

# ALTERNATIVE REPORT ON THE SITUATION OF CHILDREN'S RIGHTS IN BOSNIA AND HERZEGOVINA

2011-2018

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ON THE SITUATION  
OF CHILDREN'S RIGHTS IN  
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"Stronger Voice for Children"**

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# PREPARATION OF THE REPORT

The Alternative Report on Implementation of the Convention on the Rights of the Child (UNCRC) has been created as part of the process of periodic reporting to the UN Committee on the Rights of the Child (CRC) by non-governmental organizations working with and for children. It has been prepared by non-governmental organizations, members of the network Stronger Voice for Children. The Report comprises the findings of a two-year monitoring activity carried out for period 2014-2016 as well as the results of a process aimed at supplementation of these findings in 2018, both supported by UNICEF BiH. The monitoring focused on the observation of implementation of recommendations given to BiH by the CRC upon the consideration of the consolidated second, third and fourth periodic report of BiH in 2012. This process included direct involvement of children in planning and implementation of surveys of their opinions and experiences, which will be submitted to the CRC as a separate children's report. Beside monitoring findings, this report include our comments on the State Report submitted to the CRC and published earlier.

Professionals from the following organizations belonging to the network, who expressed their interest in participating, were involved in activities throughout the entire process: "Naša djeca" (*Our Children*) from Sarajevo, "Zemlja djece u BiH" (*Land of Children in BH*) from Tuzla, "ToPeer" from Doboj, "Svjetionik"

(*Lighthouse*) from Prijedor and "Zdravo da ste" (Hi Neighbor) from Banja Luka. The process was coordinated by the organization "Naša djeca" Sarajevo, which also coordinates the activities of the network "Snažniji glas za djecu" (*Stronger Voice for Children*), in cooperation and consultation with all other interested organizations from network. In addition to the previously mentioned monitoring reports, which served as basis for the preparation of the alternative report; during their two-month research work aimed at supplementation, organizations also used the State Report, all available analyses and data for the relevant period, as well as the replies to specific inquiries submitted to the relevant stakeholders in BiH about the implementation of the recommendations of the CRC. We tried not to repeat the information provided in the State Report, except in cases where our information was different. Our primary intention was to shed light on those areas which require stronger efforts aimed at the application of the legal framework in everyday life of children and their families in BiH, as well as areas in which the legal framework itself should be improved in order to better reflect international child right protection standards. We hope that the proposed recommendations will find their place in the concluding observations of the CRC for BiH and in the coming period of our joint work on improving the quality of life and respect for children's rights in BiH.

# GENERAL MEASURES OF IMPLEMENTATION

## RATIFICATION OF INTERNATIONAL HUMAN/CHILD RIGHTS INSTRUMENTS

In the reporting period, Bosnia and Herzegovina signed the Optional Protocol to the UNCRC on a communications procedure (OP3) in July 2017, which was ratified in February 2018. This can partly be credited to

advocacy activities implemented by members of the network of non-governmental organizations *Stronger Voice for Children* in Bosnia and Herzegovina and Save the Children office in North-West

## HARMONIZATION AND APPLICATION OF LAWS IN LINE WITH THE UNCRC

One of the first recommendations of the CRC to Bosnia and Herzegovina is related to the enactment of a comprehensive child rights act at the national level. However, given the current political and administrative structure in the country, chances that this recommendation will be implemented are very small. Current situation is such that previously established institutions and enacted laws at the national level are being questioned.

Majority of laws in BiH have been harmonized with the UNCRC, however their implementation still remains a problem. As it was mentioned in the State Report, Council for Children BiH launched several initiatives for amendment of legislation. By October 2018, amendments of Republic of Srpska (RS) Criminal Code were adopted. The amended Law defines a separate set of criminal offences related to sexual abuse

and exploitation of children according to which sexual intercourse with children under the age of 15 is absolutely prohibited and carries a minimum sentence of eight years' imprisonment. Some new criminal offences are also introduced, such as exploitation of children for pornography, pornographic shows, while two new criminal offences are added to the set of criminal offences against marriage and family: abandoning a child and violation of child's privacy. In the Federation of BiH (FBiH), no action has been taken to improve and harmonize the criminal legislation. New legal solutions in the field of protection of families with children have only just been proposed as part of the social reform in FBiH, so the new draft Law on the Protection of Families with Children in FBiH defines uniform minimum child allowance across the entire FBiH, including maternity allowance for unemployed mothers. This should end years of discrimination against

children and mothers based on the territory in which they reside. Significant progress has also been made with the enactment of the new RS Law on Child Protection and the Law on the Solidarity Fund for Diagnosis and Treatment of Child Diseases, Conditions and Injuries Abroad and Amendments to the Law on Primary Education, which addresses for the first time the issue of supplemental

examinations in primary schools.

In addition to the harmonization of laws with the UNCRC, another important role in the fulfillment of rights guaranteed by laws is played by by-laws, which are not enacted within legal deadlines and this compromises children's enjoyment of their rights in a particular segment.

## STRATEGIC DOCUMENTS IN BIH

The most important strategic document relevant for children in BiH is the Action Plan for Children 2015 – 2018 adopted at the 9th session of the Council of Ministers of BiH held on 2 June 2015. General objective of the Action Plan is defined as follows: Achievement of specific goals and defined measures for 2015–2018 aimed at the implementation of the UNCRC in compliance with the recommendations of the CRC. Although this Plan advocates a multidisciplinary approach and involvement of all capacities of the society in the development of a well-thought action aimed at improving the living conditions in the interest of child development, it has not been accepted in the RS entity.

Replies received by the BiH Ministry for Human Rights and Refugees (MHRR), after they had forwarded the initiatives and sought data on the implementation of certain measures in 2015 and the first quarter of 2016, reflect rather modest interest on the part of line ministries, official institutions,

local communities, ombudsman institution and non-governmental organizations and media in BiH.

According to the latest report on implementation, 50% of planned measures have been implemented. BiH Council for Children also included the non-governmental sector in the implementation of the Action Plan – specifically the network Stronger Voice for Children which, in the period 2016-2018, worked on one of the Committee's recommendations – preparation of comprehensive guidelines on assessing and determining the best interests of the child.

The fact that, due to negative experiences in coordination and implementation of the 2012-2015 Strategy to Combat Violence against Children in BiH, MHRR decided not to prepare this document for the period after 2015 is a cause for concern, especially since the entity authorities have not launched any initiatives for the preparation of this document.

## COORDINATION FOR MONITORING OF THE FULFILMENT OF THE RIGHTS OF THE CHILD

Although the UN Committee recommends that the State ensure respect for children's rights at all levels of government, reinforce the

coordination role of MHRR and strengthen its role in advocacy and mobilization of resources, the situation in practice is not satisfactory.

The Government of RS refuses to participate in the work of the BiH Council for Children (whose work is coordinated by the MHRR) and provide data on the implementation of the Action Plan arguing that this falls within the mandate of entity level ministries.

The operation of the BiH Council for Children is ensured primarily thanks to the financial and expert support of international organizations for children that are active in Bosnia and Herzegovina.<sup>1</sup> Funds provided by the MHRR

<sup>1</sup> UNICEF, Save the Children, World Vision.

are insufficient for any serious operation of this body. In Republika Srpska, the RS Council for Children operated within the Ministry for Family, Youth and Sports; however, the term of office of the Council members ended in February 2016 and the process of appointment of new members of this body is still ongoing.

It is obvious that in such circumstances there is no coordination or use of all available resources for the implementation of the rights of the child in BiH.

## COLLECTION OF DATA ON CHILDREN THROUGH RELEVANT INSTITUTIONS

Results of the census carried out in 2013 were only published in mid 2016, therefore statistical data on children obtained through census are no longer up to date or relevant in the process of planning of activities for children. As part of the IPA 2 project, MHHR is implementing activities to establish a database for vulnerable groups, including children, but this process has been ongoing for two years without any final results. It is necessary to start with a comprehensive collection of data in order to enable adequate and full assessment of their needs and make sure that economic measures, even in the time of crisis, are planned so as to ensure conditions for proper and dignified life of each child.

In 2016, a special report was prepared for UNICEF and the Network for Elimination of Violence against Children in Bosnia and

Herzegovina (NEVAC), supported by EU IPA II regional project "Protecting children from violence and promoting social inclusion of children with disabilities". This report focused on analyzing data on violence against children available in BiH in the system dealing with these cases. The analysis revealed a grave situation in the data collection system with particular problems related to methodological differences in data collection on violence cases across sectors, differences in the definition of violence against children, almost complete lack of public awareness activities, analysis and use of this data. Deficiencies were also identified in official sectoral statistics and it was stressed that in BiH there is no authority, body or a database that would provide reliable and up to date data on violence against children disaggregated so as to enable any reasonable analysis.

## BUDGETING FOR CHILDREN

Starting from the CRC recommendation to establish a budgeting process which takes

into account children's needs, all State parties are recommended to adopt and implement



policies to address poverty and their social exclusion. In late 2015, BiH Council for Children launched several initiatives which should contribute to the implementation of the 2015-2018 Action Plan for Children in BiH and this recommendation.

To point out the importance of investment in children and budget allocations, organization Save the Children, together with four partner organizations from BiH, members of the network *Stronger Voice for Children*, made certain progress through

the project "Investment in Children" in four local communities and through the project "Protection of Children" in twelve local communities, supported by World Vision BiH. In the period 2015-2017, these organizations, each in its community, worked with local authorities on the adoption of action plans for children as necessary documents for budget planning. These documents were adopted by municipal councils. It should be pointed out that children were also involved in the preparation of these action plans for children.

## COOPERATION OF THE STATE WITH NGOS SUPPORTING CHILDREN

Council for Children BiH launched an initiative with the BiH Council of Ministers, entity governments and the Government of the Brčko District, to ensure a more conducive context for the work of civil society and non-governmental organizations through lower tax rates and funding of NGO programs in the field of promotion and protection of children's rights across all levels of government.

The situation in non-governmental sector becomes more and more difficult each year due to reduced access to donor funds, projects funded by EU require co-funding and there are no funds on any level of government that would ensure funding of such projects. Funds

allocated to projects of non-governmental organizations by local communities are insufficient, allocations are sometimes non-transparent and there is no tracking and evaluation system for implemented projects. Children are often not in priority areas supported by budget funds. Funds from EU programs intended for BiH are not sufficiently used, partly due to lack of political agreement between entities and partly due to lack of resources necessary to apply for those funds. This problem is especially present at the local community level. In terms of implementation of the UNCRC, networks of BiH organizations working for and with children, Stronger Voice for Children and NEVAC, play a special role.

## COOPERATION OF THE STATE WITH INTERNATIONAL ORGANIZATIONS

International organizations working for children in BiH are organized in the Group for the Protection of the Rights of the Child<sup>2</sup>. Activities they implement for children through

their projects in the country, in cooperation with institutions and non-governmental organizations<sup>3</sup>, are very important.

<sup>2</sup> Members of the Group are: Save the Children Int, SOS Children's Villages BiH, Hope and Homes for Children, World Vision and UNICEF.

<sup>3</sup> UNICEF, Save the Children, EU, OSCE, UNHCR, IOM, IBHI, Care International, World Vision, Catholic Relief Service – CRS, HHC, SOS Kinderdorf International, UNDP, Norwegian People's Aid

## INSTITUTION OF OMBUDSMAN

There are two ombudsman institutions in BiH: Ombudsman for Human Rights, with its Department for Children, at the national level and Ombudsman for Children at the level of the entity of RS.

In 2017, BiH Institution of Ombudsman for Human Rights received 172 complaints related to child rights, which represents an increase compared to previous years, and ombudsmen issued 13 Recommendations. The complaints are related to education, health care, personal contacts with the parent that does not live with the child, many complaints were related to children victims of peer violence. Authorities most frequently designated as responsible were centers for social work, schools, line ministries in the field of social protection and health care. In 2017, special focus was on issues of “children on the move” who temporarily found themselves in the emigration center. Refugees who were interviewed expressed their intention to file asylum applications in BiH and were therefore

transferred to the Delijaš Asylum Centre. In 2018, the number of refugees increased significantly. Most of them do not intend to stay in our country for long periods, but they still do file asylum applications and are therefore able to freely choose their place of residence in BiH. Many of them are literally on the move, without adequate accommodation, sanitary and health conditions. State institutions have demonstrated that they are not prepared and sufficiently organized to handle the continuous influx of refugees. No adequate humanitarian aid is provided and this compromises the security in places along refugee trails.

RS Institution of Ombudsman for Children actively contributed to the amendment of legislation in RS, in particular in introduction of the register of pedophiles in this entity. In 2017, the RS Ombudsman processed 722 cases, out of which 561 individual complaints, 69 ex officio cases and 92 cases carried over from the previous year.

## AWARENESS-RAISING ABOUT THE UNCRC

There is no planned and systematic awareness-raising about the rights of the child among children, parents, professionals and the public. Normally, on significant occasions, such as Children’s Week and Universal Children’s Day celebrated on 20 November, a series of activities are organized on national, entity and local levels. These events represent the most comprehensive opportunity for promotion of children’s rights.

Information on children’s rights is included in school curricula through homeroom classes, work of the student’s councils, activities of the Ombudsman Institution and as part of project activities implemented by NGO’s; however, sufficient attention is not paid to this information. In contacts with children it is obvious that when they finish primary school they have only heard of the UNCRC, while in secondary school even less attention is paid to the Convention.

# REPORTING TO THE UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD

BiH has so far regularly honored its obligations under UNCRC regarding reporting. Over the past 10 years, UNICEF BiH has supported the preparation of the shadow reports prepared by the network *Stronger Voice for Children*.

The last report prepared by the network covers the period 2014-2016 and the relevant indicators of this monitoring process are integrated in this report.



## RECOMMENDATIONS

- Continue with the activities on the harmonization of the legislation with the UNCRC and other international standards.
- Implement the need for adoption of a long-term strategic document for children which would define long-term policies, measures and activities aimed at improvement of the status of children across all segments of the society.
- Advocate the adoption of local-level action plans for children by local authorities.
- Speed up the process of program budgeting across all levels of government.
- Education on the rights of the child in the educational system should be continued and adapted to the age and abilities of children.
- Education of professionals who work with children on the rights of the child must be permanent.
- The state should ensure more conducive conditions for the work of non-governmental organizations.
- Advocate the establishment of funds for co-funding of projects which significantly improve children's lives.

# GENERAL PRINCIPLES

*Living and development conditions* of children in BiH have not significantly improved since the last Alternative Report. Issues related to access of all children to health care, pre-school education and education in general have not changed. Poverty resulting from parental unemployment threatens an ever growing number of families and has grave consequences for children's survival and development. The state does not allocate sufficient funds to support such families. Child allowance, which should at least to some degree alleviate this problem, is still not accessible to each child and is prohibitively low. Roma children, children with disabilities and children whose parents are unemployed still represent the most vulnerable groups.

*Children in BiH are still discriminated* on different grounds, depending on the part of the country where they live. There is no uniform and coordinated system for support and protection of children across the entire territory. Children are still segregated in schools functioning as "two-schools-under-one-roof", mono-ethnic schools, Bosniak children are deprived of the right to the name of their language in some primary schools in the entity of Republika Srpska<sup>4</sup> etc. We can say that all children with special needs for additional protection are discriminated because, depending on their residence, they receive different support from the society.

*Principle of the best interest of the child* is not the principle on which policies and practice

in BiH are based. Lack of implementation of legislation is a proof that the best interests of the child are not sufficiently respected at any level of the government. One big step forward are the previously mentioned Guidelines on Assessing and Determining the Best Interests of the Child, which were promoted in June 2018 and were prepared by over 50 professionals, including the institutions of the system and NGOs from both entities. UNICEF had the Guidelines translated into English and the document will soon be available to wider audience outside of BiH speaking area. One obvious example supporting the best interests of the child was given by children, members of Children's Groups within the Network Stronger Voice for Children, who, in 2015, prepared and presented to the public The First Children's Report on the Situation of Children's Rights in Bosnia and Herzegovina, which was supplemented in 2018 and will be submitted to the CRC.

BiH Council for Children launched an initiative to ensure participation of children in creation and adoption of public policies and decisions regulating children's rights or affecting the quality of children's lives. The Council also advocates for the training of professionals working with children on the importance of respecting children's opinions. This initiative has been forwarded to entity governments and the Government of the Brčko District, academic community through their representatives in the Council for Children and the Network Stronger Voice for Children.

<sup>4</sup> Vrbanjci near Kotor Varoš, Srebrenica, Konjević Polje



## RECOMMENDATIONS

- Through program budgeting ensure funds that correspond to the actual needs of children on the local level and thus create more conducive living and development conditions for each child.
- Advocate for the application of the best interests of the child in all decision-making processes related to children.
- Advocate for consistent implementation of the laws, which would reduce discrimination against children.
- Promote children's right to express their opinion.
- Strengthen education curricula about children's rights, as well as the capacities of teachers for their implementation, in the educational system of BiH.

# CIVIL RIGHTS AND FREEDOMS

Children born in the territory of BiH, whose parents are not BiH citizens, do not automatically receive the citizenship regardless of the status of their parents. Adoption of the RS Law on Citizenship<sup>5</sup> has created more favorable conditions for acquiring the citizenship for persons without citizenship or those with the refugee status. Thus, Article 16 states that a person without citizenship and a person with refugee status may be granted the citizenship of RS, without meeting certain conditions, only if they had continuous domicile in the territory of RS as a person without citizenship or refugee for five years prior to applying for citizenship. There are no reliable data on the number of children without the unique identification number. Although a lot has been done to address this issue over the past ten years, it is estimated that there is still a large number of children, primarily Roma children, who are not registered in birth registries. UNHCR and the Association Vaša prava BiH (Your Rights BiH) have organized numerous workshops for the representatives of the Roma non-governmental sector and representatives in the field of free legal aid in order to help effectively address this issue and ensure that by 2020 each child has a birth certificate.

Media in BiH are still an important factor

in the promotion of children's rights and raising public awareness about positive examples, but also about violations of children's rights. Although some positive progress has been made, there are still cases of grave violations of children's rights in the media due to insufficient attention to the protection of children's privacy. The Council of the Communications Regulatory Agency adopted Rule 56/2011 on licenses for the distribution of audiovisual media services and radio media services which requires BiH distributors to obscure reality and pseudo-reality broadcasting programs by the providers of media services headquartered outside of Bosnia and Herzegovina, if they are broadcast outside of the prescribed time limit or with no technical protection. UNICEF BiH and the Communications Regulatory Agency have signed a Memorandum of Understanding which envisages surveys on children and the media, including media habits of children, status of children in the media and contents of programs for children. UNICEF BiH signed a memorandum of cooperation with its media partners in the interest of each child. Another step forward in the promotion of the best interests of the child is the publication "Media in the Best Interests of the Child" initiated by UNICEF BiH in cooperation with the MHRR.

<sup>5</sup> Official Gazette of RS, 59/14



## RECOMMENDATIONS

- Continue with identification and registration of children who do not have ID numbers and continuously work on raising awareness among parents on the importance of birth registration within prescribed deadlines.
- Ensure no system blockage in all legislative procedures that might threaten life, survival and development of children.
- Establish more robust punitive mechanisms for media which grossly violate children's right to privacy and raise awareness about the protection of this children's right through trainings and campaigns.
- Continuously perform training of journalists about child rights.
- Inform the public about positive examples of activities of children and adults aimed at improving the life of children in BiH.

# FAMILY ENVIRONMENT AND ALTERNATIVE CARE

BiH does not have a comprehensive and uniform policy focused on family environment and there has been no significant progress in legal framework in the domain of family environment and alternative measures, with the exception of progress made in the reform of protection of children without parental care and families at risk of separation. Some work has been done on the building of technical capacities of a certain number of centers for social work (CSW), but this has not improved the quality of services they provide to the public. Budget allocation (from local communities to entity level) is not in line with the implementation of measures and initiatives from the 2015-2018 Action Plan for Children and local strategic documents<sup>6</sup>. The 2015-2018 Action Plan for Children envisages measures and initiatives that are in line with the observations of the CRC related to this field, as mentioned in the State Report.

Good practice of JP RTRS has been registered

<sup>6</sup> Budgets of local communities do not have clear allocations of funds (except for regular CSW activities) for implementation of child protection measures, and the method of allocation is unclear.

on the promotion of responsible parenting in the media, which represents a good model allowing for future intensification of activities aimed at strengthening the role of family in child upbringing and the role of parenting, as well as activities aimed at prevention of abuse of children placed in institutions<sup>7</sup>.

In September 2015, the Government of RS adopted the Strategy for Improvement of Social Protection of Children without Parental Care 2015–2020<sup>8</sup> and its Action plan and in July 2014, the Government of the FBiH adopted the Strategy for Deinstitutionalization and Transformation of Social Protection System in the FBiH (2014–2020) as mentioned in State report. Progress in deinstitutionalization has been made in Zenica, Tuzla, Sarajevo and Mostar, while in other centers the procedure is ongoing.

<sup>7</sup> REPORT on the Implementation of the 2015-2018 Action Plan for Children for the period June 2015 and April 2016.

<sup>8</sup> <http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/MZSZ/Documents/STRATEGIJA%20UNAPREDJENJA%20SOCIJALNE%20ZASTITE%20DJECE%20BEZ%20RODITELJSKOG%20STARANJA.pdf>

## FUNCTIONING OF CSWS

CSWs still lack necessary human, technical and financial resources to meet their prescribed and undertaken obligations. Operation and functioning of CSWs depend on the financial situation in a particular canton, region and municipality, but also on the sensibility of municipal mayors and members of municipal assemblies. Funding is the major problem for

CSWs because social protection institutions are perceived as “spending” institutions. All this inevitably affects the scope and quality of services provided by CSWs and therefore prevents them from meeting the needs of their beneficiaries. CSWs also face problems with professional staff, especially in small municipalities. There is an obvious lack of



pedagogues, speech therapists, special pedagogues, psychologists, while CSWs have a large number of employees who are not involved in professional activities and they are burdened with administrative work. Professionals working in CSWs are not required by law to establish a chamber, therefore there are no certification experts. Large percentage of CSW still does not have required specialized departments - centers, shelters for children with developmental difficulties, victims of domestic violence etc. Social protection organized at the local level often falls victim of politicking and re-allocation of funds intended for social protection, and of abuse for pre-election purposes when the situation with and capacities of social protection tend to be presented as capable of protecting needy citizens, although the actual situation is far from that and varies largely across communities in BiH.

The analysis "Periodization of the development of the social protection system in RS"<sup>9</sup>, lists all problems and almost sectoral marginalization of social protection, not only in RS but also within reform processes in BiH. The analysis discusses the stalled reform processes, insufficient allocations, multi-monthly delays in the realization of beneficiaries' rights, politicking in the management of social protection institutions, halted processes aimed at improvement and control of the quality of services etc. The analysis outlines several directions in which the social protection development policy should go.

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<sup>9</sup> Periodization of the development of the social protection system – Contribution to the study of the recent history of social protection in Republika Srpska, dr Ljubo Lepir, Faculty of Political Sciences of the University of Banja Luka, Politeia, year 8 No. 14, year 2017

## CHILDREN DEPRIVED OF FAMILY ENVIRONMENT: ALTERNATIVE CARE

BiH child protection system have a whole series of holders of responsibility which often do not cooperate sufficiently, with their capacities and accountability also being questionable. Numerous levels of government are responsible for issues of social protection and health care, education, fiscal policy, including national level, two entities, Brčko District, ten cantons and 137 municipalities. All this results in inconsistencies in the status of children and child protection and is often the cause of violation of their rights. In addition to that, the national level has almost no powers and obligations to ensure a harmonized and sustainable system of social protection, therefore there can be no talk of harmonization of social protection system at the level of BiH<sup>10</sup>.

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<sup>10</sup> Selimovi, J. I Sofović, J. (2010); STATUS OF CHILDREN IN BOSNIA AND HERZEGOVINA: Analysis of the status

Reasons why children are deprived of family environment are different, some of the most common ones are: death of a parent, missing parents, unknown parents, unknown domicile of parents for more than three months and situations where parents who are absent, prevented from or incapable of regularly caring for their child have not entrusted the care for the child to a person for which the guardianship authority has confirmed that they meet the guardianship requirements<sup>11</sup>.

Sufficient measures are not being taken in BiH

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of children without parental care and/or children at risk of losing parental care based on children's rights; Sarajevo: SOS Children's Villages Bosnia and Herzegovina

<sup>11</sup> For more information see: Habul, U.; Application of the standard of "best interests of the child" in guardianship protection of children without parental care (legal framework and practice); <http://eprints.ibu.edu.ba/3042/>

to promote those forms of protection which would ensure family protection of children outside of their own families that would best suit their individual needs.

Around 1,525 children without parental care are placed in institutions for child care, however, according to unofficial estimates this number is 3,000. The exact number is unknown due to lack of statistical data and an integrated database. A special reason for concern is the fact that many children under the age of 3 are placed in institutions, which is extremely unfavorable for their psychological, physical and emotional development. Approximately 40 children in one calendar year are given for adoption.

Application of the standard “best interests of the child”, also, in the practice of alternative care for children without parental care, is not in line with the requirements deriving from the UNCRC. More and more children are being placed in institutions due to socio-economic hardship / poverty in the family<sup>12</sup>.

For now, the most important role in the deinstitutionalization process is played by non-governmental institutions, in particular Hope and Homes for Children, SOS Children’s Villages BiH and UNICEF BiH.

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<sup>12</sup> For more information see: Habul, U.; Application of the standard of “best interests of the child” in guardianship protection of children without parental care (legal framework and practice); <http://eprints.ibu.edu.ba/3042/>

## INSTITUTIONAL PLACEMENT OF CHILDREN WITHOUT PARENTAL CARE

Around 1,525 children in BiH are placed in 15 institutions for children without parental care officially registered with relevant authorities (around 1,395 children in 13 institutions in FBiH). In addition to these, another two institutions for child care of religious character are registered in FBiH and they mainly do not submit data to line ministries about the number and categories of the children they provide care for<sup>13</sup>.

Around 55% of children without parental care are placed in governmental institutions, while the rest are placed in institutions established by non-governmental organizations. Most of the children are placed in child care institutions in the Sarajevo Canton (193), followed by Zenica, Tuzla, Bihać and Mostar.

Home for children without parental

care in Tuzla has started the process of deinstitutionalization led by Hope and Homes for Children in cooperation with the Tuzla Centre for Social Work. The transformation process requires development of new service centers for different needs of children. With the support of the NGO “Zemlja djece u BiH”, a Shelter for children without adequate care has been established and it also provides care for children victims of violence, begging and other forms of economic exploitation, while those who complete secondary education are transferred from the home to the “Halfway House”.

“Home for children without parental care” Bjelave signed the Protocol for the implementation of stage II of the transformation of the Cantonal Public Institution, which will support family-based care for children. The second stage of the project was aimed at improving and developing foster care in the Sarajevo Canton, providing support to young people

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<sup>13</sup> Policy document on the protection of children without parental care and families at risk of separation in FBiH 2006-2016 (2006); Government of the Federation of Bosnia and Herzegovina, [http://www.unicef.org/bih/ba/Politika\\_zastite\\_djece\\_bez\\_rod\\_st\\_2006\\_16web.pdf](http://www.unicef.org/bih/ba/Politika_zastite_djece_bez_rod_st_2006_16web.pdf)

leaving public care through establishment of the “House for Young People”, establishing a service center to support families and children, day care center for children and a small family home. This Protocol was implemented between May 2016 and October 2018<sup>14</sup>. The following participated in the implementation of the project: Ministry for Labor, Social Policy, Displaced Persons and Refugees of the Sarajevo Canton, Public Institution “Cantonal Centre for Social Work”, “Home for Children without Parental Care” Bjelave and NGO “Hope and Homes for Children” in BiH.

In RS, the Law on Social Protection and the Family Law provide for a possibility of institutional placement of children without parental care. Placement of children without parental care and children at risk due to family circumstances is provided in one home for children and young people without parental care. Institutional placement in RS covers

<sup>14</sup> <http://mrsri.ks.gov.ba/aktuelno/novosti-sa-vlade/potpisan-protokol-ojacati-biolosku-porodicu-kakone-bi-doslo-do>

around 143 children below the age of 18 in two institutions. Most of the children are placed in the Home for Children and Young People without Parental Care “Rada Vranješević” in Banja Luka, while a small number of children are placed in other homes in RS, but also in FBiH, Serbia and Monte Negro. Placement of children below the age of three years is allowed, but under special circumstances and for very short periods.

Children with developmental difficulties and those with anti-social behavior are assigned to a special educational group. The home has placed their premises and staff at the disposal of the CSW for placement of mothers with newborn children, specifically mothers who do not have adequate family conditions to care for children at their earliest age<sup>15</sup>.

<sup>15</sup> Strategy for Improvement of Social Protection of Children without Parental Care 2015–2020. <http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/MZSZ/Documents/STRATEGIJA%20UNAPREDJENJA%20SOCIJALNE%20ZASTITE%20DJECE%20BEZ%20RODITELJSKOG%20STARANJA.pdf>

## ADOPTION OF CHILDREN

BiH does not have exact data on the number of families/married couples/individuals who would like to adopt a child, because there is no universal integrated database or register of prospective adopters anywhere in the country. Adoption procedure is very complicated and often takes years, due to which a certain number of parents give up on the intention to adopt a child<sup>16</sup>. There are only rare examples of adopters willing to adopt a child with health issues<sup>17</sup>.

<sup>16</sup> For more information see: [http://fmrsp.gov.ba/s/index.php?option=com\\_content&task=view&id=49](http://fmrsp.gov.ba/s/index.php?option=com_content&task=view&id=49); <http://lolamagazin.com/2016/07/25/put-usvajanja-djece-u-bih-kako-isplivati-na-povrsinu-mora-papirologije/>; <http://ba.n1info.com/a107866/Vijesti/Vijesti/Kakva-je-procedura-i-koliko-je-tesko-usvojiti-dijete-u-BiH.html>

<sup>17</sup> <http://lolamagazin.com/2016/07/25/put-usvajanja-djece-u-bih-kako-isplivati-na-povrsinu-mora-papirologije/>

In 2017, six children were adopted in Republika Srpska, out of that 5 were given for full adoption and 1 for partial adoption. According to the Centre for Social Work in Banja Luka, average number of annual applications for adoption is 100. In FBiH, in 2016, 36 children were adopted.

Following the adoption, social workers no longer have the obligation to monitor and control duties and obligations of parents, except to verify if the parents informed the child about the adoption before the age of seven, which the law requires them to do<sup>18</sup>.

<sup>18</sup> <http://tip.ba/2016/03/19/usvajanje-djeteta-u-bih-po-zakonu-djetetu-do-sedme-godine-morate-recida-je-usvojeno/>

# PLACEMENT OF CHILDREN WITHOUT PARENTAL CARE IN ALTERNATIVE FAMILIES - GUARDIANSHIP

Practice shows that in BiH children are most frequently placed in institutions. These lead to children not having an appointed guardian since they are not placed in guardianship, while they have parents who de facto do not care for them. In some cantons, the application of this form of protection is minimal due to financial reasons. In 2016, guardianship over juvenile persons was provided in 1,571 cases in FBiH, out of which 625 for special cases. Guardianship was provided for 116 children with developmental difficulties. As regards the adoption as the best form of

protection of children without parental care, few children get adopted because parents do not give their consent for adoption of their children, and the guardianship authority has no examples of adoption without the consent of child's parents.

In RS, pursuant to the law, all children without parental care have to be under guardianship. Experiences of CSWs show that close relatives are most frequently appointed as guardians. In 2016, 495 children were placed in guardianship, while 274 children were placed in foster families.

## FOSTER CARE

In BiH, 720 children without parental care are placed in kinship and non-kinship foster families. FBiH made a step forward in the field of child protection with the Law on Foster Care which came into effect in 2018. Currently, we have 90 foster parents in FBiH who received basic training based on a universal program prescribed by the Ministry of Labor and Social Policy of FBiH and we also have 23 national trainers who provide this training. For the first time, we will have a universal register of foster parents in the territory of FBiH. In FBiH, compensation is paid out of the cantonal budgets and it varies depending on the payment capacities of the cantons, which results in direct discrimination of children coming from financially disadvantaged cantons<sup>19</sup>.

In RS there are 286 foster families with around 300 children without parental care – from babies to persons of legal age, while currently there are 500 children without adequate parental care<sup>20</sup>, according to the Assistant Minister for Social, Family and Child Protection of RS. Placement of children in foster families has been on the rise lately. In particular, progress in this area has been seen after the adoption of the Rulebook on Foster Care<sup>21</sup>. Professionals from centers for social work have completed training for identification of prospective foster parents and work with foster families. Efforts have also been made to train the existing and prospective foster parents while monitoring by CSWs is lacking.

<sup>19</sup> <http://www.esrebrenica.ba/mladi-info/kampanja-za-usvajanje-zakona-o-hraniteljstvu.html>

<sup>20</sup> Branka Sladojević, Assistant Minister for Social, Family and Child Protection of Republika Srpska

<sup>21</sup> Rulebook on Foster Care, Official Gazette of RS, 27/14.

# CHILDREN WITH DEVELOPMENTAL DIFFICULTIES

A large percentage of children with developmental difficulties still do not have access to their right to institutional care and education. Since BiH still does not have an integrated database on children with developmental difficulties, it is difficult to say what percentage of children does or does not exercise their right to education. There are databases on children in institutions. Databases on children covered by inclusive education system have still not been established and data on children who are not covered by education are also non-existent.

In both entities, strategies for harmonization of opportunities and improvement of the status of disabled persons expired in 2015 and have not been implemented for the most part. Inaccessibility of physical environment, along with inadequate or lacking orthopedic and other aids, lack of public transportation for disabled persons, as well as lack of information adapted to persons who are blind, deaf or have intellectual difficulties contribute to their exclusion from all social activities. In the field of education, laws on higher level exist, but necessary by-laws and mandatory rulebooks and instructions have mainly not been drafted and no budget funds have been allocated for the implementation of legal provisions. The right to inclusive education guaranteed by law for children and young people with developmental difficulties

is most frequently denied in practice. Also, the state does not provide regular and adequate financial support for efficient functioning of associations of disabled persons, therefore engagement of disabled persons mainly depends on training programs provided by other non-governmental organizations, their own personal capacities and capacities of their organizations<sup>22</sup>.

Variations in the approach to education and other aspects of life of children with difficulties depend on the place where they reside. Thus, things are not the same if you live in Sarajevo, Banja Luka, or in a rural area. Associations of disabled persons provide more than municipalities, entities and the state. Discrepancy between laws and practice is still large. Laws are in line with the Convention on the Rights of the Child, but they are not sufficiently implemented<sup>23</sup>. Laws still treat disabled persons differently depending on the cause of disability.

When it comes to adoption of children with developmental difficulties or children with health problems, adopters, mainly, do not opt for their adoption.

<sup>22</sup> <http://eu-monitoring.ba/alternativni-izvjestaj-za-bih-2016-osobe-sa-invaliditetom-i-dalje-namarginama/>

<sup>23</sup> <http://www.6yka.com/novost/113710/roditelji-se-moraju-odreci-svega-jer-se-drzava-odrekla-djece-sa-poteskocama>

# CORPORAL PUNISHMENT OF CHILDREN

Corporal punishment is still used in BiH as a method of disciplining children. It is a fact that there is no law in FBiH that prohibits corporal punishment of children in the home, however, legislation is the final measure – what is needed most is public awareness-raising about other techniques of disciplining. Initiative for explicit prohibition

and sanctioning of corporal punishment in respective family laws and laws regulating all children's environments has been launched by the Council for Children BiH and before that by RS Ombudsmen for Children<sup>24</sup>. Although

<sup>24</sup> <https://www.cazin.net/clanci/vijest/fizicko-kaznjavanje-djece-u-bih-ce-bitizabranjeno>; <http://www.infobrcko.com/vijesti/item/1936-fizicko-kaznjavanje-djece-uskoro-zakonom-kaznjivo.html>

corporal punishment is not as widespread as it used to be 20-30 years ago, surveys conducted by UNICEF show that at least 55% of parents use corporal punishment<sup>25</sup>.

Information on the status and cases of peer violence and violence among children in BiH, was prepared as a result of a recommendation of the Council for Children BiH to examine the incidence of peer violence in schools in BiH. Collected data show that ministries and schools have been carrying out various activities aimed at preventing peer violence; however, since the problem is widespread, this is not sufficient.

Due to the overall situation in BiH in the

<sup>25</sup> <http://bljesak.info/rubrika/vijesti/clanak/zakone-zabraniti-sipke-55-roditelja-u-bih-tuce-djecu/156321/ispis>

past years, Association of Parents with Juvenile Children in BiH urged the relevant prosecutor's offices and courts to make sure that any procedure for establishing liability of perpetrators of abuse or murder of children by their closest family members also includes establishing liability and processing of officials and employees who were, or had to be, aware of persistent neglect or abuse of children<sup>26</sup>.

Number of institutions in the state which support families is not sufficient – lacking adequate support to families, family counselling centers are sparse in cities, let alone in small communities.

<sup>26</sup> <http://www.avaz.ba/clanak/145999/udruzenje-roditelja-kazniti-drzavne-sluzbenike-koji-nisu-reagirali-na-zlostavljanje-djece?url=clanak/145999/udruzenje-roditelja-kazniti-drzavne-sluzbenike-koji-nisu-reagirali-na-zlostavljanje-djece>

## RIGHT TO PROTECTION FROM SEXUAL EXPLOITATION

BiH ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in late 2012; however, it still has not harmonized its criminal legislation with this Convention. Significant progress has been made in RS with the adoption of the new Criminal Code (2017) which is fully harmonized with international standards related to protection of children from sexual abuse and exploitation. Thus the statute of limitations for a criminal offence against a child is calculated from the time the child reaches the age of majority; it introduces security measures that may be imposed on perpetrators of criminal offences with elements of violence, primarily mandatory psycho-social treatment, as well as prohibition of full engagement in a profession, activity or duty which includes direct contact with children, prohibited access to facilities and landmarks where children congregate, while the age limit for voluntary consent to

sexual activity is raised from 14 to 15 years of age. Pursuant to the new Criminal Code, sentences for criminal offences of sexual violence against children remain in the record for life. Despite the initiatives proposed by NGOs and the initiative of the Council of BiH, in the FBiH no work has been done on the improvement and harmonization of criminal legislation regarding these issues. FBiH does not have a register of sex offenders, which is an obligation of the state according to the European Convention against violence against children and the Lanzarote Convention, to which we are signatories.

Protocol on response to violence, abuse and neglect of children in RS also defines collection of data, record keeping and preparation of annual reports on violence against children and this mechanism has also been integrated in the Law on Primary Education of RS. Since 2014, the Ministry of Internal Affairs has been recording statistical data about these criminal

offences thus enabling the monitoring of the phenomenon of sexual exploitation and sexual abuse of children in this entity. According to official data of the Ministry of Internal Affairs of RS, in 2015, in the territory of this entity, there were 9 criminal offences of rape, out of which four were committed against a child. All these criminal offences were perpetrated by men<sup>27</sup>. In 2015, 330 criminal offences of domestic violence were recorded, which is 22.7% less compared to the previous year. Prosecutor's offices filed 326 reports against 342 individuals. These criminal offences were perpetrated against 377 persons, out of whom 282 were female and 95 were male. Among the victims of domestic violence, 31 juvenile children were recorded. As a consequence of domestic violence, one person was killed, six suffered serious physical injuries, 154 suffered minor physical injuries. Most common types of violence used against victims include physical (273) and psychological violence (68).

As regards crimes against sexual freedom and morality, in 2015, Sarajevo Canton recorded 26 offences (11 more than in 2014), specifically: indecent exposure - 12 offences, rape - five, exploitation of a child or a minor for pornography - four, coercing a child to sexual intercourse and introducing a child to pornography - two, and sexual intercourse with a child - one offence. Based on the grounds for suspicion that they had committed this type of offence, official reports were filed against 29 individuals, while 16 individuals were detained.<sup>28</sup> In the period between January and September 2016, five criminal offences against sexual freedom and morality were recorded, which represents a significant decrease of crime rate for these offences compared to the previous year.

Sanctioning policy for criminal offences of sexual violence against a child remains extremely mild and uneven with a large

range between the minimum and maximum punishment. Thus the criminal offence of "sexual intercourse with a child" in the FBiH and Brčko District carries a sentence between one and eight years, while in RS the same criminal offence carries a sentence ranging between 2 and 10 years' imprisonment.

In RS, Association "Nova generacija" (New Generation) started a safe house for children in 2013 called "Children's House - a Safe Place" which is intended for children victims of violence and exploitation; while in the FBiH, Foundation for Local Democracy started a house for girls. "Children's House - a Safe Place" is the first house intended exclusively for children which have trained psychologists, social workers and educators, and its bed capacity is 14 beds. Placement of children to a safe house is a protective measure aimed at providing physical and mental protection to the victim and preventing further abuse and exploitation.

In 2018, at the initiative of the Ombudsman for Children RS, after a lengthy period of advocacy together with numerous partners, RS adopted the Law on special register of persons convicted of criminal offences of sexual abuse and exploitation of children. This protection mechanism represents a significant progress in the protection of children against violence.

The state has still not established specialized institutions/centers for support and rehabilitation of children victims of sexual violence. Once the cases are processed, unless they are placed in a safe house, children are mainly left to their own devices. Analysis of five cases of sexual violence against children shows that the involvement of the centers/services of social work is mainly reduced to a social worker being present during the interviewing of the child in the criminal procedure.<sup>29</sup>

In early 2018, Association "Zemlja djece u BiH" Tuzla in partnership with the HJPC, prepared a

<sup>27</sup> Information on security situation in Republika Srpska for the period January-December 2015

<sup>28</sup> Report on the work of the Ministry of Internal Affairs of the Sarajevo Canton for 2015

<sup>29</sup> Ombudsmen for Children of RS, Children have the right to protection from sexual violence and exploitation.

Manual for response to cases of gender-based and sexual violence against women and children intended for the police, judges and prosecutors. In March 2018, entity centers for

judicial and prosecutorial training organized training for over 70 representatives of security and judicial institutions from both entities.

## OTHER FORMS OF VIOLENCE AGAINST CHILDREN

In 2016 and 2017, UNICEF supported the capacity building of the NEVAC network that comprises NGOs from across BiH which implement programs dedicated to combating violence against children. One segment of the project focused on building capacities for monitoring of the status of violence against children in local communities. This process included 11 interested NGOs from 11 local communities across BiH<sup>30</sup>. The process included definition of a set of indicators to be used by NGOs for monitoring at local level. At the end of the process, all reports were presented in local communities and a consolidated report was prepared which highlighted problems identified in all communities with recommendations for their addressing.

At the end of the analysis, which was presented per sectors, recommendations were formulated again and we reproduce them here because they reflect the situation and needs of 11 local communities across BiH and can be considered representative of the entire BiH in the field of protection of children against violence at the local level.

**For education:** work with students

<sup>30</sup> Youth Centre Vermont – Brčko, Club La Vie- Livno, Association Don – Prijedor, Foundation for the support of victims of war “Kрила nade” (Wings of Hope) – Sarajevo, Association “Oaza” (Oasis) Trebinje, Association “Most” (Bridge) – Višegrad, Association “Leptir” (Butterfly) from Srebrenica, Association “ToPeer” – Doboј, Association “Lasta” (Swallow) – Drvar, Association of citizens with sight impairment–Tuzla, Association “Ključ budućnosti” (Key to Future) – Ključ, while the entire process was managed by the organization “Zdravo da ste” (Hi Neighbor) from Banja Luka.

on development of their social and communication skills for prevention, work in schools to create an environment characterized by trust and respect, children should be trusted and listened to, and they should be given an opportunity to express their opinions about issues affecting them; violent children are also victims and work should be done with them too; educate children, parents and teachers about the types of violence, how to recognize it and what to do when it happens; use peer assistance as a resource in the prevention of peer violence.

**For social sector** in combating violence, recommendations focus on capacity building of social protection institutions, budget increase, collection and analyzing data, and mandatory establishment of a SOS line for children victims of violence that would be available to everyone 24 hours a day (currently the only such line, Blue Phone, is available 6 hours a day and functions without any support from the system, thanks to the volunteer work of the members of NGO “Nova generacija” from Banja Luka.

**In the healthcare sector** dedicated to protection of children against violence introduce integrated training on identification of violence and support to victims of violence in regular curricula in schools, universities, teacher’s colleges, faculties for social work etc. Establish specialized programs for training professionals on identification of and response to violence against children at local level; ensure special area for examination of children in healthcare institutions, separate



from adults; develop special programs in mental health centers for rehabilitation and social integration of children victims of violence; establish counselling centers for children (proper development for each child) and pay special attention to prevention of peer violence. This program should be verified by all institutions and criteria should be defined as to who and how may

implement these activities at local level; City budgets should allocate funds for expenses related to operation of counselling centers and other preventive programs. The report also included recommendations for special protection measures (which we will not list here to avoid repetition) which are presented below.



## RECOMMENDATIONS

- Harmonize legislation at all levels with the UNCRC and define child as a person under 18 years of age.
- Work on support to biological/primary family prior to separation, but also after separation of children from parents.
- Work on a rulebook regulating support to families at risk of separation.
- Establish an integrated database of prospective adopters; children available for adoption and foster families.
- Make necessary steps to make adoption procedure more adequate both for children and for prospective adopters.
- Take necessary measures to ensure that centers for social work, at all levels, depending on their mandate, have adequate human, technical and financial resources.
- Provide professional training for the staff of centers for social work on preservation of the primary family, but also on alternative forms of care for children.
- Take measures to ensure deinstitutionalized forms of care for children, especially children under three years of age.
- Develop measures to ensure financial, material and human resources for providing assistance and support to families with children with developmental difficulties.
- Make necessary steps to ensure equitable treatment of disabled persons regardless of the cause of disability.
- Establish a register of sex offenders against children and young people in FBiH
- Adopt a law on prohibition of corporal punishment of children that would sanction domestic violence in FBiH, and in RS define by-laws regulating violations of this provision of the law.





## RECOMMENDATIONS



- Support establishment of family counselling centers along with centers for social work which would work in synchrony to provide support for families, children and young people.
- Launch public awareness campaigns and organize educational programs focusing on non-violent techniques of upbringing (especially for parents).
- Harmonize criminal legislation in FBiH with the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.
- Establish specialized departments to work with children victims and members of their families to ensure their full rehabilitation and reintegration.
- Establish institutional mechanisms for response to violence against children in all major local communities.
- Introduce a program of prevention of violence against children in curricula in BiH.
- Provide funds for the SOS line for children victims of violence that would be available to all children 24 hours a day.
- Prepare training programs for professionals working with children in different fields on the phenomenon of sexual abuse and exploitation of children.

# HEALTH CARE AND SOCIAL PROTECTION

According to the laws on health care, each child, from its birth to age of 18, is entitled to the highest standard of health and health care.<sup>31</sup> The practice points to examples that are not in accordance with the law. Thus the Government of Tuzla Canton, by amending the Law on social protection, 46 of Roma children and children from socially disadvantaged families, age 6 to 15, who are not attending the school, were excluded from the right to health care. The Association 'Zemlja djece u BiH' from Tuzla has undertaken a series of activities to annul the anti-constitutional provision, including the request for constitutional review submitted to the Constitutional Court of FBiH. Despite the recommendation given by the Ombudsman Institution, unconditional access to the health care is still denied to these children. There is also a problem of exercising the right to health care during the care of children without parental care outside of RS. The child does not have health care in the FBiH because the insured person belongs to the municipality in which he/she was born and he/she exercise their health care in the RS, which undermines the best interest of the child without parental care and his/her right to the best possible conditions at the institution where he/she is cared for.<sup>32</sup>

## **a) Health insurance coverage of all Roma:**

Action Plan 2017-2020 covers the areas of employment, housing and health care. It specifies the activities and tasks that BiH will execute, in accordance with real needs

<sup>31</sup> 'Official Gazette of FBiH', No. 46/10 and 75/13 and 'Official Gazette of Republic of Srpska', no. 106/09 and 44/15

<sup>32</sup> Recommendation to the Ministry of Health and Social Welfare (Obtaining the right to health care for children without parental care taken out of Republic of Srpska), RS Ombudsman for Children, 2016

and available financial and other capacities.<sup>33</sup> Significant progress has been made especially in introducing many Roma families into the health care system in the FBiH (2013-2016 through MHRR funds, CSWs and cantonal ministries of education).<sup>34</sup> Funds intended for health care of Roma in the amount of BAM 350.000,00 in 2018 are realized in cooperation with the Entities and the Brcko District of BiH.<sup>35</sup> As part of the project 'Raising the awareness of the Roma population in the field of health protection', the focus was on introducing into the health insurance system as many persons of the Roma population who, for various reasons, did not realize this right, with the aim of increasing coverage of Roma with health insurance.<sup>36</sup> There are still many problems related to the registration of Roma children in birth registers, non-reporting of children in CIPS, incomplete data in birth registers, i.e. lack of adequate documentation, or personal documents for all ages.

## **b) Strengthening vaccination programs:**

In the last five years, the FBiH registers a continuous decline in vaccine coverage ordained by the Mandatory Immunization Program. During 2017, the registered vaccine coverage was 69% for three doses of the combined vaccine Diphtheria, Tetanus, Pertussis, Polio and Haemophilus Influenza type B (DTaP-IPV-Hib), and 64% for the first dose of the vaccine against measles, rubella and mumps (MRP vaccine) in Federation of BiH. This number is slightly better in the

<sup>33</sup> Report on the Implementation of the AP for Children of BiH 2015-2018

<sup>34</sup> Official Gazette of BiH, no. 67/17

<sup>35</sup> Official Gazette of BiH, no. 37/18

<sup>36</sup> Report on the Implementation of the AP for Children of BiH 2015-2018

RS and amounts to 83.7% for the first and 86.4% for the second dose of MRP vaccine. A number of parents and professionals in the field of medicine addressed the Institution of the Ombudsman for Children of the RS, addressing the problem of inaccessibility to information on the consequences of non-vaccination of children. This became especially popular at the end of 2017 and the first quarter of 2018, when a large number of measles-related patients in the RS appeared as a result of non-vaccination.<sup>37</sup> Media reporting is just one of the problems that have led to a reduction in immunization rates. Vaccine safety issues, staff skills, lack of trust in the health system, and the dysfunctionality of health institutions are also the causes of the vaccine rate in BiH below prescribed 95%.<sup>38</sup> Against six parents, who are explicitly against vaccination, health inspectors in the RS filed requests for initiation of misdemeanor proceedings in the competent courts. In one case, the Court has already imposed a fine on the parent. A fine for a parent who refuses to vaccinate the child with a vaccine ordained from the Systematic Immunization Program amounts to 100 to 1,000 BAM.<sup>39</sup>

### **c) Control of iron deficiency (anemia):**

The last conducted surveys in FBiH and RS indicate that anemia among infants, preschool and school populations have not been identified as a major disease. The results showed that among the children anemia is present in moderate degrees, while moderate degrees of anemia are present among women aged 15-49 at the lower limit of the reference range. The same survey was conducted on a sample of Roma women and children and the results showed that the incidence of anemia in children aged 6-59 months is

11.4%, in children aged 5 to 15 is 16.6%, and in women aged 15-49 the incidence is 10.5%, and according to the criteria for assessing the severity of anemia in the population in all target groups there is a slight degree of anemia.<sup>40</sup> According to the results, there was no need to introduce a comprehensive iron supplementation program.

**d) Breast-feeding programs:** Under the coordination of the Ministry of Health of FBiH, the program of breastfeeding promotion has been underway since 1995, including the implementation of the Baby Friendly Hospital Initiative. Based on the UNICEF Recommendation, the Agency for Quality and Accreditation in Health Care in the FBiH (AKAZ) has created standards for the accreditation of 'Baby friendly hospitals', as well as a Continuing Professional Education Curriculum for employees in 'baby friendly hospitals', and for evaluators. By mid-2015, a total of 15 hospitals in the FBiH were baby friendly hospitals. At the proposal of the Food Safety Agency of BiH and the relevant entity ministries, the Council of Ministers of BiH adopted the EC Directive on Infant formulas and the EC milk directive, which cover part of article of the Code. The policy of improving the feeding of children in FBiH, the Ministry of Health of FBiH, implies compliance with the Code, which is not legally enforced, but is applied as a recommendation.<sup>41</sup> Thanks to the activities of the Children friendly hospitals, more and more children are exclusively breastfed, and more children in rural areas. Only 51.5% of newborn babies are for the first time breastfed within one day of birth, and breastfeeding starts within a day of birth of 87.3% of newborns in the FBiH. In Roma population, 21.3% of children are breastfed<sup>42</sup>

<sup>37</sup> <http://www.djeca.rs.ba/uploaded/preporuka%20vakcinacija.pdf>,

<sup>38</sup> <http://tntportal.ba/2018/09/kako-do-istine-o-vakcinama-stepen-vakcinisanja-u-bih-ispod-95-posto/>,

<sup>39</sup> <https://avaz.ba/vijesti/bih/366385/potvrdeno-za-avaz-ba-izrecene-prve-kazne-za-roditelje-u-bih-zbog-nevakcinisanja-djece>

<sup>40</sup> Report on the Status of Children's Rights in BiH for 2014-2016

<sup>41</sup> Report on the Implementation of the AP for Children of BiH 2015-2018

<sup>42</sup> Public Health Bureau of FBiH, Health of Population and Health Care in FBiH in 2015, Sarajevo, 2016

# STATE OF URANIUM CONTAMINATED AREAS

During the UNEP mission in BiH, 14 sites were explored, and depleted uranium was found on three: two in Hadzici and one in Han Pijesak. At one of these locations, water contamination was also identified, on two contamination of the air, and on three contaminations in the flora samples. At the Public Health Institute of FBiH they point out that they did not notice increased radioactivity, but they think that it would be best to perform detailed decontamination of the polluted areas, for which there are no funds now.<sup>43</sup> The bombing in the course of the recent war has left lasting consequences for the former and present inhabitants of Hadzici. By avoiding talking about it, representatives of government institutions do not want to take adequate action on remediation of the consequences. The same situation is with examples of pollution that arose as consequences of natural disasters.<sup>44</sup> In FBiH,

<sup>43</sup> A spokeswoman for the RS Institute of Health, Milka Mrda

<sup>44</sup> Report on the Status of Children's Rights in BiH for

99.6% of the population is using improved sources of drinking water. During the last 3 years, samples of water in 60 preschool and school facilities were taken in the KS area for laboratory and micro bacteriological analyzes. The results of the study showed that the samples met the prescribed standards.<sup>45</sup> In the RS, analyzes of soil and plants were made at several locations. According to the results of the analysis, citizens in the RS do not have any reason to worry. Responsible services found nickel in two places in Samac and Bijeljina. At the Institute of Agroecology of RS, who conducted the analysis, they told reporters that nickel of mineral origin as such is not dangerous for agricultural crops. Research on arsenic and mercury was not done, their director told CIN reporters. 'We are not equipped enough to be able to stand behind those results.'

2014-2016

<sup>45</sup> Public Health Bureau of FBiH, Health of Population and Health Care in FBiH in 2015, Sarajevo, June 2016

# ADOLESCENT HEALTH CONSUMPTION OF TOBACCO AND TOBACCO PRODUCTS

There is a lack of a part of primary prevention since mainly ignorance of young people is a cause of the illicit use of tobacco, alcohol and drugs.<sup>46</sup> Every year, more than 8,300 citizens lose their lives directly due to tobacco-induced diseases. With a large number of smokers

<sup>46</sup> Aleksandar Milić, psychologist

in our country there is also a high exposure to tobacco smoke in all public places. Even 77,3%<sup>47</sup> of young people aged between 13 and 18 are exposed to passive smoking, which is endangering the children and

<sup>47</sup> From the autumn ban on smoking in the FBiH, radiokameleon.ba/2016/4/39884

young people's health. Even 60.6% of smokers among schoolchildren said they were buying cigarettes and other tobacco products at stores and even 85% of them were never asked for age or refused the sale of tobacco products in the same facilities due to the fact that they are under the age of 18.<sup>48</sup> According to the existing law, smoking is prohibited in educational, health and social institutions.<sup>49</sup> In the FBiH there were a large number of facilities opened where nargillas were being smoked. It is known that children under the age of 18 are also gathered there and that there is no adequate control. In the RS, the situation is much better as a set of laws has been adopted – the Law on the ban on smoking in public places, the Law on the ban on tobacco consumption and sale to persons below the age of 18, and the Law on the ban of Tobacco Advertising through media. In 2015, the Health Inspection carried out 253 controls and issued 3 penalties in the amount of 3.000,00 BAM. It is well known that in most catering facilities there is no separate smoking area.<sup>50</sup> During the year 2016, the Ministry of Health of FBiH initiated drafting of the tobacco control strategy documents and the Law on Control and Restricted Use of Tobacco, Tobacco and Other Smoking Products in the FBiH.<sup>51</sup> The new Law banned the use of all tobacco and other smoking products in all closed public spaces, workplaces and public transport. The new law also foresees penalty measures<sup>52</sup>

**Alcohol consumption:** MIA research shows that the trend of drinking among young people age 13 to 17 is on the rise in recent years. A few years ago, even the Center for Youth Education was aware of the problem of adolescents, and therefore asked the Ministry of Education of FBiH to take steps to create a safe environment for pupils.<sup>53</sup> In a 'Mystery Shopper' survey, underage volunteers, out of 10 facilities, managed to buy alcohol in 6, although it was illegal. In the statistical bulletin<sup>54</sup> the Social welfare service in the FBiH registered 361 alcoholics.

**Drug Consumption:** Statistics from the FBiH Police Administration from January to March 2018 show that the number of criminal offenses of abuse of narcotic drugs in the territory of FBiH increased by 30,50%, and the increase in the number of registered cases by 34, 59% compared to the same period in 2017. According to the FPA data, in the first three months of this year, more than 10 kg of drugs, mostly marijuana, followed by amphetamines and other drugs were seized. We do not have an institutional form of drug treatment in all local communities. Today we have only institutions in Sarajevo, Zenica, Mostar, Dobož and Banja Luka. The prevalence of drug addiction in BiH primarily depends on the place of residence, but urban areas are affected more than rural. There is an increase in the number of younger addicts, this age limit is being moved and, now, we can talk about addicts even among children.<sup>55</sup> In BiH, NGOs have organized therapeutic communities for treatment of addicts, but there are several communities established by government institutions.

<sup>48</sup> Prof. dr. Aida Ramić Čatak, Assistant Director for Professional Affairs of the Public Health Institute of the Federation of BiH

<sup>49</sup> Report on the Status of Children's Rights in BiH for 2014-2016

<sup>50</sup> Report on the Status of Children's Rights in BiH for 2014-2016

<sup>51</sup> Health status of population and health care in FBiH 2016

<sup>52</sup> <http://ba.n1info.com/a270862/Vijesti/Vijesti/Vlada-FBiH-usvojila-prijedlog-zakona-o-zabrani-pusenja.html>, (accessed 08.10.2018.)

<sup>53</sup> <http://balkans.aljazeera.net/blog/mladi-ovisnici-nemaju-bitu-tabu-tema>, (accessed 08.10.2018.)

<sup>54</sup> Bureau of Statistics of FBiH, Social Protection/Care in Federation of BiH in 2015, Sarajevo 2016

<sup>55</sup> Mirnes Telalovic from the Institute for Addictive Diseases of the Zenica-Dobož Canton (ZDC)

# STANDARD OF LIVING

In 2016, there was 28% of the population below the absolute poverty line, 28% in the FBiH and 30% in the RS. This means that in BiH some 900,000 people live below the absolute poverty line. According to the EU, BiH is one of the five poorest countries in Europe. GDP per capita is 28% of the EU average.<sup>56</sup> UN studies show that every sixth inhabitant of BiH lives on 3 to 5 BAM a day, 17% of the population is in extreme poverty, far below the absolute poverty line, and 700.00 of the population is on the verge of poverty.<sup>57</sup> Poverty is even more pronounced among younger children (0-4 years), of which 1/3 are poor in four out of six dimensions. Such an organized system of social and child protection in BiH does not represent the basis for reducing and eliminating poverty.<sup>58</sup> The poverty rate is the highest among households with three or more children and is 19.7%. Children living in households that are led by women (23%) are far more at risk of poverty and deprivation.<sup>59</sup> The system of social protection of children in BiH is rather uneven, which makes it difficult to undertake the most important measures in order to eliminate all forms of discrimination against children in the realization of guaranteed social rights and different social treatment of children in different parts of BiH.

**a) Poverty Reduction Strategy and Programs:** To date, no entity or cantonal government has started developing a strategy for poverty reduction and special programs at local and community levels. The exception is the ZDC, which adopted the Development Strategy for the Period 2016-2020, which includes measures whose

implementation will impact on reducing poverty in this canton. Apart from the municipalities of Breza and Usora, also all local self-government units have established Local Development Strategies. However, it is apparent from the submitted data that some cantonal governments, within the social and health care sector through special measures and programs, have an impact on reducing the poverty of children with the aim to ensure access to basic rights of the child.<sup>60</sup> The BiH Council of Ministers in its action plan for the annual work program for 2018 aims to reduce poverty and social exclusion.<sup>61</sup>

**b) Improving the availability of employment for young people and children**

- Young people in BiH face a number of problems of economic, social and institutional nature. Every fourth young person works on jobs that are different from their orientation or formal education, and it causes the significant lack of knowledge and skills required to do the job. The greatest prospects for employment of young people are on the informal labor market with poor working conditions, low quality jobs and without any security. As a consequence of that, according to a study conducted by UNDP in BiH, 2/3 of young people would leave BiH due to temporary work, marriage or permanent residence in another country. According to the Labor Force Survey of the BiH Statistics Agency for 2016, the unemployment rate was the highest among young people aged 15-24 and amounted to 54.3% (52% for men and 58.9% for women). In 2016, a total of 274 children/young people received assistance for vocational training and work, while no child/young person was engaged in work and any other forms of work.<sup>62</sup> In July 2018, the number of registered unemployed persons in

<sup>56</sup> Analysis and monitoring of the status of priority issues in the area of human rights - marginalized groups in BiH, FSU in BiH, 2018

<sup>57</sup> Dr Zarko Papić, Poverty and Worker Poverty in BiH, 2017

<sup>58</sup> Source: Research Report, Situational Analysis in the Field of Child Protection in BiH, Mapping of the Labor Force in Social Security Services

<sup>59</sup> Report on Social Inclusion of BiH, Annual Report 2016

<sup>60</sup> Report on the Status of Children's Rights in BiH for 2014-2016

<sup>61</sup> Work Program of the Council of Ministers of BiH for 2018, p. 45

<sup>62</sup> Agency for Statistics of BiH

BiH totaled 450,392.<sup>63</sup>

**c) Child allowance:** The child allowance in FBiH is still uneven and ranges from 14.74 to 42 BAM - and it is insufficient for the survival of the child. In some cantons, the payment of a child allowance is delayed for several months. In July 2018, the FBiH government made a significant step forward in harmonizing this right by establishing a draft of the first reform law concerning the protection of families with children. New legal solutions eliminate discrimination against children based on the place of residence, and equalization of the rights of children on child allowance.<sup>64</sup> The rate of a child allowance in the RS for 2018 ranges from 35.55 to 90.85 BAM.<sup>65</sup> **Under the new Law on Child Protection which entered into force on January 1, 2018, the right to child allowance for children with disabilities are only for children with the most difficult forms of disabilities, i.e. three year old children who need to be under intensive health care according to the physician, the children who use a supplement for helping and caring for another person.** On August 3, 2018, the

RS Government adopted the decision on approval of spending the funds for support of a child protection, the measure of support for the exercise of the right to child allowance, for the children whose damages or illness does not cause functional dependence and are not entitled to the child allowance stipulated by the Law. It refers to the beneficiaries who have applied for the right to child allowance upon the date of entry into force of the Law, or from January 1, 2018. Currently, in the RS, 21,966 children use the right to child allowance, out of which 4010 are children from these vulnerable categories.<sup>66</sup> A clear example of the brutality of a law conducted by the CSW Banja Luka is an example of a five-member family with three underage children who was denied the right to child allowance because of the amount of the censuses for exercising that right, which amounts to 84,00 BAM,<sup>67</sup> because the legal census for exercising the right is 82.95 BAM per member, whereby this five-member family loses the right to an allowance due to 1.05 BAM.

<sup>63</sup> Agency for Statistics of BiH

<sup>64</sup> Association 'Zemlja djece u BiH' Tuzla

<sup>65</sup> PI Public Fund for Child Protection

<sup>66</sup> A statement from the Public Relations Bureau of the RS Government

<sup>67</sup> Documented information received from UMNRL Banja Luka





## RECOMMENDATIONS

- Provide free access to health care throughout the territory of BiH for all children under age of 18.
- Conduct ongoing public campaigns in local Roma communities on the right to health insurance and protection.
- Identify additional budget resources at entity and cantonal level to improve access to Roma health care.
- Ensure continuity in supplying vaccines in BiH and increase the level of immunization of children, and in particular children of Roma for all vaccines.
- Improve communication and information exchange between parents, primarily young mothers and health professionals, in order to improve the immunization status of preschool children of the Roma population.
- Improve the education and information system related to the immunization of children in BiH, respect and strengthen trust in expert opinions and attitudes.
- Increase breast-feeding rates in hospitals that are adapted to babies and continuously carry out breastfeeding promotion activities.
- Take concrete measures to remedy the effects of contaminated areas in BiH, monitor the health status of the population in these areas and ensure adequate treatment of them.
- Provide a ban on smoking in public places and the consistent application of the laws enacted. Implement a ban on setting up tobacco, alcohol and betting shops in the vicinity of educational institutions.
- Continually implement prevention measures among children and young people on all toxicomas and healthy lifestyles.
- Developing a strategy against poverty in BiH should be the priority of governmental institutions.

# EDUCATION, LEISURE AND CULTURAL ACTIVITIES

Children in BiH grow up in an environment that does not provide them with equal chances of success. Ensuring human rights protection, it is often done on the principle of immediate problem solving, without establishing more permanent solutions. In which part of the BiH child lives will also depend on the exercise of the right to education.

Education in BiH is complex, fragmented and characterized by strong political color, lack of transparency, discrimination, segregation and assimilation. Due to the meager funds for education in the budgets, a targeted high percentage of 7.5% was not reached by 2015 according to the Millennium Development Goals for BiH. In fact, data show that this percentage decreases year by year and does not exceed 4.9%. The assets allocated for education are insufficient, as between 77%<sup>68</sup> and 92%<sup>69</sup> out of total amount is spent on salaries of employees, which is sufficient evidence of how little is allocated for education.

Education in BiH is in the full and undivided jurisdiction of 12 institutions and it is really difficult to achieve harmonization in this area.

The Ministry of Civil Affairs of BiH and the Federal Ministry of Education and Science have more coordinating role. There is no reliable statistics that gather relevant data on the realization of activities in the field of education, so it is difficult to create a complete and real picture of the situation of children's rights to education.

However, it is clear that educational systems in BiH are not inclusive. Inclusion is manifested through the absence of specific laws and by-laws; the fact that the exercise of the right to education depends on the territory where the child resides; the difference in the quality of education in urban and rural areas; insufficient involvement of marginalized groups, especially children with disabilities and Roma children; appointment of school directors by political line; insufficient training of teachers to work in inclusive schools; non-defining teacher quality standards; lack of consequences for poor quality work; extracurricular activities that are not sufficiently developed; architectural barriers in school buildings; an obvious lack of adequate didactic-methodical means<sup>70</sup>, etc.

<sup>68</sup> Bajramovic et al. (2016); Report on the Status of Children's Rights in BiH for 2014 - 2016; Sarajevo: Association for the Rights of the Child 'Nasa djeca' Sarajevo

<sup>69</sup> As can be seen in the National Report

<sup>70</sup> Bajramovic et al. (2016); Report on the Status of Children's Rights in BiH for 2014 - 2016; Sarajevo: Association for the Rights of the Child 'Nasa djeca' Sarajevo

# PRESCHOOL UPBRINGING AND EDUCATION IN BOSNIA AND HERZEGOVINA

Most prominent problems in preschool education are low percentage of children enrolled in preschool education and lack of adoption and implementation of laws and by-laws in this area in several cantons in FBiH. The obligation to adopt its own laws harmonized with the Framework Law is not fully and timely executed, and the competent education authorities from Central Bosnia Canton, Herzegovina-Neretva Canton and West Herzegovina Canton as the reasons state a lack of necessary resources (financial, personnel, spatial), indicating that they have already prepared new laws that are fully in line with the Framework Law.<sup>71</sup> In the Una-Sana Canton, the Cantonal law was adopted in 2010, but still is not being applied due to the lack of necessary resources.

The enrollment rate of children aged 3 to 6 in preschool institutions in BiH is still very low and is far from the European target of 95% by 2020, especially in the period that does not include compulsory preschool education the year before starting school. Only 14.4% of children in BiH are enrolled in the preschool education, which is the lowest percentage rate in Europe.<sup>72</sup> The least enrolled are

<sup>71</sup> Information on the implementation of the Framework Law on Pre-school upbringing and Education in Bosnia and Herzegovina for 2016

<sup>72</sup> Alternative Report for BiH 2016: Political Criteria, BiH

those children living in rural areas, children belonging to national minority groups, children without parental care and children with disabilities. Only about 2% of the children of the poorest fifth of the population and Roma children attend preschool institutions.<sup>73</sup> In the pedagogical year 2017/2018 there was 4,884 children in the nursery group.<sup>74</sup> A total of 2,777 children are still waiting for the place in preschool institutions, which presents another problem expressed in the preschool education – so called, waiting lists.

Obligatory preschool program in the year before starting the school was introduced in cantons TC, ZDC, BPC and KC, in BD and RS. So far, 100% of children have been enrolled for one year program before starting the school in BP, CS, BD and TC. In the RS, the percentage ranges between 36% and 43% of the total number of children in that entity. The reason for not conducting a compulsory program in other parts of BiH is of a financial nature.<sup>75</sup>

Initiative for monitoring integration, (2016), Sarajevo

<sup>73</sup> United Nations Joint Program and Budgetary Framework for Bosnia and Herzegovina 2015-2019: United Nations Development Assistance Framework, 2015

<sup>74</sup> Agency for Statistics of BiH: [http://www.bhas.ba/saopstenja/2018/EDU\\_02\\_2017\\_Y2\\_0\\_BS.pdf](http://www.bhas.ba/saopstenja/2018/EDU_02_2017_Y2_0_BS.pdf)

<sup>75</sup> Bajramovic et al. (2016); Report on the Status of Children's Rights in BiH for 2014 - 2016; Sarajevo: Association for the Rights of the Child 'Nasa djeca' Sarajevo

# PRIMARY AND SECONDARY EDUCATION IN BOSNIA AND HERZEGOVINA

Although primary education is compulsory and free of charge, which implies full provision of conditions for free access and participation of pupils in upbringing and education, it is free only in the sense of the

direct costs of education. Some other pupil costs are realized in accordance with the financial possibilities of cantons and entities. Free transportation is also provided for pupils who live 3 to 5 kilometers away from school,

snacks for socially disadvantaged pupils in some parts of BiH, free textbooks for particular ages and groups of pupils.<sup>76</sup>

Although entity and cantonal ministries allocate a significant amount of money to provide textbooks and student transportation (mostly for I and II grade of the primary school, children in need, Roma children and children with disabilities), which is an important social measure, the parents need to provide a significant sum for the education of their children. It is not possible to collect accurate data on the costs that parents pay for their children's education, but they are estimated from 880.00 to 1.500,00 BAM per annum.

Regular secondary education, including technical and vocational education, is free of charge at the level of direct costs, but there is no statutory obligation to pay transportation and textbook purchases, although some local communities and relevant ministries of education in BiH co-finance secondary school transportation. According to information from relevant ministries of education, there are a high percentage of children enrolled in secondary school after completing elementary school, but there is

<sup>76</sup> Bajramovic et al. (2016); Report on the Status of Children's Rights in BiH for 2014 - 2016; Sarajevo: Association for the Rights of the Child 'Nasa djeca' Sarajevo

a dropout before graduation. In the FBiH, in three cantons, the legal norm has prescribed and introduced compulsory secondary education with two-year duration (CS, BPC and USC). To date, in these three cantons, no student has gained qualification through this form of education.<sup>77</sup> Generally, the poor financial situation of the household means the lower percentage of children in high school: the lowest percentage of children is identified among those coming from the poorest backgrounds (84%).<sup>78</sup> A Study among children and youth in schools conducted in 17 municipalities in BiH found that economic hardship, poverty, lack of access to schools, and limited awareness of the importance of education are the main reasons for school drop-out. It shows that Roma children are especially prone to early leaving. In FBiH, the high school drop-out rate is about 38% of the first class pupils, while the dropout rate in RS is much lower. It is assumed that the school drop-out rate in BiH is about 30%.<sup>79</sup>

<sup>77</sup> Bajramovic et al. (2016); Report on the Status of Children's Rights in BiH for 2014 - 2016; Sarajevo: Association for the Rights of the Child 'Nasa djeca' Sarajevo

<sup>78</sup> [http://www.ba.undp.org/content/bosnia\\_and\\_herzegovina/bs/home/mdgoverview/overview/mdg2/](http://www.ba.undp.org/content/bosnia_and_herzegovina/bs/home/mdgoverview/overview/mdg2/)

<sup>79</sup> Analysis of deficiencies in the field of social protection and inclusion policies in Bosnia and Herzegovina, UNICEF, 2013 [http://europa.ba/documents/delegacijaEU\\_2013110508270510bos.pdf](http://europa.ba/documents/delegacijaEU_2013110508270510bos.pdf)

## SCHOOL DISCIPLINE

**Physical punishment in schools is strictly forbidden.** However, there are still 'physical clashes' between teachers and pupils. Thus, for example, a teacher caused injuries to six pupils of the VIII grade at the premises of the elementary school 'Kiseljak 1', located in the SBC<sup>80</sup> or a teacher from Bijeljina, RS who beat the pupils of Primary School 'Vuk Karadzic' on the excursion.<sup>81</sup>

<sup>80</sup> <http://www.6yka.com/novost/104787/nastavnik-pretukao-sest-ucenika>

<sup>81</sup> <http://www.klix.ba/vijesti/crna-hronika/bijeljina->

Hygiene information at school is extremely difficult to obtain and generalize, at the same time. However, **practice shows that hygiene in schools is not quite at a satisfactory level.** In school toilets, mostly, there is no hot water and the suitable soap, and paper towel or hand dryer. This is particularly relevant for the schools in rural areas. Furthermore, the situation is getting more complicated when

[nastavnik-pretukao-ucenika-na-maturskoj-ekskurziji/130527085](http://www.klix.ba/vijesti/crna-hronika/bijeljina-nastavnik-pretukao-ucenika-na-maturskoj-ekskurziji/130527085)

there is water reduction in some places or through the floods periods. Of course, schools are trying to maintain at least the minimum criteria for school hygiene, including disinfection and pest control.

*The policy of rationalizing the cost of education through the closure of the regional schools or administrative merger of two schools exists in BiH, and in past years has been expressed.* Namely, there are a fewer number of pupils, especially in rural parts of BiH, where there are schools with no enrolled

pupils for the current year or the number of pupils has significantly decreased. The main reasons for this situation are the decreased birth rates and departure of families with children from BiH to European countries. Last year, five-grade departments of the regional schools were closed in the Republic of Srpska, which did not have any pupils in that school year, as well as another 10 such departments that had one or two pupils enrolled. At the same time, rationalization also meant combining classes from the sixth to the ninth grade in 12 regional nine-grade schools.

## STATUS OF CHILDREN OF ROMA ETHNICITY IN EDUCATION IN BOSNIA AND HERZEGOVINA

Children of Roma ethnicity<sup>82</sup> are exposed to discrimination in school, which, in combination with family poverty, is an obstacle to education. The enrollment rate for elementary school for Roma children is only 46.9%. The school attendance rate is only 69.3% in elementary school, and only 22.6% for secondary education. Only 10% of Roma children have complete the high school. Although the Roma minority is the most numerous in BiH, there is no qualified teaching staff for teaching in the Roma language. According to the submitted data from the competent ministries, 1,188 of Roma children (62.43%) who are enrolled in elementary education speak Romani language. But there are no textbooks or education in the Romani language.<sup>83</sup>

It is estimated that almost 80% of Roma live in poverty.<sup>84</sup> The Decade of Roma is over, but no significant progress has been made in improving Roma status, particularly

in the field of education. The 'Kali Sara' Association identified significant practice of discrimination.<sup>85</sup> The practice refers to the refusal of a school to include a Roma child in elementary school, the refusal of a teacher to take a Roma child in the classroom, the refusal of parents that no Roma child should attend 'their' school because their school is not 'a gypsy school'. Many Roma children are not attending school because their parents cannot provide them with books, clothes, and other equipment.<sup>86</sup> According to the data, even 99% of Roma children are not going to kindergarten.<sup>87</sup> The number of Roma children enrolling and completing the school is unfortunately incomplete, in the Brcko District of BiH, 97 Roma attend elementary school, while only four Roma attend secondary school.<sup>88</sup>

<sup>82</sup> The position of Roma children and their families in Bosnia and Herzegovina, 2013

<sup>83</sup> Faces of discrimination: education and Roma in BiH, April 2014

<sup>84</sup> Joint Program and Budgetary Framework of the United Nations for Bosnia and Herzegovina 2015-2019: United Nations Development Assistance Framework 2015

<sup>85</sup> <https://bedrudingusic.wordpress.com/2015/04/08/sanela-besic-izvrsna-direktorica-kali-sara-romskog-informativnog-centraiz-sarajeva-status-romske-djece-u-skolama-na-podruclju-bih-je-zabrinjavajuci/>

<sup>86</sup> Alternative Report for BiH 2016: Political Criteria, (2016), Sarajevo: Initiative for the Monitoring of European Integrations of BiH

<sup>87</sup> <http://pressrs.ba/info/vijesti/u-bih-zivi-oko-100000-roma-ali-su-nevidljivi-13-02-2016>

<sup>88</sup> <http://pressrs.ba/info/vijesti/u-bih-zivi-oko-100000-roma-ali-su-nevidljivi-13-02-2016>

# QUALITY OF EDUCATION IN BOSNIA AND HERZEGOVINA

Thanks to the country's commitment to access the PISA study in 2018; pupils from BiH have been given the opportunity to compare their knowledge with peers from all over the world.<sup>89</sup> Agency for Preschool, Primary and Secondary Education of BiH is the leader of the entire PISA research process and has the role of the national PISA center. The research is conducted in cooperation with all educational authorities in BiH and with sampled secondary schools. Given the fact that in BiH, apart from the Study conducted by TIMSS 2007, there has been no extensive and quality research in education, so participation in the PISA study could, in a quality way, present the real situation within educational systems, give a clear picture of student achievement, and remarks in which direction further development strategy can be built in this area.

However, in order to determine the degree of development and improvement of education, an extensive research should be conducted, led by the institutions responsible for education at the level of BiH. It is evident that education in BiH is deeply decentralized, pupils attend classes according to three curricula, talk about three different educational systems, pupils are still expected to reproduce the facts given in textbooks or what a teacher has been 'lecturing' during

the class, that pupils are exposed to different forms of discrimination on a daily basis. It can be concluded that education in BiH is still far from the expected quality, improved effectiveness of the education and training system, increased research in education and everything else that BiH children need to be socially involved in and competitive at the labor market. The education sector continues to be environment under the risk when it comes to corruption, which directly reflects on the quality of education and the realization of children's rights in this area. Due to insufficient capacities of the competent agency, coordination between the authorities responsible for quality assurance in education is poor. Assessing the status and urgent adoption of new strategies will contribute to further work on ensuring compatible education policies and to better correlation of educational programs following the labor market changes and needs in BiH. Unfortunately, the initial education of teachers, especially the subject teaching, is still inadequate and does not correspond to the needs of modern trends in education. Also, professional training is often very questionable with regard to the subjects and trainers of the training. Teacher licensing is not provided for though laws, but teachers are evaluated in accordance with the by-laws.

<sup>89</sup> <https://aposo.gov.ba/hr/pisa-napokon-u-bosni-i-hercegovini/>

## EDUCATION ON HUMAN RIGHTS AND PEACE IN BIH

According to the competent authorities, all educational institutions, through regular teaching and extracurricular activities and projects in cooperation with the local

community and the non-governmental sector, work to develop respect for different values. These values are promoted and developed through various teaching subjects, e.g.

Culture of Religion, Culture and Community, Culture of Living, Civic Education, Religious Studies, Healthy Lifestyles, etc.

In seven cantons working according to the CUR in Bosnian language, contents of the civic education and teaching in classroom are realized interdisciplinary, in the subject classes for VIII or IX grade as separate subject, and in high school as an obligatory subject with two classes per week. In two other cantons, these contents are studied interdisciplinary in elementary school, and in high school as a semi-annual content in the subject: Politics and Economy. In the Herzegovina-Neretva Canton, the contents from the field of civic education are not realized in elementary school - the subject does not exist in schools, whereas in secondary schools these subjects are studied in the II grade within a separate subject with two classes per week.<sup>90</sup> In RS, the contents from the field of civic education in elementary school are realized in classroom

teaching interdisciplinary, in subject teaching as a separate subject in the VI grade, and in secondary school as an obligatory subject two classes per week in grade III or IV (depending on whether it is the grammar school or a vocational school). Textbooks have been developed and created by BiH teachers in three official languages with the same content, which makes these textbooks different from the ones used in other subjects, whose content is largely different for each of the three constituent peoples.

*However, in spite of the abovementioned, in practice, the right of children to learn about the other and different and gain the knowledge and skills necessary to live in a democratic multicultural society, in peace and respect for the rights of others, is still not fully respected.* It does not sufficiently inspire pride in BiH affiliation. The religion of others is highlighted as a problem, and pupils are induced feeling of vulnerability.

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<sup>90</sup> Education Center for Democracy and Human Rights CIVITAS



## RECOMMENDATIONS

- Achieve 100% enrollment of children and completion of primary school for all children.
- Make the necessary steps to ensure that secondary education becomes compulsory in all parts of BiH.
- Establish sustainable day-care centers for young children to encourage early childhood education and development, and to create good pre-conditions for learning and education, but at the same time develop parental competencies of young women and mothers of Roma national ethnicity.
- Take concrete measures to eliminate the model of education ‘two schools under one roof’ and other forms of discrimination in school.
- Introduce a national group of subjects in all schools in BiH in accordance with the needs of the concrete area.
- Provide as many free activities for children in school and community, especially in the rural and poorer parts of BiH.
- Adopt laws in all cantons of the FBiH that are harmonized with the framework laws at all levels of education.
- Provide measures and activities that will increase the percentage of enrolled children in preschool programs to achieve the target of 100% child enrollment rate.
- Ensure that preschool education is compulsory one year before starting elementary school in all parts of BiH.
- Ensure that the compulsory preschool program has more hours and content than the previous practice.
- Ensure the promotion of inclusive education through systematic solutions, provision of financial resources, public awareness, targeted programs, provision of a number of expert teams for assistance and support to teachers, children and parents.
- Introduce an elective subject in Roma language, culture, history, and provide a textbook for the same at all levels of education.



# SPECIAL PROTECTION MEASURES

## MIGRANT CHILDREN, ASYLUM SEEKERS AND REFUGEES

In BiH there are still 121 collective centers with 7,247 beneficiaries that need to be provided with 2,600 housing units. The largest number of collective centers is located in FBiH, while in the Republic of Srpska, a total of 151 people are placed in collective centers in nine cities and municipalities.<sup>91</sup> A large number of children (675) aged up to 17 years still live in collective centers. The living space in which children are staying is unsuitable, in one room several generations of people are living, water is outside of the facility, as well as a shared toilet. Most of the settlements are isolated. Some centers are located in unsuitable locations that are at risk for the health of children, such as the refugee settlement 'Mrdici' in Banovici municipality, located on the surface of the coal mine site. Children do not have access to preschool education. A large number of school-age children after completing elementary school do not continue education due to lack of support system for subsidizing transportation costs. Not a single collective settlement has a special place for organizing social, cultural, sports and entertainment contents for children and young people. However, it is positive that BiH authorities have decided to close the collective centers by 2020 and launch the project 'Closure of collective centers and alternative accommodation shelters by securing public housing solutions

<sup>91</sup> <https://www.radiosarajevo.ba/vijesti/bosna-i-hercegovina/do-2020-zatvaranje-kolektivnih-centara-u-bih/252362>

- CEB 2' implemented in 45 cities and municipalities in BiH.

Implementation of the Revised Housing Strategy for Roma has several key problems: unresolved property and legal issues when it comes to real estate, lack of basic infrastructure, location for new housing units and lack of communication with Roma community representatives. Despite this, significant progress has been made in the providing housing for Roma.

The health awareness of displaced persons and Roma is at the low level and the distance of the health facilities, devastated and humid living rooms and inadequate nutrition, results in a high percentage of children suffering from chronic diseases of the respiratory organs. Health insurance for internally displaced children and returnees, as well as their parents, is limited to 'basic health care', and in some cantons, besides the existing health insurance, access to health care for children is also conditional on the payment of additional costs (annual premiums). In the FBiH, there is still no systemic solution for the Roma health insurance problem. The model currently being implemented for introducing uninsured Roma into the health insurance system in the Federation is time-limited (for the calendar year) and is not sustainable. It is based on the payment of voluntary insurance by Roma NGO from grant funds received by the competent Ministry of Health.

The problem of segregation in the education of returnee Bosniak children is still present in Republic of Srpska. Government of this entity refuses to implement the decision of the Constitutional Court of BiH and continue to deny Bosniak pupils to study Bosnian language

in schools in the Republic of Srpska. In several returnee places, Bosniak children continue to attend classes outside the educational institution, in improvised facilities, according to the curriculum applicable in the FBiH.

## CHILDREN IN ARMED CONFLICTS

According to official figures, at the Syrian battlefield there are 260 BiH citizens. Most of them, 95%, leave from the Federation of BiH, mostly from Gornja Maoca, Sarajevo and Zenica. Of the total number, 48 are women and 46 children.<sup>92</sup> According to the Atlantic Initiative statements,<sup>93</sup> it is assumed that there are 52 women and 80 children in Syria and

<sup>92</sup> <http://vijesti.ba/clanak/314017/bh-djeca-u-siriji>

<sup>93</sup> Non-governmental and non-profit organization to promote the Euro-Atlantic ideas in Bosnia and Herzegovina, members of which are professors, assistants and students from several faculties of the University of Sarajevo

Iraq.<sup>94</sup> It is worrying because citizens of BiH in Syria, are now recruiting and radicalizing their own children. Boys between 13 and 14 years of age go through military training before joining military formations. At least one juvenile was killed as a soldier. The state has no knowledge of what happens to children whose parents have lost their lives on the battlefield.

<sup>94</sup> <http://visoko.co.ba/djeca-iz-bih-u-siriji-i-iraku-predstavljaju-tempiranu-bombu/65227/>

## ECONOMIC EXPLOITATION AND STREET CHILDREN

a) Begging is still one of the most common forms of exploitation and abuse of children in BiH. It is constantly growing and is present in all major cities. Lately, child begging takes forms of organized crime and is a lucrative source of income for the bagging organizers. BiH Criminal legislation, within the criminal offense of trafficking of human beings, such as, child neglect, prescribed the punishment for the persons who are exploiting children for begging. Nevertheless, the competent authorities of guardianship rarely respond on call and go to the field and take measures to remove street children and take on their further care. The initiations of criminal responsibility against parents who force their children to beg are almost negligible.

Police reacts most often in such a way to remove children from the begging sites or file misdemeanor charges against their parents, resulting in the imposition of fines that remain largely uncollectible.<sup>95</sup>

b) There is no national framework for inter-sectoral cooperation in dealing with the economic exploitation of children/begging. The procedural rules for trafficking of human beings, which the BiH calls upon in its report, do not constitute an adequate and applicable

<sup>95</sup> In Sarajevo, 1,780 misdemeanor orders were registered in the first half of 2015, which is more than half of the total number of violations of public order and peace. The Law on Offenses against the Public Order and Peace of Sarajevo Canton for inveiglement of Beggars implies a fine ranging from 400,00 to 1,200.00 KM

instrument for dealing with child begging. Only few local communities in BiH have reference mechanisms for dealing with the cases of child begging. In the greater part of the country, only the police respond to the begging of children, exclusively on report, and in a way that they momentarily 'remove' the children from the street.

c) Children who are exposed to begging in the FBiH are still not recognized as beneficiaries of social protection service. Most often, they fall into the category of children with socially unacceptable behavior. The Law on Social Protection of FBiH as well as the Rules on standards for operation and provision of services in social welfare institutions in FBiH does not recognize social services that are intended for children involved in life and work on the street. Social protection is faced with the problem of the lack of adequate capacities to ensure the provision of children who are found begging. There is only one shelter in BiH that is intended to accommodate these children, and in 2017 there were 84 children placed there. In the absence of services, children are usually accommodated in homes for children without parental care, from where they frequently escape. There is also inadequate capacity to accommodate mothers with minor children caught in beggary. The only adequate protection and assistance for the recovery and reintegration of children victims of beggary is provided by NGOs through the Day-care Centers for Children. Functional and structural standards for providing this service were made by NGOs several years ago, but the state has not yet formalized them, even though representatives of resident institutions were directly involved in their work. In some local communities in the Federation of BiH, day care centers are part of a referral mechanism for begging, but their sustainability remains exclusively dependent on international donors.<sup>96</sup> A

<sup>96</sup> The FBiH Ministry of Education and Science, in the year 2016, from the funds of 'Lutrija' by public invitation to support programs and projects in the area 'Protection of the rights of the child who are victims of abuse, pedophilia and beggars' allocated 280.962,80 KM, which is less than half within the

positive example is in the RS where children who are victims of economic exploitation, violence and trafficking have been assigned the status of beneficiaries of social protection. A normative framework has also been created that recognizes NGOs as a service provider for day care services for children who are subjected to begging.<sup>97</sup> The funds for financing this service are provided from the budgets of the local self-government units.<sup>98</sup>

d) NGOs have made significant efforts to raise citizens' awareness of the rights and needs of children from the street and remove the prejudices and misgivings of the public and professionals themselves that begging children 'lifestyle' is of particular social groups and that state intervention is in vain and predestinated to failure. The largest number of campaigns supported by international donors continued.<sup>99</sup> As a positive example, BiH Ministry of Security, which annually supports NGO campaigning aimed at preventing begging of children, aims to mark the European Day of Trafficking in Human Beings through a public call in the amount of 10,000 KM.<sup>100</sup>

e) There is 11 Day Care Centers for street children (NGOs) in BiH where full participation of children is provided in the creation of

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same call that was allocated for projects in the area of prevention and fight against addiction (549.800,00 KM). Only 7.700,00 KM was allocated for the support of the Day care Center in Tuzla from the total of available funds

<sup>97</sup> Rulebook on exercising the right to day care in RS, Article 3

<sup>98</sup> City of Banja Luka since 2018 finances daily care of children who are exposed to begging through the service provided by NGO 'Nova generacija'

<sup>99</sup> 'Zemlja djece u BiH', with the support of USAID, implemented a comprehensive public campaign titled 'Do not give money, donate food'. In the shopping malls on the consumer basket, a table with a campaign slogan and a printed SOS number to call in the begging were set up. An animated video was made and broadcasted in primetime on regional television stations, and it informed the citizens with a referral mechanism for treatment and care of street children

<sup>100</sup> The 'Lara' Foundation, together with members of the RING, BiH Anti-Trafficking Network, and with the support of the BiH Ministry of Security, conducted the campaign 'Five to 12, it is time, protect the children who are begging'

programs and individual development plans. Children are consulted differently, depending on their age and the child's intellectual abilities. The child must give consent for each measure taken and the activity in which it is

referred to. Children are not consulted when planning services, due to unsuitable social care services in which street children are most often accommodated.

## SALE, TRAFFICKING AND KIDNAPPING OF CHILDREN

In recent years, BiH has made significant efforts to harmonize criminal legislation with international recommendations and standards, but the judicial practice of prosecuting criminal offences for begging and forcible juvenile marriages is still very modest, mostly due to the issue of qualification of criminal offenses. The police and the prosecution still lack the capacity to recognize possible victims of trafficking among juvenile offenders because the training of professionals is based little or not at all on practical knowledge, such as the indicators for the identification of trafficking victims in human beings.<sup>101</sup> Forced begging and forced marriage in which parents appear as exploiters are rarely qualified as criminal offenses of neglect of a child, for which de facto victims of trafficking do not receive adequate status, protection and care, and usually return from the shelters to parent exploiters while offenders/the parents of these acts are only imposed with conditional sentences.<sup>102</sup> Training of professionals who can come into contact with children victims of trafficking is not systematic and it is mainly provided by donor funds. In the past few

years, there was no research into contracted child marriages as an increasingly present form of trafficking.

Children have a large share in identified victims of trafficking in BiH. The share of identified children-victims ranges between one quarter (2016) to one half (2017). The State Coordinator for Combating Trafficking in Human Beings has confirmed that there are probably a greater number of victims that the competent authorities have not yet identified.<sup>103</sup> Large-scale efforts to identify juvenile potential victims of trafficking in human beings include Day care Centers for Children Involved in Life and Work on the Street (NGO) but systematic support to the work of Day care Centers is still missing, although their role is recognized in the State Document for Combating Trafficking in Human Beings, in the sense of prevention and early identification of juvenile victims of trafficking in human beings, their reintegration, but also as the members of the state referral mechanisms for trafficking in human beings.

Children victims of trafficking are mostly girls. The most common form of exploitation of children is for beggary (62%), sexual exploitation (12%) and the conclusion of forced and contracted marriages. Arranged juvenile marriages as a form of sexual exploitation of children and labor exploitation (begging and working at home) is still very

<sup>101</sup> Expert Group on Combating Trafficking in Human Beings (GRETA), Report on the Implementation of the Council of Europe Convention on the Fight Against Trafficking in Human Beings, First Round of Assessment, Strasbourg, May 2013

<sup>102</sup> GRETA(2016) 2, Responses from Bosnia and Herzegovina to the Evaluation Questionnaire of the Implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings by the Member States, Second Round of Assessment (Responses delivered on February 8, 2016), Strasbourg, February 16, 2016

<sup>103</sup> State Department: Human Trafficking Report in 2016 for BiH, available at: [https://photos.state.gov/libraries/sarajevo/30982/pdfs/2016%20TIP%20REPORT\\_BOS.pdf](https://photos.state.gov/libraries/sarajevo/30982/pdfs/2016%20TIP%20REPORT_BOS.pdf)

pronounced in Roma communities but in practice unfortunately it rarely comes to the processing of such unauthorized acts as they are attributed to the tradition. Trafficking in human beings was most common within the borders of BiH, but there is a growing cross-border trade in children for exploitation in third countries (France, Austria, Italy, and Belgium).<sup>104</sup> It is of particular concern that in one case of cross-border trafficking in children an officer of the consular representation of BiH in Paris was involved.<sup>105</sup>

New Action Plan against Trafficking in Human Beings in BiH for the period 2016-2019 was adopted but sufficient funds for implementation have not been secured. For years, the authorities have refused to reallocate unspent budget funds for the care of foreign victims of human trafficking (120,000 KM), to support of domestic victims

<sup>104</sup> In the joint police action of the BiH and French investigative organs, codenamed 'CD', in the private residential home in Zenica, fourteen Roma minors were found, who were detained, legally invisible and exploited. Their biological mothers have been assimilated by an international criminal group and through blackmail, threats, intimidation, abuse, and other forms of physical and psychological violence forced to begging and sexual exploitation in France and other European countries, see: <http://faktor.ba/sipa-u-akciji-s-policijom-francuske-privedeno-7-osoba-zbog-organiziranog-kriminala-i-trgovine-ljudima/>

<sup>105</sup> In December 2015, the Prosecution of Bosnia and Herzegovina filed an indictment against an official for participating in the commission of the criminal offense of Trafficking in Human Beings; a former consular officer in Paris has been charged with abusing official position over a longer period of time for issuing travel documents in exchange for money to facilitate the movement of potential victims trafficked for the purpose of forced labor

of trafficking, whose fund is twice as small and insufficient for more adequate support as the number of victims is in constant growth. There are no specialized services, specialized accommodation and assistance programs for children surviving trafficking in human beings in BiH. Therefore, child victims point to services and accommodation intended for adult victims of violence, children without parental care and children victims of various forms of violence, are accommodated in foster families or return to family even when there are reasonable grounds to suspect that they have been sold or exploited by family members.<sup>106</sup> The number of NGOs receiving state funding to assist victims of trafficking is reduced, and it is reduced to only two NGOs that have shelter for victims of violence.

Action is not yet taken to adopt a new Action Plan for the Protection of Children and to Prevent Violence against Children through Information and Communication Technologies although the previous one ceased to exist three years ago.

<sup>106</sup> During the criminal proceedings before the Cantonal Court in Tuzla against the spouses Ahmetovic, charged with the criminal offense of Trafficking in Human Beings, was executed in such a way that their five children, at the age of 7-16, were forced to beg and heavy physical work, the children were both victims and witnesses, placed in an institution for children without parental care. One of the boys, because of the violence that was being carried out by other residents, fled and spend days in the streets, and the special guardian and the staff of the house did not notice or report his disappearance. The boy appeared in an NGO he had previously used, and then with their assistance he was adequately accommodated

## JUVENILE JUDICIARY

In July 2018, a significant step forward in the improvement of accommodation capacities for execution of juvenile imprisonment and execution of rehabilitation measures for sending him/her to the rehabilitation facility was made by the FBiH government, with the

opening of the newly constructed Criminal-Correctional Institute of semi-open type Orasje (KPZ) with a specialized department execution of juvenile imprisonment, and the Department for juveniles at the Zenica Penitentiary institution (OPD). At present,

there are 7 juvenal detainees in the Juvenile Department who have been transferred from the KPZ of the closed type Zenica. The process of re-socialization in juvenile delinquency is carried out by using benefits from outside the institute, based on the principle of treatment with juvenile detainees through various forms of cultural, educational and training activities. It has a capacity of 60 beds for the accommodation of minors and young adults of both genders, aged 16 to 21. Juveniles located in OPD have the option of completing the started schooling. Accommodation Conditions of the Department for juveniles at the Istocno Sarajevo Penitentiary institution, as the only institution for the execution of juvenile sentences for males in the RS, does not provide the opportunity for organizing the juvenile engagement and occupational work of minor with the purpose of their vocational training, education and rehabilitation. Formal obstacles to the Law on Adult Education of the Republic of Srpska<sup>107</sup>, which result in the fact that minors with elementary school age of 15, 16 or 17 cannot be included in the educational process, represent a major problem in the process of re-socializing these children.<sup>108</sup> Juveniles in the Institute for Equine Maltreatment and Youth Sarajevo are punished by isolation in the grid room<sup>109</sup> where they spend several days. Juveniles in the Institute for rehabilitation of Male Children and Youth Sarajevo are punished by isolation in the room with the bars where they spend several days. With the funds allocated from the FBiH Ministry of Labor and Social Policy, reconstruction of the devastated space was completed, an adaptation and equipping of the part of the facility was carried out, with

accommodation capacity of 27 beds for the reception and treatment of female juveniles.

Current accommodation conditions in some detention units in BiH do not meet the minimum standards prescribed by international documents. Juveniles stay in poor conditions, poor surroundings and regimes. The detention unit at the Sarajevo Penitentiary Institution cannot ensure the separation of juveniles from adult persons because the number of detainees is twice more than the detention capacity.

Only certain judicial bodies have recruited professional associates whose presence should be compulsory in all proceedings involving children.<sup>110</sup> Most judges for juveniles fail to comply with the statutory obligation of visiting minors while executing educational measures. Due to the insufficient number of organizations in which a special work of humanitarian work or communal work or, work of ecological significance can be executed, juveniles are waiting long for execution of this commitment.

The database on children who are in conflict with the law has not yet been established. In the past three years, through the project 'Justice for Every Child' (UNICEF), there are ongoing trainings of professional associates, prosecutors and judges.

<sup>107</sup> Official Gazette of Republic of Srpska, no. 59/09

<sup>108</sup> Article, paragraph 5., point 1 a) The Adult Education Law of the Republic of Srpska reads as follows: 'Adults are persons older than 15 years of age who have not completed primary education or persons older than 18 years of age who have completed elementary education in regular education system and other persons who are being educated, and they do not have pupil or students status'

<sup>109</sup> Apart from the bars that are located on the outside of the window, this room is covered with bars from the inside

<sup>110</sup> In the RS, only the District Court in Banja Luka and the District Prosecutor's Office in Istocno Sarajevo employ one psychologist for psychological support to victims and witnesses, while in the FBiH only 40% of cantonal courts meet this standard. In four of the 10 cantonal prosecutors' offices there are no professional associates at all, while the other six do not have an early status resolved. BD BiH police is the only one in BiH who has an employed psychologist. Three cantonal courts do not have specially adapted children's hearing rooms equipped with appropriate audio-visual equipment



## RECOMMENDATIONS

- Provide financial and material resources for the full implementation of the measures set out in the Revised Strategy for the Implementation of Annex 7 of the Dayton Peace Accords and the Action Plan for Housing of Roma
- Provide a systematic approach to health insurance for all children, Roma and returnees
- Provide school children with the refugee status, displaced persons, and children in the condition of social need or Roma with free school books and accessories, free transportation to schools, school snacks and appropriate privileges for accommodation in pupil and student homes
- Ensure education at a national group of subjects for minority returnee children
- Develop family-monitoring mechanisms with children who are at risk of going out to the foreign battlefields and responding in a timely manner to the relevant security services in the event of a suspicion of departure or that the child has abandoned the education
- Children who are exposed to begging and other forms of economic exploitation are to be treated in the social protection system as a particularly vulnerable category of users, and daily care of children as services in the social protection system
- At the level of FBiH, adopt a framework protocol on the treatment of beggars and other forms of economic exploitation of children and develop institutional mechanisms at the lower levels of government
- Provide systematic support to day care centers for children involved in life and work on the street
- Formalize minimum standards for day care centers for children involved in life and work on the street
- Establish a unique methodology for collecting and managing data on children exposed to forcible and harmful work
- Ensure continuous and effective training of professionals from the social, educational, health sector, judicial institutions and the police on the topic of forced and harmful work of children





## RECOMMENDATIONS



- Raise public awareness about the rights and needs of children from the street with a view to reduce prejudices and stereotypes
- Provide systematic permanent and practical trainings on identification of juvenile victims of trafficking who are subject to begging and forced/contracted marriages, in particular the staff who can come in contact with possible victims (police, social workers, child care staff, labor inspectors, health workers and NGOs)
- Undertake and support a comprehensive research into issues of prevalence and nature of contracted child marriages in BiH
- Ensure that children-victims/witnesses of trafficking receive specialized care, support and appropriate accommodation
- Strengthen the capacities of professional associates in the Prosecution Office to take statements from a child-victim of trafficking, especially when dealing with children with intellectual disabilities.
- Improve the conditions of accommodation and residence of minors and children in existing institutions for serving juvenile Penitentiary institution sentences and educational measures.
- Provide the necessary infrastructure in prosecutors' offices and courts for dealing with juvenile offenders of criminal offenses, constantly educate professional associates, prosecutors and judges.
- Provide material and human resources to Police and Social Work Centers, and continue with their specialist trainings
- Establish a unique base of juvenile delinquency, i.e. a unique and harmonized way of keeping records and statistics
- Raise awareness of the public on the prevention of juvenile delinquency



# LIST OF ABBREVIATIONS

BiH	.....	Bosnia and Herzegovina
UNCRC	.....	Convention on the Rights of the Child
CRC	.....	Committee on the Rights of the Child
OP3	.....	Optional protocol on communication procedures under the Convention on the Rights of the Child
UN	.....	United Nations
RS	.....	Republic of Srpska
FBiH	.....	Federation of Bosnia and Herzegovina
MHRR	.....	BiH Ministry for Human Rights and Refugees
IPA 2	.....	Instrument for Pre-accession Assistance 2
EU	.....	European Union
UNICEF	.....	United Nations International Children's Fund
NGO	.....	Non-Governmental organization
BD	.....	Brcko District
UNHCR	.....	United Nations High Commissioner for Refugees
TV	.....	Television broadcasting service
RTV	.....	Radio-television broadcasting service
JP RTRS	.....	Public enterprise Radio-Television of Republic of Srpska
ZDC	.....	Zenica-Doboj canton
CSW	.....	Center for Social Work
MOL	.....	Ministry of Interior
CIPS	.....	Citizens Identity Protection System
AKAZ	.....	Quality and Accreditation in Health Care in Federation of BiH
EC	.....	European Commission
UNEP	.....	United Nations Environment Program
AP	.....	Action plan
BAM	.....	Convertible mark
FPA	.....	Federal Police Administration
CEM	.....	Youth Education Center
BPC	.....	Bosnia-Podrinje Canton
CS	.....	Canton Sarajevo
TC	.....	Tuzla Canton
SBC	.....	Central Bosnia Canton
USC	.....	Una-Sana Canton
USAID	.....	United States Agency for International Development

