⁸ Situation Analysis of Children at risk of the Deprivation of Family Care and Children without Parental Care in Bosnia and Herzegovina, chapter 5, page 32, UNICEF 2017

Priority should be given to a preventive approach aimed at preserving the family, especially for children with disabilities, children without parents and children under three years of age. In order to assess the effectiveness of the preventive work of the centres for social work in BiH, as well as the involved NGOs, better monitoring and evaluation is needed. It is recommended to ensure coverage, adequate allocation and efficient use of financial and human resources of the services that mitigate the risk of unnecessary separation of families, including family support services and financial assistance. It is also recommended that CSW staff should be provided with opportunities for continuous professional development and education, as well as supervision and assistance against professional burnout in areas such as family support and prevention of unnecessary separation, with the full support of the local community and the provision of adequate financial resources.

The task of BiH institutions and professionals is to provide adequate protection to children who grow up in a risky situation, respecting the right of every child to grow up in their own family. The obligation of the state is to protect the interests of the child in the best way. It should start from budget revision, which would increase investment in the protection of families and children.



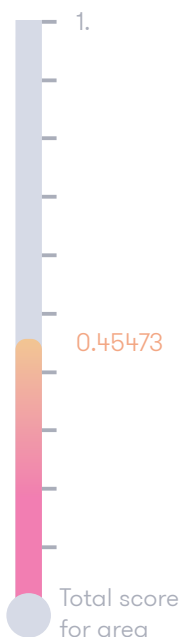
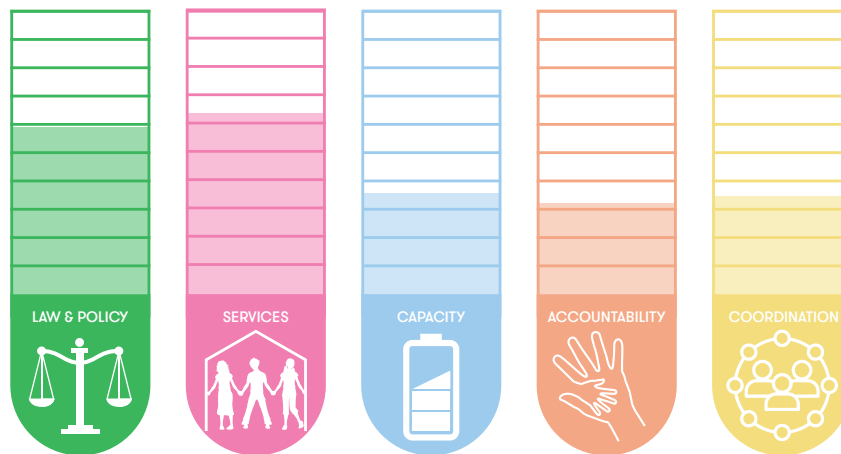
Initiating separation – Keeping children safe

The adopted laws do not define the procedures and measures by which providers will first consider all possible solutions before separating the child from their parents. In accordance with the BiH Family Laws, the care of a child outside the family is preceded by a fundamental multidisciplinary assessment of the child's needs, which involves assessing the capacity of the family, the possible measures of family and social protection that would contribute to the prevention of child displacement (material assistance, counselling, strengthening parental competencies), and if it is estimated that relocation is at the best interest of the child (that is, the measures applied did not give the desired results), consideration is given to the care of a child outside the family. Priority is given to family accommodation whenever possible. In every process, active participation of the child is ensured. At the municipal level of both entities, the CSWs coordinate cases of separation of children and families, because they are the first instance institution in which parents and children are directed. All decisions made in cases of separation of children and families are brought by the courts, as provided for by the family laws of both entities in BiH. The CSWs provide a written assessment of the personal circumstances of the child and the family environment, which often recommends appropriate further action. A child should be directly involved in legal proceedings if this is required by a judge, in accordance with the Family Law. The state did not provide a sufficient number of specially trained judges for child protection cases. There are no specialized courts or judges to decide the legal issues in the field of family law. It is recommended to enable children access to customized courtrooms and

further educate a number of judges in order to achieve an additional level of sensitivity in handling procedures in deciding on the best interests of the child.

Children in BiH are exempted from parents based on expert opinion and detailed assessment of the multidisciplinary team of CSWs (capacities, process and criteria vary from centre to centre), whereby in practice priority is given to some form of institutional accommodation, where even very young children (0-3) have been more often accommodated in institutions, contrary to the UN guidelines for alternative care for children. BiH legislation does not yet have an explicit ban on placing babies and children up to three years of age in institutions. *It is recommended to introduce a legal provision for the explicit ban on placing children up to three years in institutions.*

The same CSW team that makes decisions about the necessity of relocating a child from a biological family and a custodial decision also makes a decision about the type of care that will be assigned to a child. The number of reasons is significantly correlated with the type of accommodation. In the case of only one reason for caring for a child, children are more often placed in kinship care, while combined reasons are more often associated with accommodation in an institution or non-kinship care. In most cases (over 70%), the CSW team asks for an opinion on the most appropriate accommodation of children older than 10 years. Young children are rarely asked for their opinion on this issue. Complaints mechanisms are not developed with the direct consultation or participation of children. *It is recommended that all subjects of protection have to undertake all necessary measures and activities to provide conditions for the child to express his or her opinion and position in all court and administrative procedures that concern the child-family separation cases. The principle of the best interest of the child should be applied systematically.*



After separation - Caring for children separated from their families

Despite the strategic commitment of the governments of both entities, institutional care is still the most widely used option for accommodation of children separated from parents in Bosnia and Herzegovina. Social norms and poorly developed alternatives to institutional care are just some of the reasons for this, along with the inheritance associated with social care from the previous system. It has been noted that there are greater financial allocations for institutional placement of children in relation to alternative forms and prevention, as well as insufficient networking, linking and exchange of centres. This category of the Index, scores a government's effort to care for children separated from their families, as required under Article 20.1 of the UNCRC.

BIH scores total of 0,454 out of 1, which is slight improvement from the Index published in 2016 when we were ranked last of nine piloted countries with a score of 0,326. Highest scores our country got in services 0,629 and policy 0,592 while the weakest in accountability 0,316 and coordination 0,333.

The existing alternative care system discourages the joining of children with biological families, even when it can be a viable option. Accommodation in childcare facilities often becomes a long-term solution because revision of accommodation are rarely or not at all, indicating a violation of the child's right to family life. There are insufficient efforts to connect these children to

their biological families, which results in a large number of them remaining in institutions up to the age of 18 and averaging 6 years. Children whose first accommodation is kinship care usually stay shorter in the system of alternative care instead of children in institutions. Half of children without parental care who have non-kinship care and over two-thirds of children placed in institutions maintain contact with their biological parents and relatives.⁹ Outcomes for children leaving different types of care are not completely clear and further research is needed on whether each type of care was appropriate for each child. Housing and financial security are one of the biggest issues for young people leaving the system. The activities that most CSWs carried out with the aim of reintegration (consulting, financial and material assistance, etc.) have no significant impact on the return of children in the family, because only a small number of children (under 10%) in the last two to three years returned to their families after they were placed in an alternative care system. *It is recommended to strengthen the work on reintegration carried out by CSWs and other actors in the Family Support and Child Protection System (NGOs, care facilities and social protection structures), or kinship care as a first choice, instead of non-kinship care, as well as capacities of professionals in that field.*

The level of application of quality standards for alternative care for children is relatively low, with only about one quarter to one third of the services that apply these standards in practice.¹⁰ Concerns are still present because of inadequate standards of protection of children placed in institutions, of which 70% have some form of disability. No measures are taken to affirm those forms of protection to ensure family protection of a child outside the biological family.

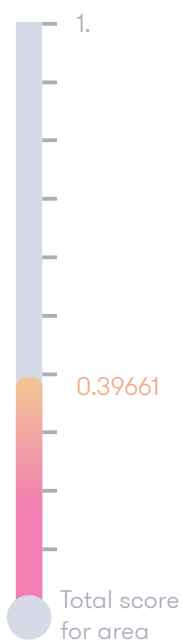
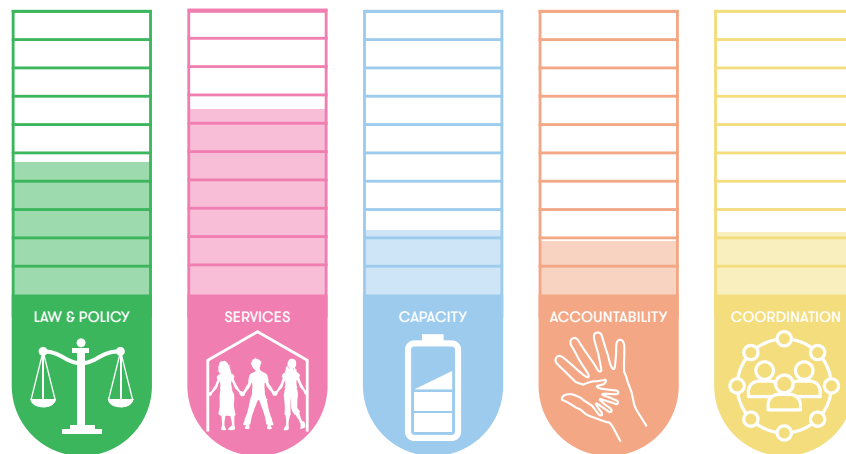
It is necessary to promote the consistent application of UN Guidelines on Alternative Child Care. It should implement initiatives related to awareness-raising aimed at the general public and professionals about the harmful effects of institutional care on the development and welfare of children. Particular attention should be paid to children without parents, children under the age of three and children with developmental difficulties.

Foster care is a potential resource for children without parental care, but CSWs poorly used it because there are not enough foster families, especially trained foster families, whether kinship or non-kinship to meet the needs for this type of accommodation. Among the active foster families year after year, there is more and more kinship, while a group of foster families for non-kinship care is very small. Most foster parents have completed the appropriate education. *Additional promotion of foster care is recommended in order to raise awareness and understanding among potential foster parents.*

⁹ Situation Analysis of Children at risk of the Deprivation of Family Care and Children without Parental Care in Bosnia and Herzegovina, chapter 5, page 36, UNICEF, 2017

¹⁰ Situation Analysis of Children at risk of the Deprivation of Family Care and Children without Parental Care in Bosnia and Herzegovina, chapter 1, page 12, UNICEF, 2017

Policies aimed at deinstitutionalization are being implemented unevenly. The deinstitutionalization process, except part of prevention, is increasingly present in all segments of social protection of children and families. It is recommended to speed up the deinstitutionalization of children within the wider child care reform process and support the process of transforming child care institutions into a new service system that will support and assist vulnerable categories of children and families. Further investment by BiH authorities is recommended to prevent unnecessary separation of children from their families, especially children with developmental disabilities. There is a need of strengthening kinship care and non-kinship care, as well as reintegration of families. It is crucial to continue with the activities of support to families at risk of separation, both in the previous and in new locations in BiH, especially in those where there are not enough resources, with the establishment of more efficient cooperation and partnership between governmental and non-governmental sector.



Adoption

Article 21 of UNCRC addresses the rights of children who are adopted while recognizing that not all countries permit adoption. It establishes the paramount importance of children's best interests in all adoption arrangements and details minimum requirements for adoption procedures. Inter-country adoption is only to be considered if the child cannot be suitably placed in his or her own country. When a child or young person is adopted or living in foster care, their best interests should come first. If a child or young person becomes adopted, they should be adopted by people who are able to care for them and treat them well. Adoption should be properly regulated by the State to make sure all children and young people can live a safe and happy life.

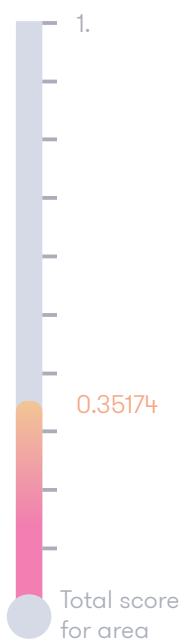
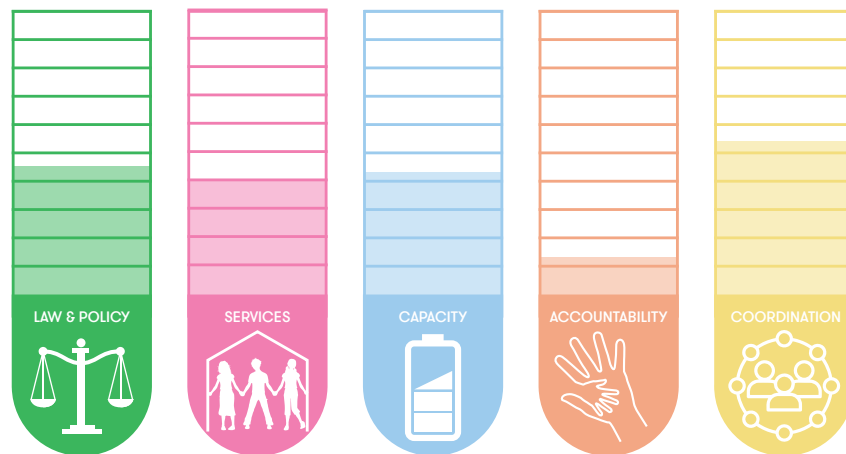
In the category of adoption, BiH scores a total of 0,397 out of a possible score of 1.0. Services for adoption scores are limited at 0,646 but still high in comparison with other segments - BiH efforts to create appropriate law and policy are also limited at 0,478, low on coordination (0,208) and capacity (0,213), as well as accountability (0,195) as the weakest score, which suggest need for improvement and development.

Family laws stipulate that adoption must be in the best interest of the child. Each entity in BiH has its own regulations, which in some cases make it impossible to adopt children from another entity. Each entity maintains its own database of potential adopters. According to the Family Law of the FBiH, the BD and the RS, parents' consent to adoption is needed, which must be explicit in relation

to the type of adoption. In exceptional cases, there is no need for consent of the child's parent to adoption if the parents are deprived of parental rights or a child is without parental care. Family laws of the FBiH and BD, but not RS, prohibit the adoption of a child under 3 months old and adoption of a child whose parents are unknown until three months after the child has been abandoned. Full adoption is prescribed for younger children without parental care (as defined by each entity), and between adopters and their relatives, on the one hand, and adopted and their descendants, on the other hand, is based on an inseparable relationship of kinship to the same blood relation, and mutual rights and the duties of the adopted and their blood relatives are being ceased. The full adoption cannot be overturned. Incomplete adoption is intended for older children under the age of 18. With incomplete adoption, they arise between adopters, on the one hand, and the adopted and their descendants, on the other hand, the rights and duties that, according to the law, exist between parents and children. Incomplete adoption does not affect the rights and duties of adopters to his or her parents and other relatives.¹¹ It is recommended to simplify and harmonize the adoption procedures, while providing the guarantees required by the Convention, and to establish a universal integrated database for social protection institutions with data on potential adopted children and adopters throughout the country.

Adoption in BiH is a long and complicated process that often discourages adopters. CSWs rarely initiate procedures for abolishing parental rights, because courts rarely approve such proposals. A child is suitable to adoption after social workers find that they have no chance of growing up in a biological family. According to official statistical data of the BiH Agency for Statistics, approximately 58 children per year are adopted in BiH, representing less than 2% of the total number of children without parental care. Adopted children are generally under the age of 3 to 5 years and have no developmental or mental difficulties, and have been engaged in institutional care less than 12 months prior to adoption. The average length of stay in the institution before adoption is about 3.5 years. Mismatch of the laws complicate the process of interstate adoption. BiH has not yet accessed the Hague Convention on the Protection of Children and Co-operation in the Field of Interstate Adoption. Urgent ratification of the Hague Convention on the Protection of Children and Co-operation in the Field of Interstate Adoption is recommended. It is also recommended to fully align the procedures for adoption with Article 21 of the UNCRC to ensure that the child, once it becomes eligible for adoption, does not wait unnecessarily long in the settings of temporary care. It should advocate raising the upper age limit for adoption and ensure coherence between entities (current age limit is ten years in FBiH and five years in RS). It is also necessary to harmonize the procedures for depriving parents of parental rights in BiH.

¹¹ Situation Analysis of Children at risk of the Deprivation of Family Care and Children without Parental Care in Bosnia and Herzegovina, chapter 6, page 47, UNICEF 2017



Children Living and/or Working on the Street

According to Article 20.2 of UNCRC State Parties shall in accordance with their national laws ensure alternative care for a child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment.

On the Article 20.2 related indicators, BIH is scoring 0.352 out of a maximum possible of 1. BIH scores 0.454 on law and policy, 0.4 on services, 0.416 on capacity, 0.120 on accountability, and 0.536 on coordination. The gap between policy and implementation (0.126) is mostly due to accountability, and on the other hand, the scores are higher on service providing and capacities because the services are mostly run by NGOs and based on funds provided by international donors.

Homeless children are not recognized by law in all parts of BIH. There are some general minimum quality standards for institutionalized social services, but they are not specific for homeless children and those who live and/or work in the streets. There is no licensing system for providing social services and no financial standards. BIH still needs to develop a comprehensive strategy to address the situation of homeless children and children who live and/or work on the streets.

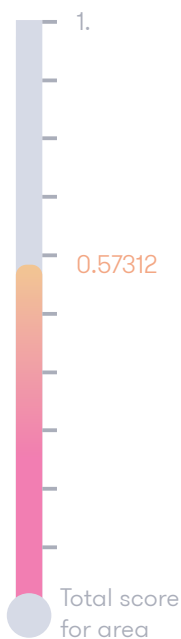
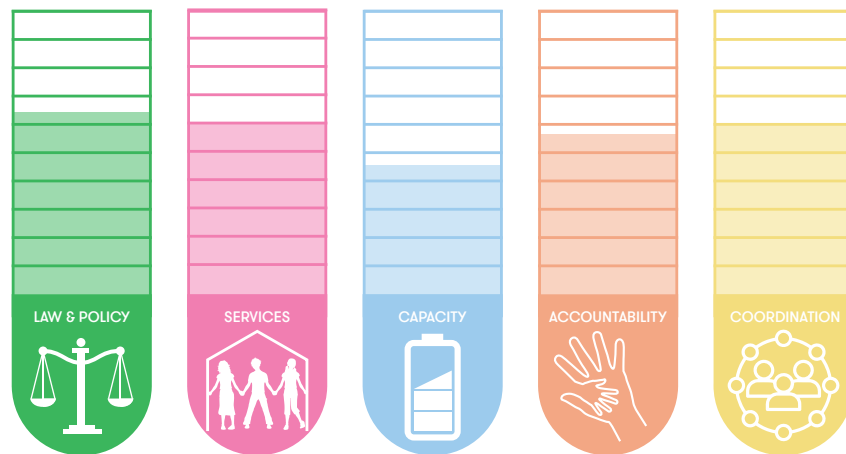
Due to differences in social protection laws in BIH entities, children exposed to begging in the street do not have the same treatment in different parts of BIH. Services provided for homeless children are often run by NGOs, and the resources provided by NGOs are not enough for BIH level. Services are mostly located in larger cities, where children are brought from other locations to work on the streets. *It is recommended that BIH provides enough resources and make transparent, reliable and sufficient budget for homeless children on each local level. State should also provide financial support for these services, including NGOs that are already running these types of services.* These improvements might be realized in 2020 when program budgeting is planned to take place of budgeting based on economical categories.¹²

Compliant mechanisms for homeless children should be provided in the ways that are easily available. Current situation is that the few compliant mechanisms that exist for children in general are relying on usage of communicational technologies that are mostly not available for homeless children.

The state does not have a national database on homeless children. Not even subnational data is available, neither for homeless, nor for street involved children, and several researches have been conducted for estimation of the number of street involved children, based on registered cases in CSWs, information from NGOs dealing with this population, etc. *State should provide and operate a national database that would track homeless children cases and identify available services. Along with the database, State should provide support or sponsorship for research considering problematics of homeless children which would be base for further improvements in system of support for children living and/or working on the streets.*

There is no state coordination body that covers exclusively issues related to homeless children and those who live and/or work in the streets since there is no stable law framework. Partially it falls under responsibility of BIH Ministry of Security, who coordinate issues related to human trafficking, since many children living in the street are at risk or identified as victims of forced begging for the purpose of labor exploitation. Four Regional Monitoring Teams are established in Sarajevo, Mostar, Banja Luka and Tuzla for the purpose to establish additional capacities for the improvement of coordination between the competent institutions of government and NGOs in BIH that participate in the implementation of activities on combating and preventing trafficking in human beings. On the other hand, the social service centers are playing the main role, as they are the guardianship authority, and they take the initiative for resolving single cases of homeless children, alongside the NGOs.

¹² The combined fifth and sixth report of Bosnia and Herzegovina on its implementation of the convention on the rights of the child, "Ministry of Human Rights and Refugees BIH, 2017"



Protecting children from drug abuse

According to Article 33 of UNCRC States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

On the Article 33 related indicators, BIH is scoring 0,573 out of a maximum possible of 1. BIH scores 0.633 on law and policy, 0.6 on services, 0.462 on capacity, 0.575 on accountability, and 0.6 on coordination.

In the criminal law legislation in the FBiH and BD BIH, there are no additional penalties for drug offences committed by adults where children have been used for their production or trafficking, but the criminal law in RS has additional penalties. In all criminal law legislations there is no specific norms that could prevent sale of solvents for children without appropriate authorization from parents or other adults and *it is recommended that state provides legislation considering this topic.*

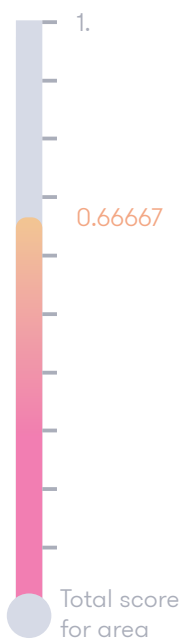
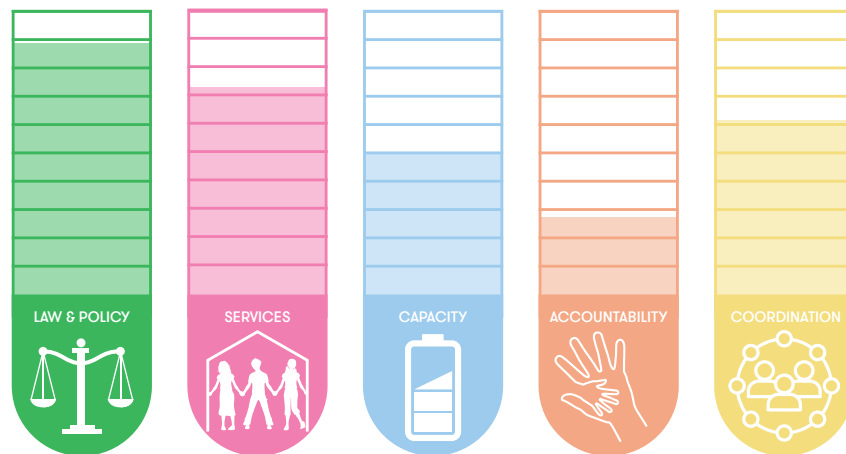
The Laws on Social Protection in FBiH, RS and BD BIH provide for the social protection of children who are victims of drug abuse. These children are entitled to counselling. Counselling can be provided by the CSW, social welfare institution, non-governmental organization or a professional worker who independently

performs social protection activities as a professional activity, provided that they have special space and professional qualifications. The quality standards of social protection institutions do not refer to the children who are victims of drug abuse, and for psychological rehabilitation only in relation to services provided through the health care system. There are no financial standards for state or private entities provided services regarding children victims of drug abuse, there is no comprehensive licensing system regarding these services, a functioning Permit would be required only in connection to those services that are contracted out with state funding. **It is recommended that state provides quality standards of social protection services, financial standards based on program budgeting and comprehensive licensing system regarding all state and private entities providing these services.**

The state should provide compliant mechanisms that are easily accessible and child friendly and to provide accurate databases which will allow tracking the cases of child drug abuse and research that could be crucial for further development of the system. On official ESPAD web site it is stated: "Bosnia and Herzegovina has not yet participated in an ESPAD data collection as one unity. Psychological rehabilitation is under responsibility of Mental Health Centres. As for the social reintegration, there are two public institutions which provide social reintegration services, and other are provided by NGOs and Religious communities, with mixed funding, mostly funded by international donors. However, the problem is not only the number of these treatment centres, the lack of resources and funding, but also the fact that none of these centres are specialized just for children, they rather are integrated in adult centres. **The state should provide child friendly spaces in rehabilitation communities, as well as professional staff for children rehabilitation activities and treatment.**

The BiH Council of Ministers established the Commission for Drug Abuse Prevention in order to harmonize the activities of the ministries and autonomous administrative bodies in Bosnia and Herzegovina and other agencies involved in the implementation of the National Strategy for Drug Control, Prevention and Suppression of Drug Abuse in Bosnia and Herzegovina for 2009-2013, and to promote and control the implementation of this Strategy. The BiH Ministry of Security is responsible for daily coordination and monitoring of the situation in connection with drugs. **However, the new State Strategy on supervision over narcotic drugs, prevention and suppression of the narcotics drug abuse (2018-2023) stress out the necessity of coordination and professional education on local level. It also seeks to establish mechanism to regulate the responsibility for non compliance with measures, emphasizing local level responsibility.**¹³

¹³ Report provided to EMCDDA 2011.



Children as refugees, children seeking asylum and children involved in armed conflicts¹⁴

Article 22 of the UNCRC stipulates that states should ensure that a child who is seeking refugee status or who has been determined to be a refugee shall receive appropriate protection and humanitarian assistance. In addition, children who are seeking asylum or who have been granted refugee status are entitled to full enjoyment of their rights under the Convention, such as not to be discriminated against, to be treated with humanity and respect, to have their voices heard and for the best interests of the child principle to apply. Pursuant to Article 38 States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

In this category, BIH scores 0,666 out of maximum 1. Law and policy have quite big score of 0,894 following good score in services (0,714) and average in coordination (0,616) and capacity (0,5) but very low in accountability (0,270).

The Government of BIH has ratified all the relevant international conventions and most of the legal and regulatory framework has been harmonised accordingly. However, identification and referral of unaccompanied and separated children remains a key challenge for BIH authorities who should finalize and adopt

¹⁴ Data in this section is collected until July 2018 given the special circumstances of migrant and refugee crises that escalated from beginning of 2018 in BH

necessary referral guidelines. While as part of the procedures, unaccompanied minors have to be assigned a guardian who needs to be present during the interviews with the officers, the EU report stated that the unaccompanied children lacked adequate access to guardians, and the best-interest determination procedures were often delayed, if conducted at all¹⁵.

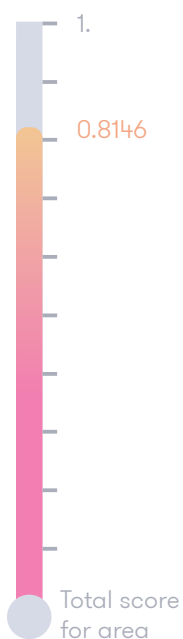
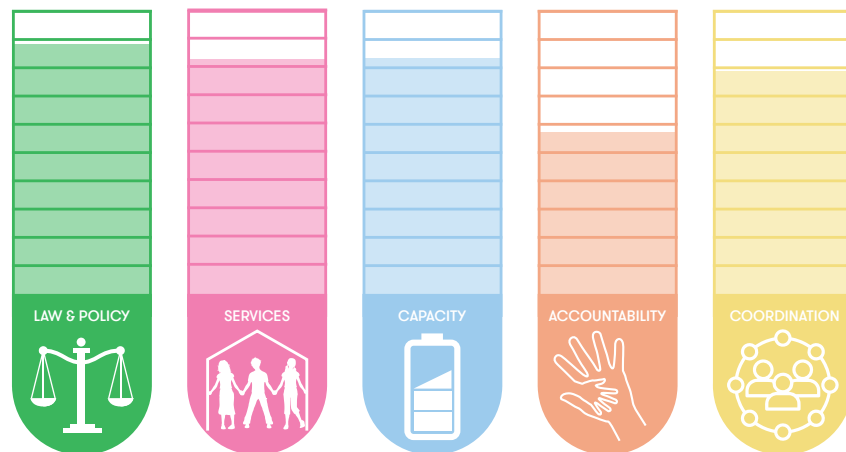
In 2016 and the first half of 2017, total number of children with the refugee status and subsidiary protection was 46. All children had medical insurance. In accordance with their age, 27 (100%) children were included in the educational system. In 2018, asylum seekers are accommodated primarily in three locations: Trnovo (BiH's core accommodation for asylum seekers, located in the forest, some 40 km away from Sarajevo), newly expanded centre in Salakovac (close to Mostar) and lately, there has been an agreement signed between the state and EMMAUS that provides for accommodation for children and families with children at the EMMAUS compound in Dobož. The accommodation arrangements, albeit far from ideal, seem to be safe and habitable. There are however unaccompanied children that remain outside of these arrangements, this is especially the case in Sarajevo where many slept in the parks as well as in locations close to the border¹⁶. With bigger number of children arriving in BiH in 2018, it is necessary to provide non-formal education with the aim to facilitate asylum-seeking children's gradual integration into the BiH school system, including relevant language courses. Enrolment of refugee and migrant children in schools as well as urgent provision of specialized psychological support to refugee and migrant children and their families are the issues that need urgent attention. The state should either provide or sponsor training programs for reaction in cases of emergency and humanitarian aid situations and for child protection.

Even though there is an effective coordination in place for all engagement between various agencies on emergency and humanitarian aid issues, the authorities need to make necessary resources available and create political will for effective work of the coordinating mechanisms. Services that are available, by state or by national and international NGO's and agencies have no regular external monitoring albeit this should be taking place according to the laws. The government of BiH should be given credit for allowing deprivation of liberty of a minor asylum seeker in an immigration centre only in extreme cases and when no other measures can be applied. Nevertheless, any services rendered in response to refugee and asylum-seeking children, need to be subject to external monitoring and assessment.

The total scoring of 0.666 highlights the need for investing more efforts by the state authorities in order to fully comply with the Articles 22 and 38 which will eventually contribute to improvement of services to be provided to refugee children and those involved in armed conflicts.

¹⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2018 Communication on EU Enlargement Policy p.27.

¹⁶ <https://www.wvi.org/pressrelease/coalition-international-organizations-working-child-rights-sector-urge-bosnia-and>



Torture and degrading treatment of children

On the Article 37 related indicators, BIH is scoring 0,814 out of a maximum possible of 1. BIH scores 0.889 on law and policy, 0.833 on services, 0.839 on capacity, 0.571 on accountability, and 0.791 on coordination.

Bosnia and Herzegovina ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1993, and the Optional Protocol to the Convention against Torture in 2008 and The Protocol on the Treatment of Violence, Abuse or Neglect of Children was signed on November 20, 2012¹⁷. Criminal laws of the state and entities prohibit indefinite or indeterminate sentences in any circumstance for anyone convicted of a crime. The legal or regulatory framework predicts criminal, civil and family consequences to those who use corporal punishment against children.

According to the laws on protection and treatment in BIH, RS and BD children are every person under 18 years. A child under the age of 14 can not be a subject of juvenile proceedings, it can not be sanctioned for violations of the law. The laws define a child as a person under the age of 18, but they retain the concept of a younger juvenile (for children aged 14 to 15 years) and older minors (for children aged 16-17). Overcome this difference in age stipulated there are various sanctions. Similarly, the Misdemeanor Act applies to children over 14 years of age. Criminal code of BIH, entities and Brcko District define a child as a person under the age of 14. However, BIH seeks to ensure uniform application

¹⁷ <http://www.djeca.rs.ba/uploaded/PROTOKOL.pdf>

of the principles and provisions of the Convention on the Rights of the Child. In 2016 the BiH Council for Children sent the following initiatives to respective entities - amendments to the Criminal Codes, to define the child as a person up to the 18 years of age.

In BiH, there are still many challenges in recording and using data on violence, as well as violence against children, such as uneven statistics or non-registration of children as victims of violence in cases where they testify only to violence. Physical punishment is forbidden in schools, correctional institutions, and other institutions but not explicit in all settings of children in FBiH and BD, which should be done. The laws on the protection against domestic violence in BiH do not explicitly prohibit corporal punishment, and the act of violence against them is to educate children with degrading treatment, which implies all forms of upbringing that lead to feelings of subjugation or humiliation of the child. In 2016 and 2017, the BiH Council for Children sent an initiative for amendments to family laws, laws on social and child protection, laws on protection against domestic violence, criminal laws, as well as laws in the field of health care in FBiH, RS and BDBiH, and laws in the field of education, with the aim of introducing the ban on all forms of violence against children, and in particular physical punishment in all environments of children¹⁸. *The state should provide material and any other support in order to make public aware on consequences of corporal punishment.*

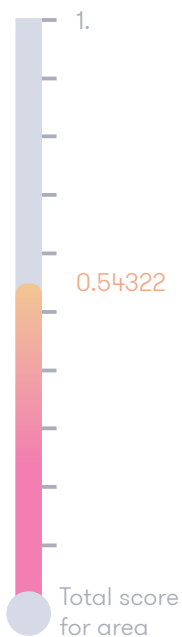
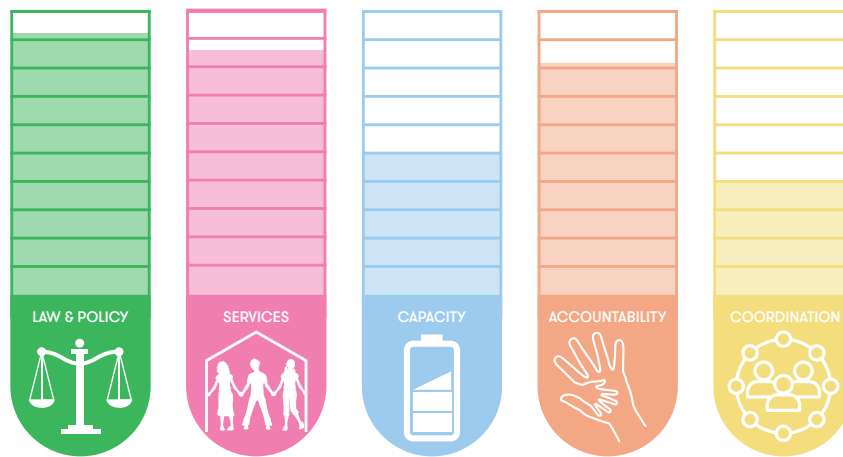
A child who has not reached the age of 14 can not be arrested nor may be detained, because he is not criminally responsible. Only a child over 16 years of age can be punished with a prison sentence. The sentence of juvenile imprisonment is the most severe punishment and it is only exceptionally applied. The prison sentence ranges from 30 days to 10 years. Legal or regulatory framework define alternative measures available to prevent pre-trial detention of children whenever possible.

Children who are in prison during the trial share a room with minors convicted. According to Law, juveniles should be separated from adults in detention, however reporting and cases from practice show that this is not always the case. Even though they are separated in detention centres, they are sharing some facilities, like canteens and sports facilities. According to the Beijing rules, the danger to juveniles of "criminal contamination" while in detention pending trial must not be underestimated. *It is therefore important to apply alternative measures whenever possible to avoid such detention in the interest of the well-being of the juvenile. In cases where correctional institutional facilities are only options, it is recommended to separate adults and juveniles in order to ensure a safe and appropriate environment for rehabilitation and re integration process.* When drafting individual plans and plans for resocialization of juvenile perpetrators of criminal and misdemeanour offenses, juveniles are not contacted, and most of them do not even have insight in those plans. *Even though professional team of the Educational Center considers all available information about the juvenile,*

¹⁸ http://www.mhrr.gov.ba/ljudska_prava/djeca_bih/Kombinovani%20V%20i%20VI%20periodicni%20izvjestaj%20BiH.pdf

such as social background, school information, direct information from parents and other subjects involved in juvenile life and his / her family, juvenile him/herself should be given opportunity to actively engage in making individual plan. According to Sarajevo Canton Educational Center, Juvenile facilities are generally confronted with lack of financial support and lack of trained professional staff. While they employ psychologists, educators, social workers, etc, the numbers are not enough to adequately cover the needs. The same findings were reported by Ombudsman for Human Rights in 2016. There are also technical shortcomings, lack of available premises for organizing the stay of children and daily activities, lack of privacy and overcrowding of the rooms. The state should provide sufficient support to institutions in order to provide better livelihoods, both working positions and the very way of working towards minors who are in the criminal procedure or execute a sentence.

In some of the centres, juveniles in the conversation point out that they are not enabled secondary education due to the lack of funds for this purpose, as confirmed by the administration. In worst case, one school year lasts only two weeks and that is not enough time to learn. As stated by Beijing rules, the State should provide sufficient support to institutions so that juveniles shall receive care, protection and all necessary assistance-social, educational, vocational, psychological, medical and physical-that they may require because of their age, sex, and personality and in the interest of their wholesome development.



Juvenile justice

On the Article 40 related indicators, BIH is scoring 0,815 out of a maximum possible of 1. BIH scores 0,925 on law and policy, 0,86 on services, 0,5 on capacity, 0,812 on accountability, and 0,5 on coordination.

The child alleged as or accused of having infringed the penal law has the right to be promptly and directly informed of the charges against him or her, if appropriate, through parents and guardians. He or she has the right to legal and any other assistance needed, including the right to have the free assistance of an interpreter if the child cannot understand or speak the language used, as well as the right to have the matter determined without delay, by a competent and impartial authority or judicial body, in a fair hearing (according to international instruments, including the “Beijing Rules”), in the presence of legal and other appropriate assistance, in the presence – unless judged not to be in the child’s best interest, and taking account of the child’s age or situation – of parents or legal guardians and in the child’s own presence.

The suspect, on his first questioning, must be informed about the offense that he is charged with and grounds for suspicion against him, must be provided with an opportunity to make a statement regarding all the facts and evidence incriminating him and to present all facts and evidence in his favour. According to the law, no child can be compelled to give testimony or confess guilt. This principle seems to be respected in practice as long as there are no reports to show otherwise. Several experts have stated that some authorized officials still

use intimidation tactics or even illegal methods during the juvenile questioning. Although the laws on protection and treatment prescribe the compulsory presence of the defence attorney during the first hearing at the police station, several minors said that they were mistreated and intimidated before the arrival of a defence attorney. The Law states that in the police station there is a juvenile unit consisting of one or more authorized juvenile officers and one or more expert advisers. In practice, this situation is different, police stations have one official person/police officer trained to work with minors in criminal proceedings. This number should be increased, by organizing trainings.

In the first instance courts there is a juvenile unit consisting of one or more juvenile judges and one or more professional counsellors. In the courts of first and second instance there is a council for juveniles composed of three judges (out-of-court council). The prosecutor and judges must have special knowledge to meet the needs and interests of young people. The Ombudsmen of Bosnia and Herzegovina recommend to the Judicial and Prosecutorial Training Center of FBiH and Center for Education of Judges and Prosecutors of RS to intensively take measures with the aim of acquiring special knowledge and continuous professional training and training of judges and prosecutors in the field of children's rights, youth offenses and their criminal justice protection, as well as to empower prosecutors and judges for the more frequent pronouncement of alternative measures.

For all criminal offenses committed by juveniles, a court of first instance is competent to adjudicate. The second instance court has jurisdiction to rule on appeals against decisions of first instance courts. According to the investigation of Ombudsmen, minors are aware of the possibility of lodging appeals on accommodation and treatment conditions. Minors in the interview state that they are familiar with the three-step complaints system, but consider the appeal mechanisms to be ineffective and unjust. Our recommendation is to take all possible measures to make the appeal mechanisms familiar, effective and just for all.

The state centralizes information and maintains a national database on all children charged with an offence that provides numbers of children charged with an offence disaggregated on: age, gender, type of offence. The entity Ministries of Justice are responsible for the coordination of bodies and institutions that pronounce and enforce criminal sanctions in the entities, and the Ministry of Justice of the Council of Ministers of BiH is in charge of coordinating the authorities and institutions that pronounce and enforce criminal sanctions at the level of BiH. In the Progress Report, the European Commission states that there has been a delay in the integration process in BiH, which is attributed primarily to the lack of political will to continue key reforms. The same progress report lists a number of concerns regarding the implementation of child rights, such as the poor application of alternative measure and absence of a national strategy for dealing with juveniles in conflict with the law. The state should demonstrate political will to continue key reforms, especially in implementation of child rights,

such as the poor application of alternative measure and absence of a national strategy for dealing with juveniles in conflict with the law.

The concept of justice for children seeks to promote compliance with international standards for all children who come into contact with judicial and related systems, whether they are offenders, victims / witnesses or in relation to custody and their protection. Social services are part of this and together with the authorities have coordinated the best interests of children when it comes to extra-judicial measures. Educational institutions are also involved in the out-of-court support process, and institutions have an overview of juveniles while staying in school. Through the UNICEF project “Justice for Every Child”, coordination between the civil sector and local government authorities is carried out in order to monitor extra-judicial measures. Provisions for extra-judicial measures have been recently introduced and due to that, application is still limited, and mainly project-based. The legal framework should define mechanisms at national level for consulting on policy development addressing juvenile offenders with civil society organizations.



Policy Conclusions

Only too often, do we hear that policies in BiH are very good, but implementation is a problem. This has been confirmed by the Index scores too. The total policy score for the treated UNCRC articles is 0,732 out of 1, which is good but signals that there remain a number of issues that are still uncovered by our legislation. The score for overall implementation totals 0,470 out of 1 and indicates a significant gap between policy and practice (0,262).

The Government of BiH has ratified majority of relevant international conventions and most of the legal and regulatory framework has been harmonised accordingly, however concrete steps need to be undertaken towards enhanced accountability of relevant authorities for the actual implementation.

Below are some key recommendations aimed at decreasing this gap, as well as improving overall child protection system in BiH, adhering to the five looked at dimensions of the government action: policy, services, capacity, coordination and accountability.



Law and Policy

In order to reduce the risk of sexual abuse and exploitation of children, the authorities are obliged to adopt laws preventing persons convicted of violence or acts of sexual abuse of children to work with children or have access to children.

A register of sexual offenders against children exists only in the Republic of Srpska. Key recommendations adhering to the article 34 is to adapt laws and establish the same register for the territory of the Federation of BiH and Brčko District.

Urgent ratification of the Hague Convention on the Protection of Children and Co-operation in the Field of Interstate Adoption is recommended, in addition to its full alignment with the procedures for adoption with Article 21 of the UNCRC. Advocating for rising the upper age limit for adoption and ensure coherence between entities is also needed.

Introduction of a legal provision for the explicit ban on placing children up to three years of age in institutions, as well as the explicit ban on corporal punishment of children in all settings is strongly recommended.



Services

It is recommended that BiH provides financial standards for all state and sponsored services, including rehabilitation services for recovery and reintegration of children victims of violence.

In addition, the legal or regulatory framework does not require mandatory licensing of services provided by government entities, hence it is recommended that the State provide minimum quality standards with a goal to improving and harmonizing all of its services to children.

It is recommended that the government takes responsibility for ensuring or increasing access to the child abuse reporting hotline services, currently provided by NGOs.

The state should provide rehabilitative services for recovery and reintegration tailored explicitly for children and provide child friendly spaces in all rehabilitation institutions and centres for children and adults, as well as professional staff for children rehabilitation activities and treatment.

Services aimed for children with disabilities must become fully part of the system with stable funding and support and insuring legislative to be implemented in practice. Special attention should be put on quality of services, based on real needs, and on expanding these services to sub-urban and rural areas of country.



Capacity

There is a need for a clear and unique definition and criteria for identifying families at risk, which would focus on the prevention of unnecessary separation of families with children with disabilities, children without parents and children under three years of age.

It is recommended to ensure coverage, adequate allocation and efficient use of financial and human resources of the services that mitigate the risk of unnecessary separation of families, including family support services and financial assistance.

It is recommended that BIH provides enough resources and make transparent, reliable and sufficient budget for homeless children on each local level. State should also provide financial support for these services, including the NGOs already running these types of services.



Accountability

It is recommended that state provides quality standards of social protection services, financial standards based on program budgeting and comprehensive licensing system regarding all state and private entities providing these services. Monitoring and evaluation of all services run by State, NGO's or private sector should be seriously planned and conducted as this aspect is lacking in all investigated dimensions under this document.

It is important for children, parents and others caring for children to be trained and educated on how to avoid, recognize and report on sexual exploitation and abuse.

Positive parenting and positive disciplining of children should be promoted and educated in the entire BiH.



Coordination

In Bosnia and Herzegovina, there is no adequate coordination between state, local, private, non-governmental agencies, child-care agencies and others caring for child welfare. Different approaches lead to violations of the child's rights. Bosnia and Herzegovina should provide an adequate system for gathering data on vulnerable children. Better data will enable policy makers to make decisions that respect the BiH legal framework. On the other hand, it will point to what laws or subordinate acts need to be amended and supplemented. Data should be centralized and regularly updated.

Already established coordinating bodies such as BiH Council for Children on State level or different coordinating bodies on entity, cantonal and local community level should be properly supported, especially with professionals in the area of children welfare and with that hold more accountable for state of legislative and practice provided for children.

Credits

Implementation



Data Collection Manager

Andy Guth is co-author of the Child Protection Index, the trainer and data collection manager for the current Index. He is one of the leading child protection specialists in the region, with a background in medicine and over 29 years of work experience in child welfare and protection. His portfolio includes work with various national and international NGOs, United Nations agencies, and governments, including the Governments of Romania, Bulgaria, Moldova, Russia and Croatia.

Authors and data analysts (in alphabetical order)

Dr Dimitrije Ćeranić is an assistant professor in the field of civil law at the Faculty of Law of the University of East Sarajevo, where he also serves as a vice-dean for scientific-research work. At the Faculty of Law, he is holding a lecture in the course of Law of Succession, Family Law and Civil Proceedings of the first cycle of studies, as well as teaching from the Notary Law in the second cycle of studies. He hosted guest lectures by invitation to master studies at the Law Faculty of the University of Belgrade, the Civil Law Module, the Sub-module of the Rights of the Child. He was a participant in forty scientific and professional meetings in the country and abroad. He is the author of thirty published scientific and professional papers. He was and is a member of several legislative commissions, as well as many expert and scientific bodies in the field of law and higher education. The President is the Regional Branch of Bijeljina and a member of the Presidency of the Association of Lawyers of Republika Srpska. In the capacity of coordinator or expert associate he participated in five projects related to the rights of the child, three summer schools on gender equality, and was a member of the organizational and editorial boards of ten scientific meetings in the field of law.

Edisa Demic is a professor of pedagogy, currently postgraduate student of Sociology. Since 2005 she is in charge of organizing and conducting trainings, workshops and lectures for approximately 30 000 children, youth, for Law Enforcement Agencies, victims and categories vulnerable to human trafficking as well as general public all over Bosnia and Herzegovina. Her responsibilities also included developing and managing comprehensive projects involving multiple governmental and non-governmental stakeholders aimed at preventing

and combating human/child trafficking in Bosnia and Herzegovina. She is a cofounder of the Association "Novi put", currently at the position the prevention and education manager and PR.

Džamna Duman Vranić is Assistant Professor at the Law Faculty of the University of Sarajevo where she teaches seminars on family law. She holds master degrees in law and JSD from the University of Sarajevo. Her research focuses on human rights, child rights, gender policies, and alternative dispute resolution.

Nataša Đorđić, graduated from the University of Banja Luka, Faculty of Political Science, Department of sociology. Worked as coordinator and assistant project coordinator, trainer and researcher. The main focus of engagement is working with children and young people, through various programs such as the development of life skills aimed at improving the efficiency of the education system through special interventions for the development of life skills in children and young people. The experience in working with young people and children was also contributed by the professor's work in high school. I participate as a member of the team in monitoring the application of the Program for the prevention of juvenile delinquency at the local level. I am also a member of the Team for the work of Scientific Campuses of students of the BIH University.

Jagoda Gregulska is currently a Senior Researcher with Ecorys and PhD candidate at Central European University. She has over ten years' experience researching and teaching issues pertaining to human rights and social justice, mainly in the Balkans. Her expertise includes peace and reconciliation, with focus on youth, women's and children rights and community building. Jagoda has also hands-on experience having supported civil society organizations in Bosnia in their community work.

Nela Hukić is an employee of World Vision BiH. She has several years of experience in child protection field she acquired through World Vision's programmes and projects. She pointed the importance of protecting children from all forms of violence and protecting the most vulnerable categories of the population through working as a reporter for BIH radio 1, the national radio station; then, through working at the HO International Forum of Solidarity - EMMAUS, NGO Vesta Tuzla and the Tuzla Community Foundation. She currently works in the position of Child Protection and Education Specialist in the World Vision BiH.

Branka Ivanović - IN Foundation Executive Director, is a psychologist with extensive experience in social innovations, organisational development, and management of psycho-social and children protection programs, as well as in working with children through programs with international organisations. Branka has considerable training experience and special professional interest in research of violence and children at risk. She is dedicated, productive and focused, with prominent organisation and managerial skills and ability to motivate, guide and inspire her team.

Dijana Kremenović is a member of the World Vision organization in the office in Banja Luka. Through 24 years of work in the International Committee of the Red Cross (ICRC), UNHCR and World Vision, she has gained experience in the protection of the rights of vulnerable categories, and is especially committed to protecting and improving the welfare of children in Bosnia and Herzegovina.

Elvira Lakota is Programme Coordinator and Trainer for improving quality of education, with educational background and 16 years of extensive experience in working with primary and secondary schools, public institution/s, NGO's, teachers and children in BIH and Republic North Macedonia. The main areas of work and competence are following: Project Coordinator in the field of education, with 15 years of experience working in BIH and Republic of North Macedonia; International trainer for improving quality of education including topics: Education for Social Justice, Reading and Writing for Critical Thinking, Children's rights in schools, and Social inclusion Child-centered methodology; Evaluator and a researcher in the field of social studies (Desk research's, Baseline study, Project evaluation, Monitoring of children's right's).

Abida Pehlic holds MA in German Language and Literature and currently pursues MA in sociology. She is co-founder and vice-president of the anti-trafficking association „Novi put“. Since 2000 she has been working on combating and preventing the issue of human trafficking and child abuse and has been involved in drafting and reviewing action plans and other relevant policies and documents. Mrs. Pehlic is co-author of, and also provided inputs for numerous scientific papers and international reports on the issue of human trafficking and has been recognized as relevant national expert for communication with media on the issues of human trafficking, child abuse and gender-based violence.

Nataša Pivašević – bachelor of psychology, psychotherapist in proces of education (Transactional Analysis), Certified coach for emotional literacy and Assertive communications. Has gained experience in social protection of children in BIH primarily due to the involvement in the Association Nova generacija on the Blue Phone program – the Counseling line for children, the Older Brother, Older Sister programe and the Day care center for children at risk. She is the co-founder of the Association Obrazovna inicijativa and an active member of the Association Hi neighbor.

Ira Rakovic worked for the NGO “Our Children” Zenica, as a child rights program leader. She was a researcher and coordinator of the project “Investing in Children”, as well as the national coordinator of the regional project “Voice of Youth”. She worked as a part of the team on the development of Alternative reports on the state of children's rights in BiH, as well as on the development of the Child Protection Index 1.0. M.Sc. in Psychology from the Faculty of Philosophy, University of Sarajevo.

Adisa Redžić is a Project Manager in World Vision BiH organisation. Adisa has experience in child protection implementing child protection related projects funded by Unicef BiH and UNDP but also contributing in the implementation of Child Protection WV's programme activities.

Aleksandra Štrbac is a psychologist, employed as an Executive Director in the organization Zdravo da ste. In twenty years of work on planning and implementation of programs for children and youth, she specifically dealt with the monitoring of children's rights, and participated in research, working groups and advocacy processes to improve the lives of children throughout BiH, and in some international processes in Europe. In the name of the network "Stronger voice for children", where she is also a member of the Coordination Committee, she was also proposed as a member of the Council for Children of BiH.

Dragana Vujnovic is a Programme Manager at NGO „Svjetionik“ with over 22 years of experience, especially in child protection and child rights programme, focused on issues relating to education and monitoring of child rights, empowerment of children and youth for personal development and participation, implementation of DevInfo databases, research and analysis of social situation and services, etc. through cooperation with national NGOs and international organizations such as TDH, UNICEF, DEZA, UMCOR and the EU, as well as governmental bodies and local authorities. She holds a BA in management-public administration and she was a super-senior at the Faculty of Medicine, University of Banja Luka.

Review and editing

Berina Ceribašić,
Dragana Bulić

Data visualization and design

Aida Redžović

Artwork

Children and youth participating in World Vision BiH Art contest 'All faces of neglect' within the national campaign to end neglect and violence against children in BiH 'Vrijedni pažnje', realised as part of the global campaign It Takes A World To End Violence Against Children

Addendum - Index Methodology

Index framework

The Index framework includes a series of 987 main indicators that together measure a state's policy and actions towards greater child protection. The indicators are drawn from six sources.

The first set of indicators comes from Article 4 of the UNCRC. This Article requires that states apply all appropriate measures within the toolbox of government action to achieve child protection. The Index refers to this category as "the governance environment" for child protection. An example of the governance environment indicator is: has a consolidated law on the rights of the child and child protection been adopted?

The second set of indicators is based on Article 2 of the UNCRC. This Article requires that states respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind, and take all appropriate measures to ensure this requirement.

The third set of indicators comes from Article 7 of the UNCRC. This Article requires that children are registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents. Article 7 requires all State Parties to ensure the implementation of these rights. Birth registration is considered to be a fundamental child protection right.

The fourth set of indicators uses specific child protection articles from the UNCRC and principles from the systems approach to child protection as the common foundation and matrix for its qualitative indicators. To unpack each Article's requirements, the Index framework relies on the *Implementation Handbook for the Convention on the Rights of the Child* published by UNICEF. The *Handbook* offers analysis on each UNCRC Article from the Committee on the Rights of the Child's Concluding Observations in over 300 different opinions.³ The *Handbook* provides a series of "yes", "no" and "partially-implemented" checklists to create an understanding of each Article's significance. The Index uses these checklists as core indicators for the framework. The qualitative indicators are "yes", "no" and "partially-implemented" questions that measure a state's (i) Policy/ legal and regulatory framework; (ii) Services, processes, mechanisms;

(iii) Capacity; (iv) Accountability; and (v) Coordination and cooperation in relation to the UNCRC articles on child protection. These key elements are necessary to achieve a functional child protection system.** UNCRC articles chosen are those associated with every child's right not to be subjected to harm and a state's duty to protect and care for children vulnerable to harm.

The fifth set of indicators focuses specifically on government support for social workers. Social work plays a key role within the public sector to administer child protection mechanisms, processes and services at both the local level and regional or national levels. Therefore, the Index includes specific indicators on social work, with the importance of this role in mind.

The sixth set of indicators draws from statistical data about the current child protection status of girls and boys in each country. For example, one indicator considers the rate of children aged 0–2 in residential care (per 100,000 population aged 0–2), at the end of the year. Part of the data collected for this section originates directly from UNICEF's TransMonEE database, a widely used source of data on the well-being of children globally and official statistical data reported by the country.

Data collection & validation

The BIH national data collection team included 14 child protection experts selected in order to acquire a variety of expertise, and two legal experts. A training workshop led by the Index Data Manager (and co-author of the Index framework) provided training to the team prior to data collection. In the first stage of collection, groups of two experts collected data independently on selected sections of indicators (using reports, studies, articles, statistics data, etc.) to validate a "yes", "no" and "partially-implemented" responses to each Index indicator. In this way, two experts reviewed the same indicator separately. Where such evidence-based information was not available, interviews with relevant stakeholders and information based on the personal experience of professionals with relevant expertise in that particular field were taken into account.

After the completion of individual review and validation, responses provided for the same indicator by two different experts were considered and compared side-by-side by the Index Data Manager. Responses found to be inconsistent between the two experts or that lacked sufficient validation required further review and evidence gathering. The two experts assigned to the same indicator again in group work reviewed and discussed the evidence and sought additional information when needed. Joint answers provided by each sub-team were further reviewed by the Index Data Manager. Three to four reviews over a total period of 3 months were required for the entire review process, in order to reach final agreements on each indicator considered.

A final cross-check of information provided under the various sections of the Index framework was performed by the Index Data Manager before finally validating the National Index, with the support of the National Coordinator and the team of experts.

** Annual report on the result of the activities by the Human Rights Ombudsman of Bosnia and Herzegovina for 2013, p.140, Chapter 5.5

Scoring

Each qualitative indicator required a “yes,” “no,” or “partially-implemented” answer. To score the results, “yes” = 1, “no” = 0, and “partially-implemented” = 0,5. In situations where several sub-indicators contributed to one main indicator, the final main indicator score is calculated as an average of the scores of its sub-indicators (e.g. $1+0,5+0+1+0,5 = 3 : 5 = 0,6$).

An average score was calculated for the following sources of indicators: 1) Governance Environment, 2) Birth Registration, 3) Non-discrimination, and 4) Social Work. In the case of the main source (UNCRC Articles analysed with the Child Protection Systems Approach), each UNCRC article and its indicators is scored separately (to create one average score per article). The final (overall) CPI score is calculated as an average of all the main indicators included under all the components of the Index framework; this way, each main indicator is equally contributing to the final (overall) Index score.

Note

Data of the current index is not fully comparable with CPI 1.0, due to additional components included (Birth registration, Non-discrimination, Child refugees/emergency intervention, Torture and degrading treatment, Juvenile justice administration). Also, in order to support more accurate data collection, several indicators included in the first CPI were divided into a series of more specific indicators. This resulted into increasing the total number of main indicators from 500 to 987. Scores of each component as well as the final Index score are therefore influenced by a more detailed/ specific data collection and also by the additional components included.

Statistical data included in this framework has not been scored. Scoring of the Statistical data component included in the current report would have required comparison with similar data from other countries, in order to allow the application of a linear transformation formula. Such data is however not yet available.



CHILD PROTECTION INDEX 2.0

BOSNIA AND HERZEGOVINA 2019

Measuring government efforts to protect girls and boys