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**Informal Network of NGOs
“Stronger voice for children”**

**ALTERNATIVE REPORT ON CHILD RIGHTS
SITUATION IN BIH FOR THE PERIOD 2005-2011**

With the support of Save the Children Norway

Contents

Contents.....	3
Report preparation.....	4
I GENERAL MEASURES OF IMPLEMENTATION.....	5
Legislation and implementation - (recommendations 8 and 9).....	5
National action plan for children - (recommendations 10 and 11).....	5
Coordination - (recommendations 12 and 13).....	5
Independent monitoring - (recommendations 14 and 15)	5
Resources for children - (recommendations 16 and 17)	5
Data collection - (recommendations 18 and 19).....	6
Cooperation with civil society - (recommendations 20 and 21).....	6
Training/public information regarding CRC - (recommendations 22, 23, 24).....	6
II GENERAL PRINCIPLES.....	6
The right to life, survival and development.....	6
Non-discrimination - (recommendations 25, 26 and 27).....	7
The best interests of the child - (recommendations 28 and 29).....	7
Respect for the opinions of the child - (recommendations 30 and 31).....	7
III CIVIL RIGHTS AND FREEDOMS.....	8
Birth registry - (recommendations 32 and 33).....	8
Right to privacy - (recommendations 34 and 35).....	8
IV FAMILY ENVIRONMENT AND ALTERNATIVE FORMS OF CARE FOR CHILDREN. 8	
Family environment - (recommendations 36 and 37).....	8
Adoption - (recommendations 38 and 39).....	9
Alternative forms of care for children without parental care - (recommendations 40 and 41).....	9
Violence, abuse, neglect and maltreatment - (recommendations 42 and 43).....	9
V BASIC HEALTH AND SOCIAL WELFARE OF THE CHILDREN.....	11
Health care and access to health care services (recommendation 49).....	11
Health of adolescents (recommendation 51).....	11
The Strategy “The Youth and the Health” has been developed in the Federation of BIH and RS in 2009, while the development of the Strategy of the youth and the health is the fulfillment of the social care for the health of the youth and as such it makes a basis for the implementation of the Policy for the health of the youth	

<u>adopted by entities. The Strategy foresees many improvements in this field of life of the youth and it remains to be seen whether it would be implemented.</u>	11
<u>HIV/AIDS (recommendation 53).....</u>	12
<u>SOCIAL WELFARE.....</u>	12
<u>Children with various forms of development difficulties (recommendation 46).....</u>	12
<u>Standard of living (recommendation 55).....</u>	12
<u>VI EDUCATION, LEISURE AND CULTURAL ACTIVITIES OF CHILDREN.....</u>	13
<u>Preschool education.....</u>	13
<u>Primary education.....</u>	13
<u>Secondary education</u>	13
<u>VII SPECIAL PROTECTION MEASURES.....</u>	14
<u>Refugee and displaced children - (recommendation 62).....</u>	14
<u>Children in armed conflicts - (recommendation 64).....</u>	14
<u>The network of those who survived mines in BiH has so far helped 2,300 persons injured by mines and works in continuity on informing the youth about mine jeopardy at some parts of BiH. When it comes to the issue of mines, BiH is still the most vulnerable country in the Europe.....</u>	14
<u>Economic exploitation and children living on the streets - (recommendation 66).....</u>	14
<u>Drug abuse - (recommendations 68).....</u>	15
<u>Sexual exploitation and trafficking - (recommendations 70, 71 and 72).....</u>	15
<u>Juvenile justice - (recommendations 73 and 74).....</u>	16
<u>Children belonging to ethnic minorities - (recommendation 76).....</u>	16
<u>Compared with the previous report, it could be noticed that some progress has been made at all places populated by Roma people. However, this progress is still insufficient for the piled problems Roma population is facing with. At the beginning of 2007, several Roma nongovernmental organizations led by the BiH Council of Roma people and with the financial and expert support from international organizations and donors, carried out a relevant research regarding the life of Roma population in BiH, with a special accent on housing, employment and some other segments falling under fields of existence of this ethnic minority. The most precious data from this research is the number of Roma population in the territory of Bosnia and Herzegovina. The research has shown that at least 76,000 Roma people have lived in BiH in 2007. The data collected during this research unambiguously imply that although Roma people are the biggest ethnic minority in BiH, they are also the most socially vulnerable minority, according to all parameters the status of any social group is measured against and defined.</u>	16

Report preparation

This Report represents a joint effort and product of activities by informal coalition of the advanced NGOs, whose work is based on rights of children.

The Coalition consists of 13 NGOs from Bosnia and Herzegovina: “Agencija Lokalne Demokratije“ – “Local Democracy Agency” from Sarajevo, Budimo aktivni“ – “Let`s Be Active” from Sarajevo, “Budućnost“ – “The Future“ from Modriča, “Naša Djeca“ – “Our Children” from Sarajevo, “Naša Djeca“ – “Our Children” from Zenica, “Sretni Romi“ – “Happy Roma” from Tuzla, “Step by Step“ from Sarajevo, “Svitac“ – “The Firefly” from Brčko, “Svjetionik“ – “The Lighthouse” from Prijedor, “Sunce Nam Je Zajedničko“ – “We Share the Same Sun” from Trebinje, Udruženje za pomoć mentalno nedovoljno razvijenih lica Banja Luka - Association for helping mentally insufficiently developed persons – Banja Luka, Zdravo da ste/Hi Neighbor-Banja Luka and Zemlja djeca - “Land of children” from Tuzla.

The acknowledgements and results were the base of all 13 organizations and also they were the results of the seven-year long implementation monitoring process of the UN Convention on rights of the child in BiH which was realized by “Our children“ from Sarajevo and “Hi Neighbour“ from Banja Luka.

For the purpose of this Report and within the project “Children and NGOs Monitor the Status of Child Rights in Bosnia and Herzegovina” opinions and stances were collected from 2528 children from 23 cities across Bosnia and Herzegovina (8th and 9th graders of primary schools and 1st and 2nd graders of secondary

schools). The Report is structured in the way so it follows theme sections of the UN Convention on rights of the child, responding to recommendations that the UN Committee provided upon review of the Initial Report on the implementation of the Convention in Bosnia and Herzegovina.¹

Besides this, the Coalition of NGOs` Report is a look back of the governments "First Bosnia and Herzegovina Periodical Report on Implementation of the Convention on Child rights", submitted to the UN Committee for child rights in 2009.

I GENERAL MEASURES OF IMPLEMENTATION

Legislation and implementation - (recommendations 8 and 9)

The Bosnia and Herzegovina Periodical Report did not provide us with a complete overview regarding the role of the State with the aim to ensure application of principles and provisions of the Convention on rights of the child and the adopted laws regulating principles of child protection in accordance with the Article 4 of the CRC. The situation concerning the unbalanced implementation of the legislation referring to child protection is still unchanged in Bosnia and Herzegovina.

The policies and legislation which are enacted at the level of BH stay different when it comes to implementation because they are often modified by decisions and regulations brought at the lower authority levels (for example: the decision on abolishing the payment of child income or other emoluments until the financial conditions are acquired and many other). Still, we need to highlight that majority of laws either at the state, entity or at the cantonal level and the level of Brčko District have been harmonised with the standards of the protection of rights of the child as prescribed under the UN Convention on the children's rights. "The Study of the System of National Integrity"² points at numerous newly-adopted laws in BH, which were framed according to experience of good international practices.

However, the previous practice to define child per various age against various legal provisions has been maintained (junior juvenile, senior juvenile, etc). One of the key issues is the un-established mechanism for the implementation of legislation and absence of accountability for the implementation of the enacted legislation; hence we could say that the existing laws represent a good framework even though they have an unbalanced realisation. Institution of Human Rights Ombudsman/Ombudsmen conducted an analysis in 2009 on harmonization of laws with the UN Convention on child rights in Bosnia and Herzegovina, which was submitted to every institution in our country. After that the Ministry of Human Rights and Refugees formed a group whose purpose was to adjust the regulations of domestic legislation with the Coalition of child rights. During the course of 2007, the request to withdraw reservation from Article 9 of the CRC was accepted and it was forwarded to adoption procedure. At the end of May 2008, the Bosnia and Herzegovina Council of Ministers withdrew reservation on this Article, which points at an inadmissible tediousness of the administration.

National action plan for children - (recommendations 10 and 11)

The BH Periodical Report on the status of child rights did not refer to the Action Plan for Children and its realization in the period between the two reports. The monitoring of the implementation of the BH Action Plan for Children from 2002 to 2010 is under the authority of the BH Council for Children.

By the end of 2006, the BH Council for Children had a mobilizing role in promoting the protection of child rights and in some cases it played a preventive role. Many questions were raised, there were many recommendations and initiatives of great interest for the children (the making of the Report on violence

¹ Committee has discussed the initial report of BiH during 1030. and 1031. sessions (CRC/C/SR.1030 and 1031), held on 19th of May 2005, and adopted concluding observations on session 1052, held on 3rd June, 2005.

² "The Study of the System of National Integrity", Transparency International BiH, Banja Luka, 2007.g

against children lobbied to remove the reserve from the article 9 CRC, it also encouraged and participated in the making of the strategies against violence against children, fight against drugs, domestic violence and peer violence). The conducted activities were achieved through so-called specialized working groups consisting of prominent experts in specific fields. A decision was brought in 2007 to revise the Action Plan for Children, while the 2008 saw the enactment of the Revised Bosnia and Herzegovina Action for Children. The changes in the Action Plan (AP) were guided by the objectives of the World Summit for Children, the recommendations of the UN Committee for Children, which Bosnia and Herzegovina obtained after the submission of the First Country Report on the Status of Child Rights in Bosnia and Herzegovina was finalized. The new AP for children for the period from 2011 to 2014 was adopted by the Council of Ministers in mid-July 2011. The Action Plan contains an overview of activities, people representing the work and deadlines for their implementation and it is focused, among other things, on health improvement of mothers and their children, improvement of health care with the emphasis on the development of prima health care, the educational system, achieving harmonization of social security rights in Bosnia and Herzegovina with special emphasis on children from vulnerable groups.

Coordination - (recommendations 12 and 13)

During the reporting period, the Council of Ministers has failed to respect recommendations of the Committee for Child Rights that the Council of Children should be strengthened with adequate human and financial resources. The Bosnia and Herzegovina Council for Children is the sole advisory body in charge of creating children-related policies and coordinating activities and their implementation and also it is in charge of monitoring the implementation of the BH Action Plan for Children for the period 2002 – 2010. The minimal activities from the domain of the work of the Council for Children in the period during 2007-2011 were performed owing to efforts by the employees of the Ministry for Human Rights and Refugees, because the re-election of the new members of the Council for Children has not been performed. The RS Government has been developing its own mechanism for protection of the child and the family. Apart from the Fund for Child Protection, the Council for Children of Republic of Srpska³ and the Ombudsman for Children of RS was formed and the means for their funding came from the official budget of Republic of Srpska.

Independent monitoring - (recommendations 14 and 15)

The process of unification of the institutions of Bosnia and Herzegovina Ombudsman/Ombudsmen ended with the newly-elected representatives and in accordance with the law on changes and additions of the Law of Ombudsman/Ombudsmen for Human Rights of Bosnia and Herzegovina it formed the Department for the Protection of Child Rights. The vice president of Ombudsman was appointed as the person in charge of this department.

The Ombudsman/Ombudsmen for Human Rights in Bosnia and Herzegovina is a national instrument for the protection of human rights, but besides that the Ombudsman/Ombudsmen for Children was formed at the territory of Republic of Srpska⁴. What is relevant to mention are the research activities these institutions have so far been conducting in the field of protection of child rights and also to mention the publications which helped to bring closer the term of child rights to citizens. However, it is necessary to engage in promotion of the institution of Ombudsman and its function in order to use its potentials as

³ RS Official gazette, no.66, July 2006

⁴ A Law on Ombudsman for Children of Republika Srpska has been adopted by the National Assembly of Republika Srpska (one of two entities in B&H) in 2009 although this initiative was assessed by international agencies as counterproductive to the process of unification of the ombudsman institutions in B&H. This is in particular emphasized in the Report of the Committee to the Honouring of obligations and commitments by member states of the Council of Europe (Doc.11700) and the Resolution No. 1626 Honouring of obligations and commitments of by Bosnia and Herzegovina of the Parliamentary Assembly of the Council of Europe.

much as possible, as well as to resolve for the citizens somewhat confusing situation with the two institutions that share equal responsibility in Republic of Srpska. ■

Resources for children - (recommendations 16 and 17) ■

The Committee for Human Rights stated a concern for the fact that child rights are still being neglected and that there are insufficient funds for the child protection policy. ■

According to World Bank data, the overview of public expenditure and institutions of Bosnia and Herzegovina from 2006 has shown that the expenditure for social welfare (in relation to gross national income) is at the average level when compared to new EU member states.

When speaking of social welfare and child protection, it is a handicap that 50% of contributions for social welfare refer to contributions for civilian victims of the war and disabled veterans, so it reduces the participation of other vulnerable categories and children. The revised Mid-Term Development Strategy (MTDS) states that Bosnia and Herzegovina spends over 14% of GDP on social welfare, while the average in EU is 19%. The public expenditure in gross domestic product of Republic of Srpska (including expenses for joint institutions) ranged around 40% of GDP in 2008, while the public expenditures in the Federation of Bosnia and Herzegovina (FBiH) was around 60% of GDP. ■

Apart from this, numerous requests were filed for increase of budget expenditures in 2008, out of which some are realistic and justified (for example: for education), while some are unproductive (for example: for defense). Analyzing the budget of institutions in entities and cantons in BH for 2010, it was established that there had not been any significant reductions of administrative cost and cost of employees in public institutions. Although in the past few years the growth of these costs has caused the budget collapse, it could only be saved by the MMF⁵. Specific problems have surfaced in Federation of BH in the social sector and veterans' population. The laws protecting those categories, which were enacted last year, failed to foresee such a large number of beneficiaries. This resulted in periodic suspension of payment obligations, especially in some financially poor cantons (Srednjobosanski and Tuzla canton). The periodical protests and pressures against the FBiH Government had a negative impact on the budget for children, so it remained at its previous level and in some cantons it was even reduced. The Report "Situation Analysis on Allocation of Funds From the Budget for Children of Bosnia and Herzegovina"⁴ has shown that the System of Social Welfare and Child Protection is inadequately financed across Bosnia and Herzegovina. The system in the Republic of Srpska prescribes payment of child allowance depending on the level of income and number of children at the entity level. There are large differences across Federation of Bosnia and Herzegovina, ranging from Sarajevo Canton which apart from providing money designed by Law, it contributes many other payments; to financially poor cantons, where no payments are made for even basic rights.

Data collection - (recommendations 18 and 19)

Data about the status of child rights are not being collected systematically; neither are they being consolidated for all categories.

The implementation monitoring systems of Convention for child rights at the state level still has not seen a continuous action. There are some initiatives to organize this type of monitoring and data collecting system at the local level through projects such as DevInfo⁶. With the support from UNICEF, twenty NGOs from Bosnia and Herzegovina have been trained for monitoring the status of the child rights at the local level.

⁵Monitoring team consisting of experts from ALDI BiH, in cooperation with Civil Initiatives centres (CCI), trough project "Trough monitoring of public expenses to more efficient government",

⁶ Implementation of DevInfo data bases on the local level is done by UNICEF in BiH.

The summarized findings of their monitoring have identified already known problems in the society of Bosnia and Herzegovina: non-implementation of laws, non-existence of budget for children, lack of data about children, insufficiently developed cooperation between NGOs and ruling authorities, increase in violence against children, juvenile delinquency is at growth, schools are being equipped but very few investments are contributed for the training of teachers and development of programs, while the level of children's participation is quite low. The one and only continuous monitoring of child rights in BH (which was along with other sources a foundation for this report) was conducted by the organizations "Our children" from Sarajevo and "Hi neighbor" from Banja Luka, in cooperation with 18 schools and with the support of the Save the Children Norway. The population census in BH is a politicized issue and it is entirely uncertain whether it would take place, although the population census represents a possibility for consolidation and data analysis.

Cooperation with civil society - (recommendations 20 and 21)

Committee on Rights of the Child has recommended that the country increases its various forms of cooperation with NGOs when executing their obligations. Bosnia and Herzegovina has committed to implement Ljubljana Declaration which was adopted in 2008. The Declaration refers to the civil society of the states from the region. The aim of this Declaration is to strengthen a dialogue between governmental and nongovernmental sector. When it comes to working with NGO sector it is important to stress that in FBiH, all ministries, government services and municipalities issue public calls for realization of the budget intended for the work of the non-governmental organizations. The problem is that this budget is insufficient for the growing needs of the nongovernmental sector; also those resources are not distributed for the work with adults and children. The protocols on cooperation between government institutions and nongovernmental organizations are becoming increasingly popular.

The fiscal legislation has introduced the same liabilities to nongovernmental organizations as organizations making profit. There are still no incentives regarding financial allocations for humanitarian needs, volunteer work issues, hence we can conclude that resources intended for the maintenance of the nongovernmental sector do not guarantee for this function. The international organizations are still of crucial importance for the upkeep of activities of the nongovernmental sector.

In many economically powerful cities in BH some local authorities show great deal of support for NGO sector, providing them with for example: allocation of workspace free of charge, regular planning of budget resources for the projects contributing to welfare of their citizens (children and young people). The new strategies being developed for the improvement of the status of child rights mainly contain provisions concerning cooperation with the NGOs. In July this year, the Republic of Srpska National Assembly has adopted the Law on volunteering in RS. The volunteering has been accordingly defined as the activity of interest for RS, which contributes to improvement of life quality and development of more humane and equal democratic society. The Article 12 has specifically prescribed liabilities of the organizers regarding hiring of juvenile volunteers. This law represents a significant contribution to development and regulation of civil society. In the last few years in BH there is a considerable networking of the civil society organizations with different objectives: strengthening cooperation between government and NGOs, promotion of inclusive education, child rights, etc).

Training/public information regarding CRC - (recommendations 22, 23, 24)

The last few years have seen major efforts and progress made in informing overall public about UN Convention on child rights and its provisions protecting the best interest of every single child.

The NGOs have played a major role in with their engagement in extra-curricular activities and cooperation with the educational institutions. They have implemented joint education programs regarding Rights of the Child at many primary schools and pre-schools, but also they were deeply involved in promotional actions and activities within local communities. In this regard, we can highlight a number of activities of BH Ministry of Human Rights and Refugees. These activities were implemented with the assistance of the NGOs at all levels. Isolated and occasional activities such as Child's Week, Day of Adoption of the Convention on the Rights of the Child, Family Day or the Human Rights Day,

presentations and promotions organized on those occasions are of utmost importance for informing. But also the process of making the overall public more sensitive about issues concerned, with an accent on teachers, associates and other experts stands to be very significant. This is an opportunity to also promote a considerable amount of printed materials, leaflets, posters, manuals and literature for children whose production is small and insufficient. A great role when it comes to changing the status and making the general public more sensitive about child rights was played by some media and editorial boards that prepare and broadcast programs for children regardless of whether this is a TV, radio or some other form of media. A sporadic progress was achieved in presenting the media to children through implementation of some educational programs and children's inclusion in preparing and realizing programs where they have the leading role. Some media are often inclined towards somewhat different approach that is not in compliance with the ethical recommendations and legal framework in BH; despite the fact that these factors regulate the mentioned field. The BH Periodical Report states that the BH Communication Regulatory Agency often reacted when child rights had been violated. The Communication Regulatory Agency reports that there had been just one case in 2008 concerning violation of child rights, while there had been considerably more cases of violation in the media. Furthermore, we are all aware of much more complaints filed relating to this issue (some by the NGOs) to which no responses were provided. Regardless of the existing Press Code of Bosnia and Herzegovina and the work of the Press Council, the examples of child rights violation are according to the Department for child Rights (The Institution of Ombudsman) still present in the media. The Press Code would have to be a factor for elimination of stereotypes and stigmatization of the minority and ethnic groups in media. The research conducted for the purpose of this Report shows that around 20% of children consider themselves well-informed of the Convention on the Rights of the Child, 57% children are of the view they do not know much about the Convention, while 23% of children still know nothing about the Convention. We think that the situation with adults does not greatly differ, and that even those, who are to some extent informed have a dilemma regarding child's rights and responsibilities, which means that the quality of those information is not good enough to comprehend the essence of children's rights.

Conclusion and recommendations concerning CRC general implementation measures

- What needs to be done is to emphasize the responsibility of the authority for the failure to implement the adopted legislation, harmonize positive legal regulations at all executive levels, establish more articulate records on categories of children being protected by law, abridge procedures for enactment of laws and measures, and increase the efficiency of government services.
 - The Bosnia and Herzegovina Council for Children should be re-established and hence strengthen its coordination role.
 - Institution of Ombudsman should be promoted and the coordination and cooperation have to grow stronger so we can accomplish the best possible protection and promotion of children's rights.
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- We should continue to raise the quality of training sessions (about child rights) for children and adults; it is necessary to educate and control the media and make them more aware of the rights of the child for the sake of improving the program.

II GENERAL PRINCIPLES

The right to life, survival and development

The Bosnia and Herzegovina Periodical Report offers detailed data regarding the status of a large number of indicators concerning survival and development of children. However these data are reported only for the FBiH, and therefore, it is necessary to update the Periodical Report with data for the RS.

According to the State Statistics Agency in 2010, Bosnia and Herzegovina had the birthrate of 8.8‰, and the death rate of 9.00‰. The birth rate in Republic of Srpska in 2008 was -2.4‰ with the descending path leading to depopulation, while in FBiH it was 3.4‰. The Republic of Srpska had adopted the Policy and strategy for Family Development from 2009 to 2014. The government provides with: public funding for child protection in the amount of 2 000 000.00 KM per year and a grant for Ministry of Family, Youth and Sports in the amount of 1 000 000.00 KM for one year, and also the support for the birth of the third and fourth child in a family; payments are made via Public Fund for Child Protection for a sum amounting to 500.00 KM for every third child, and 400.00 KM for every fourth one that is born in a family in 2010. The health and development of children is directly endangered with water, soil and air pollution. According to the water testing conducted by sanitary inspectors in the last two years, the first testing established that samples from 77 schools were microbiologically bad, so instead children (around 6400 pupils) were given the bottled water. The second testing established the water was polluted at 157 schools. The competent ministry has undertaken measures to permanently resolve supply of rural areas with the uncontaminated drinking water. What raises concern is the fact that children drink this water at home as well, because these are local water supply networks. Such research was not conducted in FBiH.

It has been proved there are 15 depleted uranium contaminated sites and that this problem has not been seriously taken across the state. These are locations that were bombed by the NATO aviation forces during the war. Medical doctors point out that the number of the diseased with cancer diagnosis after the war has drastically increased in these areas. It is hard to determine the influence of the uranium presence in the future. The health and development of children who live at these fifteen locations and who will be born at these locations in the following years is endangered.

The problems of air pollution have been recorded at several locations in the FBiH because of the industrial pollution – Kakanj, Zenica, Tuzla, and along with this we can add the pollution in other towns from the gas of old cars.

NGOs working on monitoring of child rights by following the media reports have stated that in 2010 and 2011 the number of suicides of minors has increased, when compared to the previous period.

The children who took involvement in the monitoring of child rights prepared their own lists for the endangered rights regarding their communities and this particular field of interest, where, amongst other things, they often listed problems concerning safety of children in traffic. The general impression is that the measures and services being provided for the children in BiH are mostly of protective character (in social and health care), while far less attention is paid to development, prevention and life skills.

The poverty still remains to be one of the major sources of threat to this right.

Non-discrimination - (recommendations 25, 26 and 27)

The first Periodical Report of BH regarding implementation of the Convention on the rights of the child contains legal normative acts concerning all the children, including disabled children, amended with specific conclusions when speaking about the severe status of these children. However, the Report does not contain measurable results with visible indicators that the lives of children with developmental disabilities have improved, their rights are respected or discrimination prevented. The problem is reflected by untimely enactment of secondary legislation and complicated procedures that are time and resource consuming, which results in seeing the beneficiaries of those laws giving up on their rights prescribed under those laws. The most often forms of violation of children with developmental disabilities rights are in the field of health and social care, as well as in the fields of education, culture and sports, employment and many others. The children with various forms of disability in Republic of Srpska have no sort of compensation at all (they depend on the goodwill of some local communities which have made decisions to provide specific forms of assistance). In regard to the education of disabled children, it is evident that the inclusive education prescribed under the law does not produce satisfactory results in the practice.

There are no competent staffs at schools, such as: defectologists, logopedic /speech therapists and psychologists, which all results in frustration of school teachers, parents of children with disability, as well as of parents of children without disability.

The most drastic discrimination occurrence is the problem of segregation of pupils according to ethnicity which is reflected through the program called “Two Schools under One Roof “.

A higher level of discrimination is noticed involving children of poor financial status, the diseased ones facing problems with entity boundaries or a possibility to go abroad owing to financial barriers.

In some cases, the parents of Roma children hesitate to enroll children in schools because they fear their children could be the subject of either physical or mental harassment just because they are Roma.

The children of displaced persons and refugees are also discriminated on grounds of their living conditions – related to education, problems of losing cultural identity and other issues. The Revised Action Plan of Bosnia and Herzegovina was made for Roma and the members of marginalized groups of children. It was about educational needs of Roma people and it was adopted by the Council of Ministers in July 2010. The children who were engaged in the monitoring of child rights consider that one of the most endangered rights was the gender discrimination amongst students, social status discrimination, discrimination against students from teachers at schools, humiliation and ridicule of the children who have problems in their families and the poor children, inclusion of both boys and girls in sports clubs.

The research conducted for the needs of this report shows that teachers at schools have different approach towards children, namely often (according to 40% of children) and occasionally (42% of children), while the remaining 18% claims teachers never display different approach. An interesting point is that 9% of the children say the statement that “...their parents do not want them to socialize with children of different nationality. “ is partially true, 4% of them say it is true and 87% say it is inaccurate. The same claim referring to teachers is deemed by 4% as accurate and 16% partially accurate. They are far more critical about their peers; that is the case where 7% of the children share the view that their peers often avoid children of another ethnicity, while 31% of them are of the view that this statement is partially true. 68% of them state that they pay attention to ethnicity during socializing with their fellows, while others do that often or sometimes.

Further on, the analysis of legal, administrative, social and psychological causes of divided education system in BH, the contents of the national courses textbooks and research on the opinion on BH school children discrimination has shown that Bosnia and Herzegovina had been facing structural fragmentation and decrease of quality education for the past 15 years. Due to this situation in educating sector, organizations “Save the Children“ Norway, UNICEF Office in BH and Open society Fund have decided to join their efforts and together push forward the Initiative for righteous education in BH, in June 2010. with the intention of contributing to setting the conditions for equal approach to quality education for all children and developing the inclusive educational system that will affirm the process of social cohesion of BH society⁷. In July 2009 BH passed on the Law on discrimination ban, with special aims of strengthening the institution of Ombudsman and keeping track and evidence of discrimination cases in BH under the jurisdiction of Ministry of Human Rights and Refugees of BH. Since the enactment of this law it is clear that the citizens don’t use it as much as they should, partly due to bad informing, and the legal community rarely uses it as the basis for initiating a legal case. Nevertheless, this law presents an important step towards reduction and prohibition of discrimination in BH for both children and adults.

The best interests of the child - (recommendations 28 and 29)

According to information at our disposal, this principle is still being implemented only in limited amounts, leaving it at the level of sensitive individuals who so far do not have the strength to channel its policy. The best interest of the child is being violated in the media through sensationalist journalism, which does not take the provisions of the ethical code into consideration and is not properly sanctioned; neither are the journalists nor editors educated enough regarding consequences and basic principles of the convention on the rights of the child. The Human Rights Department with the OSCE Mission to Bosnia

⁷ General objective of the Initiative for Righteous education in BiH is increase of awareness on present situation in education, long-term implications and need for changes to improve present educational practices in BiH. Initiative stands for 1) Access to education, equal opportunities and chances; 2) Quality in educational system; 3) Safe schools; 4) Universal human values, learning about other and different, life in multiethnic society and 5) Agreed and efficient financing of education

and Herzegovina has observed that the competent bodies in Bosnia and Herzegovina sometimes failed to conduct procedures against juvenile perpetrators of criminal acts in the manner based on the principles of the best interest of the child. Apart from significant efforts being done to improve the life of the children in Bosnia and Herzegovina, many of them are not fully implemented owing to the fact that the best interest of the child is placed at the low ranks on the list of priorities of those making decisions and allocating resources in the budget. This all means that this principle is not adequately incorporated in legislation, judicial and administrative decisions, projects, programs or services that affect children.

Respect for the opinions of the child - (recommendations 30 and 31)

The adults generally find it difficult to accept the right of children to participate; special attention should be paid to proper early upbringing of children and creation of the simulative atmosphere particularly within the family but also within the educational system, regardless of whether it is pre-school or primary education. A special role in this relies on parents, teachers and educators. Legislation and secondary legislation regulating the issues of the child participation in the councils of pupils should be “modernized” and brought into harmony with the humanist practice and initial foundations of the Convention.

Although the right of children to participate is well regulated by legal regulations, the practice is evidently facing some resistance; there are different types of practice and unequal conditions for realization of children's participation. Therefore, it is necessary to make further efforts on creating stimulating atmosphere and conditions in order to improve the existing forms of participation but also to develop new ones. It could be stated that the school system has been formally providing child participation in some forms of management of decision-making at schools. In the forthcoming period we should pay particular attention to the change of the status related to the participation of children at the level of local communities (that is at the local self-governance bodies). The surveys have shown that the child participation at this level is passive and mediate, without a possibility of direct active participation (mostly done through “delegates”). The approach is not about seeing the child fulfill duties set by the adults, but about their participation in creation of plans and assignments they will be dealing with in the future. According to our research, the biggest progress has been recorded concerning the existence of the Council of Pupils at schools and now all schools have this body. But between 20% and 40% of the pupils there is no possibility for decision-making or articulating their views because of the volume of school material, choosing excursion sites, activities, decision making and school management, teacher's work, etc. The reasons for this are identified in insufficient support to the work of the Council of Pupils, absence of information being provided to children about their rights and lack of encouraging environment at schools.

Conclusions and recommendations concerning General principles:

- It is necessary to make further efforts on protecting the children from unfavorable and harmful environment influences which are results from the war, poverty or undeveloped regions.
- Discrimination remains to be a large problem in Bosnia and Herzegovina; even with the activities and efforts done with an obvious aim to reduce it. It is necessary to ensure implementation of the Law on ban of discrimination, particularly concerning children.
- The media could play more significant role in reduction of discrimination, but it is necessary that their reporting focuses on child rights.
- It is necessary that the laws and society incorporate mechanisms for efficient implementation of the children's best interest. During the course of enactment of these laws it is necessary to provide conditions for basing the home laws on this principle.
- It is necessary to use the existing capacities for child participation and enable the entire community to partake (institutions, children, families, adults, and professionals) for practical partnership with children, which would be stimulating for development of any

child; a progressive development of the environment fit for children with special attention to disadvantaged and minority groups.

III CIVIL RIGHTS AND FREEDOMS

Birth registry - (recommendations 32 and 33)

The Country Report did not record promulgation of the new Law on Birth Register in Republic of Srpska in October 2009, while in FBiH the new Law was adopted in July 2011. The new Law on Bosnia and Herzegovina Citizenship has not been enacted yet. Bearing in mind the size of the problem – the number of unregistered children in Bosnia and Herzegovina, we could say that the government institutions showed inertness in resolving this problem. The Bosnia and Herzegovina Ministry for Human Rights and Refugees, in collaboration with the UNHCR and UNICEF, has formed mobile teams who have registered over 2 000 of these children in birth registries. The contribution in registration of children was also provided by local Roma and other NGOs, especially the ones in bigger towns. More significant activities (in regard to Roma children) followed the signing of the Framework Convention on Protection of Minority Rights and the signing of the Declaration on the Accession of the Decade of Roma Inclusion from 2005 to 2015. The current enrolling process for Roma children demands urgent measures to improve the system, in order to fulfill their other rights.

The pilot research conducted by Roma organizations has determined that the parents of Roma nationality do not register their just born children because of their ignorance that there is a law mandatory for all citizens to register their newborns; owing to the complexity of registration process for birth registries following expiration of legally stipulated deadline of 15 days after the child is born, including the obligation of parents to submit substantiating documents or ensure statements of witnesses by which the identity of their child could be affirmed; owing to costs accompanying additional registration, transport and akin. Introducing the DevInfo data gathering system for children on local levels, conducted by the UNICEF in BH, also improves the situation and the level of registration of the newborn children.

Right to privacy - (recommendations 34 and 35)

The Country Report did not touch the occurrence of right to privacy endangerment, about which little is spoken, but which has a deep impact on child's personality and often leaves permanent unwanted consequences. The right to privacy of school children is often endangered by inadmissible exchange of personal information/data; at health institutions (physician examination) or at collective centers in case of children of displaced persons. Compared with the previous report, the situation has slightly improved in regard to privacy in various institutions, such as schools (the pupil's right to privacy concerning personal or family problems in cooperation with a teacher or professor).

The practice shows that it is necessary to work harder on developing trust and cooperation relations at educational institutions, social and child care and other institutions dealing with children. Speaking of media, it should be laid out that very few information could be given about the victim or a young person in need (respecting his/her right to privacy). The Research conducted for the purpose of this Report involving 2 528 students of primary and secondary schools in Bosnia and Herzegovina has shown that when resolving family problems, children consider these people to be the ones they can confide to: brother, sister and friends in 45% cases, mother in 41%, father in 29%, relatives 18%, teachers 12%, while 12% would not confide to anyone. The list of confidence concerning school-related problems enlists mother on first place in 65% of cases, then friends 52%, father 50%; brother and sister 41%; teachers and professors 20%; relatives 11% ; 5% of those do not confide to anyone. The interesting point is that family-related problems lists brother and sister on preference top of the list, while school-related problems ranks first the mother, then friends. A good indicator is that family members take high place on the list, but what raises concern is that teachers hold a poor status in terms of confidence (12% - 2004 and 20% - 2009).

Conclusions and recommendations concerning Civil Rights and Freedoms:

- The country must continue with improving those important conditions so that all children born within its territory are registered in birth registries, and to also proceed with concrete steps in order to ensure registration of Roma children (and other unregistered children) in birth registries.
- It is necessary to continue with programs for increasing sensibility of parents and experts dealing with children for respect of child's privacy, and especially the media that still violate this right.

IV FAMILY ENVIRONMENT AND ALTERNATIVE FORMS OF CARE FOR CHILDREN

Family environment - (recommendations 36 and 37)

Although the Committee has recommended to BH to provide social work centers with appropriate human and financial resources and also a systematic training of staff, as well as to undertake necessary measures which would guarantee quality, efficiency and transparency of all activities by these institutions, we cannot say that this recommendation has been fully respected, even though specific progress has been recorded. During the reporting period, an important change in Republic of Srpska is the mentioned establishment of the RS Council for Children and the Ministry for Family, Youth and Sports. Apart from the existing laws, these new institutional forms have expanded the framework for raising the quality of services the country is providing to families with children. As far as the resources of the Social Work Centers are concerned, in the period from 2004 to 2007, the number of centers in FBiH has remained unchanged, while two new centers have been opened in Republic of Srpska. The number of processed cases and interventions provided for these centers in Bosnia and Herzegovina has increased from 942 968 in 2004 to 1 165 700 in 2007. Observed only at the level of Republic of Srpska, this figure has almost doubled (from 377 649 in 2004 to 665 547 in 2008), which is the data pointing at the increasing need for services from the social work centers in Republic of Srpska; that is regarding social vulnerability of the population, but also it shows how the social work centers' capacities are being used daily.

The number of employees at the Social Work Centers in Bosnia and Herzegovina has gone up from 1 055 in 2004 to 1 183 in 2007; 64 new employees have been employed in both entities each, mostly expert associates and some people in administration and other necessary staff. In 2008, additional 53 persons were employed at the Social Work Centers in Republic of Srpska⁸. However, after that there was no noteworthy increase of the number of employees in Social Care Centers, nor in any other social welfare institutions. As far as the quality is concerned, it is clear that such a small number of employees per large number of beneficiaries (potentially even bigger number) cannot ensure same quality for all services and very rarely there are teams who focus to work with children only.

The mostly referred remarks concern non-payment of financial allowances, which depend on economic capacity of the municipality or the canton in which the centers are located. In terms of the Centre resources, a progress has been recorded regarding cooperation between social work centers and associations of nongovernmental organizations at the local level. This resulted with the fact that some municipalities significantly improved their level of services it provides to users. There is no longer delivery of baby packages in Republic of Srpska, the packages every single mother received for a newborn baby, but instead a single allowance in cash is paid for baby kits. We have seen a more active approach in support to the families with children in both entities in Bosnia and Herzegovina in 2008,

⁸ Social welfare statistics No.7 – RS Institute for Statistics, Banja Luka 2009, and Social welfare 2002 – 2007, BiH Agency for statistics, Sarajevo 2008

although many problems are still unresolved. The Bosnia and Herzegovina Ministry of Justice, Sector for International and Inter-entity Legal Aid and Cooperation has made a positive step with an aim to help parents abroad or in homeland by issuing the brochure: “How to act in the event of illicit transfer and/or non-return“ and “How to obtain alimony abroad “. Out of all the efforts performed in this field in Republic of Srpska last year, we must highlight the initiative for the housing/accommodation of the families with five or more children launched by the RS Ministry for Family, Sports and Youth and realized in cooperation with 32 municipalities in Republic of Srpska, that provide the necessary land parcels and infrastructure. The total of 261 families with five or more children resolved their housing problems. Further 210 housing loans for the youth and young married couples have been subsidized in Republic of Srpska in 2008, while 232 persons have been employed thanks to the incentives from the Ministry of Youth Employment in Republic of Srpska. The program of subventions the purchase of apartments for young people and young married couples has been continued in 2009; 2010 and 2011 as well, with a subvention of 1% of interest rate in commercial banks. In 2011 the Children care Fond reduced the amount of maternal payment in comparison to the beginning of the last year for over a third and now it is only BAM 70 (around 35 EURO). The children’s payment was also reduced by BAM 10, so the second and fourth child receives only BAM 35, while parents will continue to receive BAM 70 for third child, providing that they fulfill the property census. Payment for ill children was not reduced. 36 925 children whose parents cannot raise them on their income were registered in 2010⁹. There is a great need in Bosnia and Herzegovina for marriage and family counseling, as well as stronger support to the control over implementation of the legally granted rights serving as support to families with children. In 2010 BH signed a Convention on international rights to support a child and other forms of family support.

Adoption - (recommendations 38 and 39)

Although the Committee recommended measures for adoption of the Hague Convention on Protection of Children and Cooperation in Respect of International Adoption, there is still a need to further regulate this procedure. The Convention had not been ratified. The need to regulate the procedure of adoption, especially international, is still necessary. A complete adoption of children in Bosnia and Herzegovina is restricted with the age limit of 10 years and the marital status of adoptive parents that is up to 5 years in Republic of Srpska¹⁰. There are a large number of requests for adoption in both entities, however the number of children fulfilling all pre-requisites is insufficient. Individual demands were in the process of solving up to 5 years. The adoption of children has an ascending trend and there is an interest for adoption. However, children are often faced with the situation of failing to fulfill the requirements because their parents do not give consent, although they do not want them or cannot take care of them. Furthermore, those filing adoption requests are more interested in children at young age.

Republic of Srpska has adopted and promulgated a detailed Strategy for promotion of social welfare for children without parental care with the Action Plan for the period from 2009 to 2014, while the FBiH Government adopted a Policy Document for protection of children without parental care and families subject to separation risk for the period 2006-2016. SOS Kinderdorf estimates that there is about 2,000 children without parental care in BH in 2010, pointing that certain estimates claim this number spans from 3,000 to 4,000 children.

⁹ Social protection bulletin no. 9, 2011, Republic Institute of Statistics of Republic of Srpska

¹⁰ Strategy for improvement of social protection of children without parental care with implementation plan for the period 2009-2014, RS Ministry of health and social protection

Alternative forms of care for children without parental care - (recommendations 40 and 41)

It could be said that in regards to the field of social policy in Bosnia and Herzegovina, a stance has been adopted to develop new forms of child protection deprived of parental care. The Country Report recorded all significant activities that had occurred during the reporting period, first of all “A policy document concerning child protection without parental care and families under the risk of separation in Bosnia and Herzegovina 2006-2010”. A special importance of this document lays in the fact that it was accepted by the Federation of Bosnia and Herzegovina Parliament, competent ministries in Republic of Srpska, FBiH and Brčko District Departments and UNICEF. It was also coordinated by Save the Children UK.

The result of the cooperation between the competent ministries is “The framework with standards for the fosterage in Bosnia and Herzegovina”. We must stress that the Country Report failed to emphasize highly important role of local nongovernmental organizations in promotion and development of fosterage as the most acceptable form of childcare. In government and non government institutions of BH accommodates around 1 111¹¹ children without parental care (983 of whom in FBiH¹², 123 in RS¹³, while Brčko District has no institutions for this purpose or children). According to the estimations of the BH SOS Kinderdorf, u 2010, there are about 2000 children without parental care, but this number may go up to 3000 or even 4000, as there are no accurate data on this.¹⁴

Compared with the total number of children without parental care we have around 60% of the children who have been accommodated at foster families. This result has been accomplished owing to engagement of the governmental and nongovernmental sector. There are several associations of foster families organized in Bosnia and Herzegovina, which operate as non-profit organizations and their aim is to develop new forms of protection of children deprived of parental care. Only in the area of Tuzla, there are 350 active foster families that are linked (through the network of fosterage associations from Banja Luka, Zenica, Tuzla, Doboј, Sarajevo, Brčko) into a roof organization with the official name “Bosnia and Herzegovina Family”. A support for foster families in the FBiH differs and ranges between 100,00 KM to 480,00 KM. These differences are visible in other forms of care where they result in unequal care for families and children of FBiH, and those have been caused with the cantonal financial possibilities.

“A Small Family Home” – a house for children without parental care has been opened in Zenica in September 2008. This is where the children are temporarily accommodated for a short period of time until a better solution is identified (such as return to the family, adoption, fosterage or independent life).

The activities related to fosterage are on the top of the priority list of the governmental sector. In cooperation with the associations of foster families and nongovernmental organizations, the Centers have been engaged in continuous work on fosterage development. The most important results in this field have been accomplished in Tuzla Canton, Zenica-Doboј Canton and Sarajevo Canton. The background checks of accommodation are in continuity performed by Social Care Centers. They also provide the necessary amount of support for foster families when it comes to child upbringing, selection of profession, school enrolment and other important issues. Given the data from 2011¹⁵, there are 640 children living in the RS without parental care, 91 of whom are placed in foster families, 100 of whom are in a home; 80 of whom

¹¹ Statistical annual report of FBiH Institute for Statistics, Sarajevo 2008.g.; Social protection in Brčko District BiH 2004-2008, in 2009

¹² Statistical indicators for children in BiH, Annex to the First periodic report of BiH on implementation of the CRC in BiH

¹³ Republic Institute for Statistics in RS, Social protection statistics, Bulletin no.7, Banja Luka, 2009

¹⁴ Situation of children in BiH (Analises of children without parental care and/or children in risk of loss of parental care based on child rights, SOS Dječija sela, Sarajevo, 2010

¹⁵ <http://www.nezavisne.com/novosti/bih/U-RS-640-djece-bez-roditeljskog-staranja-85293.html>

have been adopted in the course of four years, and others are staying with relatives. The financing of this sort of childcare is covered from the municipal budget. The Banja Luka Social Care Centre says that 70% of the price prescribed by the Children's Home is paid for one child at the foster family. The amount of the compensation differs from one municipality to another. Speaking of kinship foster families where the children without parental care are placed, some families do get compensation, while some do not.

There are 37 children without parental care in the municipality of Bijeljina who have been placed at kinship foster families and they do not receive any sort of compensation for that. Projects promoting fostering are being developed and an increase of interest by potential fosters is recorded. During 2009, the entity ministries dealing with social welfare were engaged in the project called "Ensuring the Right to a Quality Social Care for the Quality of Life of Vulnerable Children", which was run by Save the Children UK. This project was about standardization of services for the vulnerable children in the social welfare system. The standardization covered the services of day care centers for children with difficulties in development, institutionalized placement of children without parental care and standards concerning work of social care centers in the field of child care with a special focus on the work with children with special needs in Republic of Srpska.

Violence, abuse, neglect and maltreatment - (recommendations 42 and 43).

The problems of neglect in education and upbringing of children by their parents, child abuse, juvenile delinquency and peer violence have an ascending trend. We can identify causes for such behavior in severe socio-economic living conditions, disturbed family relations, and illness cases in the family, bad war experience of parents and children and a number of other factors. Furthermore, the recorded grow could also be the result of increased awareness concerning how to notice and hence report on these forms of violations of the rights of children. In accordance with the recommendations of the Committee for the Rights of the Child, the country institutions, entity institutions, cantonal and Brčko District institutions have ensured promulgation of the Family Law, Law on protection of children from violence, Criminal Code and other legislation regulating this particular field. In 2005, the Federation of Bosnia and Herzegovina has enacted the Law on protection from domestic violence. In January 2008, the Law on Amendments to the existing Law has been enacted, which prescribed protective measures against perpetrators of violence acts. The same Law has defined the financing method for 7 safe houses in the ratio of 70% of costs for the Government of RS and 30% for local communities. The social welfare issues have been regulated by the cantonal laws in the FBiH. The majority of safe houses signed Protocol with the cantonal ministries; where the Ministry for Social Welfare gave one-time assistance for safe houses in 2008. After 2008, the Cantonal Ministries have provided insufficient funds for Safe houses in Mostar, Bihać and Zenica. Canton Sarajevo, namely the competent ministry is the only one that has been financing the Safe houses since 2001 covering the expenses up to 60%. This financing model often faces problems related to backlog payments and insufficient funds. The mentioned legal regulations ban any form of physical punishment of the child. The existing legislation in Bosnia and Herzegovina foresees an obligation to report on any form of violence against children by anyone who has doubts or holds information about such cases. In the period from 2006 to 2009, several protocols have been signed that prescribe actions to be undertaken by the governmental services in cases of violence against children, peer violence or domestic violence. The protocols had the aim to provide an ultimate coordination between the services of BiH, RS, FBiH, Brčko District, international and local NGOs involved in helping the children and their re-association. The Strategic Plan for prevention of domestic violence for Federation of BiH 2009-2010 was developed and adopted in 2008, and also the Strategy for prevention of domestic violence in BiH for the period of 2009-2011. A manual named "Prevention and suppression of violence in RS" had been published. In cooperation with the Centre for education of judges and prosecutors, the RS Ombudsman held a number of seminars on domestic violence, intervention system regarding domestic violence and multi-sectoral approach to protection of children from violence. The seminars were intended for judges, prosecutors, social workers and members of police force. A Task Group was also set to develop a Strategy for fighting domestic violence in the period 2009-2013 in Republic of Srpska.

The official statistics read that the family abuse was registered at BiH level in 2 085 cases¹⁶ (Agency for Statistics, Social Protection, Sarajevo, 2002 – 2007) and compared with 2006, there was an increase for 9%. The final statistics regarding peer violence have not been established. Ministry of internal affairs records increased number of charges by triple in comparison to 2007, and the increased number of processed files in justice institutions has been evident. What raises concern is the fact that in the last few years the number of charges on sexual abuse of children had increased. With the help of SCN, NGO “Medica” had begun working with family molesters, mainly fathers, thus setting aside the drawback of the Law on protection from domestic violence, because no matter what the Law states, rehabilitating the felon is left back because there are no such services. Apart from that, the Ministry of human rights and refugees of BH established a database on violence committed over children and by children in 2009, and since then it has been keeping regular records, therefore developing fully the instruments for gathering the data. The new strategy for preventing children abuse in BH is still an ongoing process. The Country Report, which provided an overview of the activities of the governmental sector, failed to present the activities of the nongovernmental sector, which greatly contributed to development of child and family protection, reflected in the following:

-Survey of the problem of violence against children - Survey “Domestic Violence – Development Study in BiH” showed that the most occurring is the physical violence (40%), followed by psychological (28%) and combined (26%), then economically-related (4%) and sexual (2%)¹⁷ – The research was conducted by the Institute of Criminology and Safety Studies of in Sarajevo 2005.

- There was also the SC UK research “The Other Side of Silence“ and “Child Trafficking in BiH“(SC Norway and UNICEF in cooperation with the local NGO). The surveys have shown that the children from dysfunctional families, minority groups, and poor families are mostly exposed to various form of violence.

- The FBiH Institute for Public Health conducted a research on mocking, fist fights and injuries amongst school children, which investigated factors that increase risks for the young to perform violence behavior. The findings show that 39.50% of children are engaged in persiflage, while 43% of them get hurt.

Regarding the persiflage factor the children from rural areas (54% of them) are more involved, while the ones who get hurt live in urban areas (52%). The research has confirmed the influence of numerous factors of violence behavior amongst children (especially fist fights).

-Also, the regional program “Young Men as Allies in Preventing Violence and Conflicts in the West Balkans” consisted of research on dimensions of masculinity in gender related violence.

The goal of the project was also the education of young men as a form of preventing gender related violence.¹⁸

-The research regarding the status of child rights at primary and secondary schools (first and second grade of secondary school), carried out by the NGOs “Our Children“ and “Hi Neighbor“ in BiH in 2004 and retest conducted in 2009, pointed out that the children are exposed to various forms of abuse: domestic violence (15.10% - 2004, and 22% in 2009); physical punishment of children in general (23.50% - 2004, and 21% in 2009). The data shows how the problem of abuse on the streets is noticeable (23.30% - 2004, and 37% in 2009), at schools as well (25.40% in 2004 and 11% in 2009), concluding that an organized and continuous activities need to be set in place for their prevention.

¹⁶ Agency for Statistics, Social Protection, Sarajevo, 2002 – 2007

¹⁷ Research conducted by Institute for criminology and security studies of the Faculty for criminalistic science in Sarajevo, 2005

¹⁸ Donor: Ministry of foreign affairs of Norway, Partners: SMart kolektiv Beograd, XY Sarajevo, Inicijative Prokuplje, Stauts M Zagreb, Perpetum Mobile Banjaluka, PEN Priština, Centar za razvoj zajednica Kosovska Mitrovica, Altruist Mostar, ICRW Vašington, Promundo Rio, KZM Temerin, KZM Loznica, KZM Obrenovac, KZM Velika Plana, KZM Rača, KZM Kragujevac, KZM Blace, KZM Vranje, KZM Novi Pazar, KZM Prijepolje, KZM Prokuplje

Promotions and campaigns were performed by many NGOs, thus contributing in raising awareness in the society so the victims of violence would be given the best possible help. In 2008, the campaign for raising awareness and information regarding peer violence at schools entitled “Violence is not a School Subject“ was issued; there was also a brochure under the same name. Some of the conclusions of these round tables held at 18 primary schools in Bosnia and Herzegovina were: the schools have a great need for strengthening professional teams; they expressed the need for organizing seminars on the topic of violence, where the teachers, professional associates and parents would be educated. The cooperation with parents was assessed as extremely poor; a specialized web site www.zaštitimodjecuodnasilja.com (translation: let’s protect the kids from violence) is under preparation, and this web site would consolidate at one place all available resources concerning this issue. Of course the lack of database for the part of violence against children represents a problem. In order to implement the program - Prevention and education – NGO “Medica” from Zenica, in cooperation with UNICEF, organized numerous trainings for helpers with an aim to form multidisciplinary teams across BiH. Important projects in this field were conducted by NGO ”Oasis”, “Women to Women”, “La Strada” and similar. All NGOs dealing with the issue of violence against children and child rights need to work more continuously on making the public sensible in terms of reacting whenever they hold information about violence against children and education of all those in contact with children. Within the project “Strengthening the Capacities of Professionals for the Application of the National Strategy for Protection of Children from Violence, Abuse and Neglect”, implemented by the Local Democracy Foundation in partnership with the BiH Ministry of Human Rights and with the support from the competent ministries from Sarajevo Canton, there were number of trainings held for those employed at the social, health, police services, educational staff and NGOs. The Manual was also developed for professionals working within the system of child education and care, and a picture book called “Let’s Go Together” – “Violence is not OK” intended for children aged from 6 to 11.

Local Democracy Foundation also organized training for the staff of the Social Work Centre from Sarajevo Canton concerning the actions which should be taken when dealing with a bully, and hence the self-help groups were established. In cooperation with the competent social care services in Sarajevo Canton, the Local Democracy Foundation formed mobile teams that should provide psychosocial and theoretic support for many families and children. Rehabilitation of victims of violence is carried out by several NGOs from the FBiH and RS. – “Local Democracy Foundation” from Sarajevo, “Medica“ from Zenica, “La Strada“ from Mostar, “BiH Women“ from Mostar, “Vive Women“ from Tuzla, “Emaus“ from Tuzla and “Women From Una “ from Bihać and shelter for women and children in need “Mirjam” Caritas from Mostar. There are several active SOS phones that are at service for the victims of violence. The following organisations in RS are engaged in protecting victims of violence: “Future” from Modriča, “Lara“ from Bijeljina, “Associated Women / hCa” from Banja Luka, association of family therapists “Pro familia” from Banja Luka, “Pro at contra” from Prijedor, “Centre of info-legal aid” from Zvornik, association of Women “Hope” from Prijedor, “Women’s Centre” from Trebinje and other NGOs.

Rehabilitation, treatment and psychological support are performed in Safe houses and centers for giving aid to NGOs. Some of these organizations signed a protocol with the government sector thus enabling victims of violence a safe return and treatment until acquiring full independence. The greatest number of these organizations is still supported by international organizations and institutions. NGOs who work with victims of violence had emphasized it necessary that all the victims are being treated as special social categories, in accordance to the new legislation, and that they receive full medical help and other services.

- Participation of children – The children, who are the activists of organizations “Our children” from Sarajevo, “Hi Neighbor” from Banja Luka, “Center for Child Rights” from Konjic and “Future/Budućnost” from Modriča conducted the poll in which they questioned the stances of children and adults in BiH in regards to legal prohibition on physical punishment of children. The survey questioned the opinions of children and adults regarding the legal ban of physical punishment for children. The results show that more than half of both children and parents (around 52% of children and around 59% of the adults) are of the view that the physical punishment is an inefficient method and result of lack of communication skills. Nevertheless, around one quarter of both children and adults share the

view the physical punishment of children is sometimes necessary. Although, the awareness does exist concerning the consequences of the physical punishment with both, adults and children. What raises concern is that only 57.34% of children and 49.43% of the adults are of the view that the law should prohibit the physical punishment of children.

- Experiences in the work of Safe houses¹⁹ - A key problem of the staff and children victims at the safe houses is the picture of a child with a violent father, who mostly uses his child as a means to exert influence against the mother (the victim) with an aim to either ensure her return to social union or to pass on his strongest threatening messages that are of a discouraging effect on a woman. In this manner, the father continues the violence in terms of the “extended” control and influence upon mother’s own decision-making. The practice of institutions has been kept that children, victims of violence, are placed at shelters without an escort, parental care or care of the closest relative. The progress has been achieved – after being admitted to the safe house, the children remain considerably shorter period of time, than it was the case before. The institutions, primarily Social Work Centers now work more intensively on the problem of child’s permanent placement into a family. There were some good legal changes in the field of Family Law and Law on protection from domestic violence. The children, who are admitted to shelters for the second time, are in extremely hard position. However, the fosterage authorities (Social Work Centers) perform another omission in this regard, because of their wrong evaluations; the children were returned to primary families, where violence cases repeated over and over again. In such cases, the Social Work Centers should more often apply the mechanism of taking away the parental right in the best interest of the child.

The health field does not classify the violence against children term. Violence against children does is nowhere to be found in the reporting form of primary health care. It needs to be emphasized that the courts rarely declare protective measures, and those measures are mostly related to restraining orders or the measure of removing the perpetrator from the house or the apartments, by which the woman and the child would be protected since they are mostly forced to leave the house and look for shelter. ■

The Country Report has failed to record participation of the representatives of Brčko District Police Force and those working at the health care sector in preparation of the Manual for application of Protocol on actions regarding child abuse cases. The Manual should be published in the near future, and it is aimed at harmonizing activities of the government institutions in this particular field.

Conclusion and recommendations for the field of Family environment and alternative protection measures:

- The Hague Convention has not been adopted.
- The resources at the Social Work Centers have been somewhat increased, but still remain at insufficient level, because the number of population in need for social services has been increasing as well.
- As far as the fosterage is concerned, the recommendations of the Committee for the Rights of the Child have been properly fulfilled, except the part of recommendations that the Country should provide sufficient funds for fosterage placement and monitoring the care institutions. It is necessary to ensure a mandatory mechanism for a balanced compensation for the fosterage placement and upbringing of the children in BiH.
- What needs to be done is to perform rationalization of processes regarding adoption of children, resume with good activities on encouraging placement of children without parental care. Insufficient efforts are placed in supporting the families who are upbringing these children, especially incomplete families and families from the marginalized groups.

¹⁹ Data provided by the NGO “The Future” from Modriča; the Local Democracy Foudnation holds no experiences of this nature regarding “extended control” by the perpetrator of the violent acts against victims (placed at shelters)

- Not all communities are working on increasing the sensibility for detection of child neglect and abuse cases; the support measures for the children have not been provided at a satisfactory level.
- There are no sufficient funds for equipment and staffing of social services at the Social Work Centers, neither their education for the work with the juvenile persons of various level and forms of deviant behavior.
- In order to prevent children's abuse, it is necessary to form marriage and family counseling centers where a continuous education on healthy parenting and positive discipline would be held , accessible to all parents(especially those in vulnerable groups), provide additional education on the matters of violence in family performed by experts in schools, show measures taken (applying referral mechanism) and give a more efficient support (by psychologists and educators) to children- victims.
- Introduce clear measures of prevention of further children abuse in situations when the abusers, using their right to see the child (and the child's right to see the parent), manipulate children and intimidate their partners who had abandoned them precisely because of violence.
- It is important to support the preventive and rehabilitative work with abusers and molesters.

V BASIC HEALTH AND SOCIAL WELFARE OF THE CHILDREN

Health care and access to health care services (recommendation 49)

The recommendations of the Committee that the State should undertake all necessary measures in order to provide its children with fair access and balanced quality of health services, alongside with dedicating special attention to children in vulnerable groups. During the time between 2005 and 2009 no specific measure has been taken in order to balance the health care system on the level of BH, which would guarantee equal health care to all children. One such measure has been taken in 2008, and its reflected in the order of the BH Council of Ministers to the Ministry of Civil Affairs (as the competent coordinating body between the entity bodies) to engage on alignment of the health insurance regulations in regard to health care for children of pre-school and school age with the Convention on the rights of the child, as well as to undertake activities on harmonization of legal regulations in this particular field aimed at rehabilitating and employing persons with difficulties in development.

Adoption of the Law on medications and medical devices²⁰ contributes to the balance of regulations in this field. The basic entry of the health reform in FBiH is oriented towards primary health care, with the emphasis on better promotion of health as well as better prevention. The reform promotes continual protection, and focuses on the joint decision of the patients and caregivers. Attainability of the health care is visible to children through the "Healthy children for healthy future – Research on quality of medical treatment of children at public health institutions", carried out in 2008 as a part of the Protection of children's rights project at the RS Ombudsman. The research established that ratio between the numbers of children per pediatrician is approximately 2500:1 in the RS, while in the FBiH, one team examines 2 048 children aged 0-6 years during one working day, while one working day at the health care for school children and the youth involves 7 329 children aged 7-18 years. These data point that it is necessary to increase the number medical teams in school dispensaries, both in RS and FBiH, as well as the number of pediatricians at the state level. However, speaking of availability of the medical treatment from the insurance aspect of parents/children, the situation in the FBiH is at the unsatisfactory level. The Law effective until the end of 2008 did not provide medical treatment for children up to 6 years of age whose

²⁰ „BiH Official gazette“, 58/08, 2008

parents had no health insurance. The health insurance during the year of 2007 covered 83.65% of population²¹. Upon the initiative by the Reference Group of NGOs from Tuzla, led by the “Land of Children” organization, fierce campaigns were conducted. Finally the Federation of BiH Parliament in 2008 enacted the Law on changes and addenda to the Law on health insurance, which, for the first time, demanded a mandatory health insurance and free-of-charge health care to all children, from the day of their birth until age 15 (18, that is 26 if still in education) as independent insured persons, unless they obtain this status as family members of the insured person. Although the Law has taken effect as of January 1, 2009, its implementation had a rough path because the competent cantonal governments failed to enact secondary legislation and plan budget for this purpose. The Ombudsman for Human Rights reminded the cantonal governments of their obligation to implement this Law. NGO is especially concerned by the fact this law concerns children living in severe social environment, with unemployed parents, Roma people and other ethnic minorities, whose health is considerably disturbed due to their living conditions. The newly formed Solidarity Fund in Federation of BiH has insufficient resources compared with actual needs.

The health condition of children in BH has been presented in the Multiple Indicator Cluster Survey-MICS, developed by the UNICEF, to show the progress made in evaluation of the indicator achievement at the levels of State and entities. The data given in 2009 shows that the health conditions of children and adults is in the levels given in 2008. However, BH still hasn't established a system of controlled monitoring of nourishment and nutrition habits of its population, thus including children of age up to 5 years. 3% of children is undernourished; 5% emaciated, and 9% underdeveloped. The percentage of undernourished children is higher amongst Roma children: up to 24,2% Roma children are malnourished, and 12,1% underdeveloped. The effects of poor nourishment have also been recorded: 17% of children up to 5 years of age are overweight. Children still suffer from same diseases, apart from a higher record of H1N1 in comparison to other contagious diseases. Children of all age groups suffer the most from respiratory diseases. This problem was noted by the Sarajevo family care doctors who had written and promoted a book for parents named “Respiratory system inflammations in pre-school children”²².

It is also important to mention that the level of immunization of children has a rising trend (BCG 97%; DTP3 90%; OPV 3 90%; MRP1 91%; Jib3 86% i Hep B 86 %.) Vaccines MRP1, Hib3 i Hep.B3 still do not have legal mandatory coverage minimum, so additional activities need to be intensified²³. What raises satisfaction is the fact that the coverage of the prenatal protection is really high, professional assistance during labor (99,2%) and conditions for child development are also, according to indicators, at the satisfactory level. The percentage of exclusive breast-feeding has also increased in the first four months- from 8,1% to 29,3%. Overall 17% of children aged 0-11 months are properly fed. The program of breast-feeding promotion and the program of certifying “Baby friendly hospitals” presented a book of their longtime work named “Baby friendly hospitals” which introduced 14 hospitals who received the BPD certificate.²⁴

The health care of persons with developmental difficulties is loaded with problems from diagnosis and categorizing, to uncoordinated legal procedures of Convention of the rights of disabled persons and immediate health care on field work. The WHO states that the estimate of disability is based on the social inclusion of the associations concerning them. The society still doesn't take enough measures to help the parents of children with special needs; there are no sufficient day care centers, so parents are forced to take children everywhere they go; and some municipalities require monthly verification of health cards.

21 Report of NGOs and children on situation of child rights in BiH in 2008, Sarajevo 2009

22 Respiratory infections among children of preschool age, group of authors, Sarajevo, December 2010

23 Health condition of population and women in FBiH, Institute for public health FBiH, September, 2010

24 Ibid.

The children Ombudsman gave a recommendation to the Fond of Pension and Disability Insurance that the children with special needs are free-of-charge of physical examination during their evaluation of ability to live independent. The health care of disabled persons- disabled children have problems with prosthetic aids; which need to be changed more often than the law inquires, due to growth. Cantonal governments haven't found a solution to overcoming this issue. Alike, the health care of children with damaged vision is not adequate because pediatricians aren't educated enough to perform interventions in blind children. Research on the iodine status of pregnant women and breast nurses in the area of entire Bosnia and Herzegovina in 2008 has shown that 48,6% of pregnant women and 22,7% of breast nurses have the level of urinary iodine excretion lower than normal, hence the input of iodine is insufficient with their increasing needs²⁵. The government report still hasn't put focus on the problem of health care in BiH in specific conditions, on field. The program of health strategy in the Republic of Srpska is realized through the Law on healthcare and Law on health insurance. As of last year, the complete health care of children under the age of 15 is free-of-charge, regardless of the insurance status of their parents. Although this served as a major breakthrough regarding the availability of health care, there still remains the problem of children aged 15-18, as well as the insufficient number and distance of family care dispensaries. The health care for children requires all the health services health institutions can provide, which depends on the location and personnel of the health institution, number of residents etc. There are still ongoing reforms of mental health care that should further improve mental health in the RS and entire BiH.

There is a current program of BIH named "Analysis of the situation and evaluation of mental health services in BIH", conducted jointly by the Ministry of Health from the RS and FBIH Ministry of Health in cooperation with the Swiss Development and Cooperation Agency. The project includes evaluation of work of 44 mental health care services in BIH, out of which 17 are in the RS, and 27 in FBIH and one in District of Brčko. The plan is to empower mental health care centers, perform equipping and professional training of the employees, as well as strengthening the Coordinating center for mental health in the RS²⁶. The health care of children in Brčko District (BD) is accomplished through the BD Law on health care and health insurance. Brčko does not have Law on domestic violence. The primary and tertiary health care of children is well organized. Also, the primary prevention, early detection and medical treatment of any sort of psycho-somatic impairment of children should be incorporated in the Law on health care and Law on health insurance, by which the anti-discriminatory action principle would be attained. The BD Mental Health Centre is actively involved in the reform processes of mental health care in BiH. Within the reform of the Primary Health Care and introduction of Family medicine teams, it is necessary to raise sensibility amongst the personnel regarding children and adolescent related issues, particularly children and adolescents with disability. An example of good practice is the expansion of the services by the BD Mental Health Centre with the segment for the listed categories.

The health care of persons with special needs placed in institution – the majority of institutions give certain forms of health care, whilst in some institutions the patients are being treated in local clinics (such is the case in Prijedor where all patients have health cards, apart from few people from Federation of BiH.) In many of these institutions the treatments are carried out by GPs, dentists or residents hired in a contract, even though the majority of these institutions have a big number of protégés, and by all norms they should have permanently employed doctors. The organizational system of health services in BIH suffers a lot due to lack of staff, sluggish procedures and poor equipment of health institutions outside urban areas. This makes the quality of health services still inaccessible to many children because far better health care is provided to children whose parents can pay services at private clinics.

²⁵ UNICEF office for BiH, research project „Iodine statuses of pregnant and breast-feeding woman in BiH, 2007/08.

²⁶ „People refer to surgeon more easily than to psychiatrists“, Independent newspapers, 25.10.2008

Health of adolescents (recommendation 51)

The Strategy “The Youth and the Health” has been developed in the Federation of BiH and RS in 2009, while the development of the Strategy of the youth and the health is the fulfillment of the social care for the health of the youth and as such it makes a basis for the implementation of the Policy for the health of the youth adopted by entities. The Strategy foresees many improvements in this field of life of the youth and it remains to be seen whether it would be implemented.

The mental health project for south-eastern Europe was initiated by the Swiss Development and Cooperation Agency in collaboration with the FBIH Ministry of Health, the RS Ministry of Health and Social Welfare. A network of 50 Mental Health Centers has been established in Bosnia and Herzegovina, namely 31 in the Federation of BiH, 18 in the RS and 1 in Brčko District. Our country has signed the Declaration on the long-term program of regional cooperation and health care development of south-east Europe. The Declaration requires founding regional centers from mental health in BiH, as well as regional center for south-east Europe. The development of the “Strategy of mental health care in the RS 2009-2015.” has been finished in the RS. Also, the center for coordination of work of the centers for mental health in the RS has been established. During 2009 the expansion of the network was planned, with 5 new centers for mental health care as well as education of the personnel, through the cooperation with the Italian Government and CESVI project.

Tobacco control – The age limit for the ban on sale of tobacco products has been lifted in BiH from 15 to 18 years of age, while the measures related to promotion and sponsoring of tobacco industry were made stricter. The Ministry of health announced consistent implementation of the Law on tobacco and tobacco products in Federation of BiH and prohibition of smoking in enclosed places at all public institutions and at business premises. It is important to emphasize that the Presidency of BiH and the Parliament of BiH reached an agreement in 2009 on ratifying the Framework Convention on tobacco Control of the World Health Organization, which initiated the harmonizing activities between the entity legislations in the area of control of tobacco in BiH, coordinated with this internationally important document.

The most common ways of addictive behavior in FBIH are smoking, consumption of alcohol, drugs and psychotropic substances. According to researches, in 2008 there was 14,3% of current smokers amongst school children and young aged 13-15; even 61% of young people who were attending first grade of high school or turning 16 years of age confirmed that they had consumed alcohol through their life, and 6% of examinees stated that they tried marijuana before turning 16²⁷. Promoting health among young people in FBIH was conducted in 7 centers for youth organized in Sarajevo, Mostar, Zenica, Tuzla, Livno, Bihac and Travnik. Young people were treated in 3.164 gynecological and dermatovenerological services, as well as given 2.291 services of counseling. Also, informal education of the youth and future safety has been performed through a series services. Data collected during survey conducted by “Our Children” and “Hi Neighbor” amongst primary school pupils and first and second graders at secondary schools show that the alcoholism is present amongst the young (67% of children say this problem does exist). The causes for such an occurrence are multiple, and we could identify them in poor care of parents for their own children, lack of adequate support to parents and prevention programs for children and the parents, as well as in omnipresent crisis in the society. Additional aggravating and alarming circumstance is that the threshold of consuming intoxicating substances is getting lower.

The program of health policy and health strategy in Republic of Srpska until 2010 contains special objectives and measures of the health policy concerning the health start of life. The plan is to advance the level of the health of the youth until 2010 in order to facilitate them to completely accomplish their role within the society. This objective also includes setting the conditions in which children and adolescents may attain healthy living habits and healthy life style, decrease mortality and disability caused by injuries

²⁷ Knowledge, attitudes and behaviour towards smoking among school children in FBIH, 2003 – 2008.; Institute for public health FBIH, Sarajevo 2009

and other accidents for at least 50%, reduction of the number of the young who smoke, consume alcohol and drugs for at least 50%, reduction of the number of juvenile pregnancies for at least 50%). It is completely clear that this strategy will not accomplish its objectives at this implementation pace and small investments. Protection from alcohol abuse by implementing laws that regulate this issue in RS didn't show success. This is visible in the research done by the Ombudsman together with a network of High School Student Councils in the RS in 2010. 689 students took part in the survey; 292 of whom are male and 397 female. 78% of them stated that they consume alcohol, even 20% of whom tasted the alcohol at the age 9 for the first time. In 45% of cases the alcohol had been offered by their peers, 25% of them consumed it on birthdays and celebrations. They reach alcohol in bars in 56% of cases, 23% in drugstores (although there is a ban on selling alcohol to minors), 16% in clubs. A grand total of 66% students said that they never had problems getting alcohol, 43% of them had some trouble getting it, and 90% of them stated they knew alcohol was forbidden.

HIV/AIDS (recommendation 53)

The first case of HIV contagion in BiH was recorded in 1986 and until November 2010 there were registered 170 persons diagnosed with HIV virus, of whom 109 had developed AIDS. In the FBiH there are 98 people diagnosed, 66 of whom had progressed into AIDS. The average age of the infected is 36,8 years, with a span from 4 to 66 years. The dominant transmission route is heterosexual, intravenous drug abuse and homosexual transmission route. The first case of vertical mother-to-child transmission was recorded in 2007. During 2009 there were 4 new cases evidenced. The official statistical data in BH could be deceiving, while the causes for unreliable data could be identified in (none) existence of a single database on infected persons at the BH level; poverty and isolation of some population groups; in the decrease of risky behavior amongst young people etc. The Global Fund Program for Bosnia and Herzegovina called "Coordinated country responses to HIV/AIDS and tuberculosis in war disturbed and stigmatized environment" financed by the Global Fund to fight AIDS, tuberculosis and malaria (GFATM), has been implemented since November 1, 2006. The United Nations Development Program (UNDP) as the Primary recipient nominated by the Country Coordination Mechanism (CCM) / with its partners is implementing the mentioned project. The program is directly linked with the fulfillment of Goal 6 of the Millennium Development Goals, in accordance with the HIV/AIDS BiH Country Strategy 2004-2009. The primary goal of the Program is to strengthen the capacities of the existing, as well as to establish new institutions for providing health services in BiH in the field of HIV/AIDS prevention and engagement on reduction of marking differences - „stigma“ and discrimination by means of the following activities: Peer education trained 115.000 young aged 15-24 about HIV/AIDS; Through media campaign, informative-educational material and synergy of efforts of civil sector gave 6,680 persons the service of pre-test and post-test counseling at 12 Centers for voluntary and confidential counseling and testing. HIV prevention was introduced to Roma population and displaced people, through community coordinators and nurses for around 3,200 persons. 33 persons were treated with Antiretroviral therapy at three Clinical Centers, namely Sarajevo, Banja Luka and Tuzla. In order to increase capacities, 3,200 health and 1,360 non-health workers went through the training on HIV/AIDS and reduction of „stigma“ and discrimination. 1,000,000 condoms were distributed across BiH, alongside with the training on HIV/AIDS prevention. The Global Fund Program carried out reconstruction and acquisition of equipment for 13 Friendly centers for the youth, 5 Methadone Centers, 12 Centers for voluntary and confidential counseling and testing, and it also regularly provides supplies (elisa tests, needles, syringes, condoms etc).

A good example in practice is the accomplishment of the local NGO "Our children" Zenica, which has, in partnership with Save the children Norway, implemented the Project "Sexual education and HIV/AIDS prevention in BiH". The main indicator for the success of this project is the systematic solution in form of education of children at primary schools in Zenica-Doboj Canton regarding prevention of sexual health and HIV/AIDS. For the first time in BiH and the wider region, one educational institution, namely the Ministry for Education, Science, Culture and Sports of Zenica-Doboj Canton recognized the need to introduce the interdisciplinary method of education of schoolchildren through curriculum and accordingly ensured timely and qualitative information to children concerning importance of sexual health prevention.

This practice should represent a sample for creation of a more favorable ambience in the field of HIV/AIDS prevention and systematic introduction of the program regarding sex-oriented education on sexual health of children within the education system across the entire of BiH.

SOCIAL WELFARE

Children with various forms of development difficulties (recommendation 46)

Taking into consideration the recommendations of the UN Committee regarding the Convention on respect of children's rights, the provision Standard rules for assimilating the disabled people abilities and the activities in the BiH revised action plan for children (2002-2010, 2011-2014.) the following conclusion could be made: The periodic report only partially analyzed the legislation of BiH, entities and Brčko District, hence giving the impression that some rights under social welfare seem aligned and applied across BiH. The RS Law on social welfare is not equally implemented across the RS, but instead social contributions depend on the budget of local communities. Hence, there are local communities in the RS that do not cover expenses for somebody else's care and assistance. It also does not emphasize the necessity to strengthen roles and responsibilities of the local communities to change the existing state.

The BiH Revised action plan for children (2002-2010, 2011-2014), which foresees measure 1- that is adoption of the new Law on social welfare, wasn't realized, due to the fact that it has been placed before the RS National Assembly for over years and hasn't yet been passed. This complicates and slows down the advancement of social welfare for all children and disabled persons in the RS. Moreover, the Periodic report does not show how much the country had acted in accordance or followed the recommendations of the UN Committee. It could be said that there is a review of the existing policies and practices concerning children with disability, but it could not be said that there are any noteworthy moves.

Speaking of overview of the social and child care in the Federation of BiH, the Government periodic report provided a comprehensive and objective illustration of situation in the FBiH. The welfare for people with various forms of disability is unequal, since there are divided powers between the Federation and Cantons. It is conditioned by the financial possibilities of the cantons or unwillingness to protect the interests of the vulnerable categories. Due to financial crisis and the inability to implement the law for all the categories stated in it, changes and addenda of the Law on basics of social welfare, protection of civil victims and families with children took place in FBiH, thus depriving all people under 90% of disability of their rights and aggravating big number of children²⁸. The social care is also discriminatory, because it treats differently non-war and war invalids and civilian victims of war (in both FBiH and RS) in spite of the signed and ratified Convention on the rights of the disabled persons. The ratification of the Convention (with protocols) was finished in the House of Representatives in December 7, 2009. and in the House of Peoples in December 15, 2009., after days of protests by disabled people from all over BIH inside the Assembly of BIH. This contributed that the FBiH in 2010 initiates the accordance of legal and subordinate legislations with the Convention. The laws and regulations passed on the level of cantons/counties should significantly improve the status of children with physical, mental and other disabilities. It is especially important that the Decision on forming the Fund for professional rehabilitation and employment of disabled people was adopted in FBiH²⁹. There is some inconsistency among the cantons in FBiH when it comes to categorizing persons with developmental difficulties. There is no evidence performed by unique standards, children's rehabilitation is running late, it is not continuous, nor performed by experts or professional personnel. Referring to the research in the field of disability in

²⁸ Official gazette FBiH, no 14/09

²⁹ Official gazette FBiH, no 48/2010.

BiH³⁰, it is observed that Social Work Centers and Ministries of health and social welfare report that there is no joint database for all invalids including children (SOTAK) that has been installed and operational. Unfortunately, it is not in use across BiH due to the fact that all centers do not have staff trained for data entry. It would be necessary to perform database upgrade for all beneficiaries in pursuance of the Law. Social Work Centers mostly use data related to accomplishment of beneficiary's rights. Therefore, the records regarding socio-anamnestic data, remaining labor capability, marital status, as well as other detailed information about beneficiary was put aside.

Standard rules aren't given the attention deserved. Moreover, BIH has failed to point to the unequal evaluation of abilities and classification of disabled people. Upon the recommendations of the UN Committee concerning education of children with disability, which the state is obligated to follow and work on their implementation, the Country Periodic report does not show to what an extent the status of disabled children has improved in this segment. Therefore the status research in BiH, but not the Report, states that the new educational system is encountering a number of problems such as lack of preparation for new obligations in schools and lack of education for personnel who should respond to various ad specific needs and restricted possibilities of children. The textbooks for all subjects, from which children should learn, were not provided to children educated at special schools according to special program. Following are the problems with which the children and parents of children with development difficulties encounter after detection and observation: unconnected social and health care systems, and once the child is categorized, it attains only the category adequate with the social care system and somewhat to education system, with which the child cannot achieve rights under pension and disability protection, possible employment or some other rights. The Periodic report does not state what significant activities the country had undertaken in the segment of recommendations referring to strengthening public awareness campaigns in order to change negative public views about people with disabilities.

The Periodic Report does not pay enough attention to social care and the extract dealing with children with disability, neither does it report on violation of their rights in terms of health care (dental protection, health insurance), meaning that the status of the child in the RS is recognized until 15 years of age, up to which they have mandatory insurance. In the period from 15-18 years of age, the insurance in the RS differs from one child to another. Speaking of health care, the biggest problems in this segment concern secondary and tertiary health care. The country is developing the health care system grounded on financial sustainability, where the commercial factor is of primary importance instead of the right of the child to an adequate health care. The logical thing would be if the child with special needs attains right to tertiary health care at the closest reference centre within the country or in the neighboring countries. However, they can only attain this right if their family covers the costs. If these children want to attain this right through health care system, they can do it either in Sarajevo or Banja Luka, regardless of the transportation costs of the child with an escort that exceed the treatment costs at health centers in the neighboring states. The right to orthopedic devices is often redefined so the parents are not aware of their children's entitlements, while numerous technical procedures make it harder for parents to attain it.

The Annex to the government's Report regarding reports from Social Work Centers – Brčko District report does not contain number of children with psycho-spmatic disturbances. According to the data from Association "Svitac" (Glowworm) and Mental Health Centre of Brčko District, the number of children with the mental deficit is 346, and with combined disturbances 269 children and adolescents.

Standard of living (recommendation 55)

Poverty was always present in our country so we can state that this is one of the basic problems for children in BIH. Various reasons such as war consequences, long-time transition period, unbalanced social welfare system and next to all that the world economic crisis left many people unemployed, many of whom are young people (only 17% of young are employed).

30 Collection of papers – group of authors, 2008

According to the data given by the Federal Ministry of work and social welfare, there are 9.853 civil war victims and 48.308 disabled persons in Federation of BiH, which represents 2,5% of total population. The data gathered by the Ministry concerning issues of soldiers and Civil War invalids show that there are 103.810 registered invalids from war; 57,8% of whom are unemployed. Thus we can say that every second resident of this country is socially disconnected. Current political situation (no governing body even after 10 months) shows no hope for better future³¹. A continuous ascending trend of families in a state of various socio-protective needs has been observed. The results of the measurements of the standard of living showed that 15% of people in Federation BiH live below the general poverty rate. The government Report says that: 3% of children is malnourished, 9% is underdeveloped in comparison to their age, 5% is underweight, which is a direct consequence of poverty (17% of families are extremely poor; with monthly wages of poor ones of 238,10 KM and extremely poor 83,6%). In the same time about 15% of households live in poor conditioned facilities). What raises concern is that the number of families applying for social aid is increasing every year.

The structure of those families is that 20% of them are families with children. We can draw a conclusion that the number of children living in scarcely conditions, which prevent them in their development according to their physical and intellectual possibilities, increases in continuity. Children are exposed to discrimination, which is a consequence of social status, and as such suffer various forms of discrimination at school by their fellow colleagues, and often by teachers as well.

Conclusion and recommendations concerning health and social welfare:

- **We expect that the application of the new provisions of the Law on health insurance will be provided in the upcoming year in the Federation of BiH, and that the best medical treatment will be provided to all children, regardless of the insurance status of their parents, while the RS needs to resolve the problem of health care for children aged 15-18, as well as providing better attainability of medical centers.**
- **The focus on implementation of the Health policy and strategy for healthy youth in FBiH, RS and District Brčko needs to be put, with emphasis on intoxication prevention and development of healthy lifestyle.**
- **It is necessary to work out and adopt the proposal of the BiH Strategy to fight HIV/AIDS for 2010-2015 and provide a unique record on infected people in BiH.**
- **The fight against poverty still remains number one priority. Providing stabilization of the social fund in the FBiH and balance of the legal regulations with the UN Convention on disabled people's rights is needed. There is still much work to be done in developing the sympathy for the needs of socially vulnerable children.**
- **It is necessary to enhance the systems for early detection of difficulties in children's development, upgrade cooperation between the institutions of health and social care and educational system, support of their families should be done in continuity and with an adequate aid in form of orthopedic devices, financial support, and through work of the NGO sector.**
- **The Law should define and financially support the work of day care centers at the local level in order to reduce the number of children at the**

³¹ Health condition of population and women in FBiH, Institute for public health FBiH, September, 2010

facilities of segregation type and provide a more substantial help to their parents.

VI EDUCATION, LEISURE AND CULTURAL ACTIVITIES OF CHILDREN

The right to education is a fundamental right of every child, upon whose accomplishment the future development of every personality, many other rights and consequential development and survival of society in general depend on. In spite of this, seven years after the promulgation of first reform documents and promises, the situation has not drastically changed. The number of children enrolling and completing various education levels has even reduced in some fields. Previously identified problems are repeating in this year's Report on implementation of the Convention on children's rights. There are slight moves (pre-school and high school education) but unfortunately not enough to be considered.

The part of the Report referring to the legislation and strategies in pre-school, elementary and high school education has an important part. The enactment of a number of new legislations and establishment of various councils, agencies and institutions undoubtedly represents an important pre-condition for enhancement of educational sector. However, the problems occur in (non)implementation of the enacted laws and (non)efficient functioning of the system institutions, non-harmonization of entities' and cantonal legislation with framework legislation, and particularly (non)initiation of responsibility procedure against officials failing to implement the laws, result of which is that many other strategies remain strategies on a piece of paper. In reality, while "waiting" on implementation of the laws that will provide them with an access to qualitative education for every child, many of the children grow up in the environment which do not give them equal chances for success, which only increases their social exclusion and puts in peril their growth, development and the advancement of society too.

Following a very bad economic situation in BiH which affects all children's needs-including those educational, there is a high level of politicizing in the field of education, particularly when it comes to choosing principals, members of the school boards and managements in pre-school, elementary and high school education. This has a negative impact on educational institutions, which tend to become a place for conflicts between the parties and create problems not encountered before.

Preschool education

The understanding of the pre-school upbringing and education in BiH is more often identified as the institutional care for children at kindergartens, than it is a form of regular education process. The number of children included in pre-school is 7%, which represents an increase of 2% in comparison to 2005. (The observation of children's rights in BiH 2003/04-2009.) According to this 93% of children haven't been included in any pre-school programs at all, nor there is a unique and coordinated approach to resolving this issue. Many alternative models targeted at finding solutions for increase of support and care for children in early ages (play game rooms, day care centers, schools for parents, house visits, centers within community, preparatory classes etc), that are successfully implemented with the assistance of nongovernmental sector, are not subject of report and analysis, neither were they classified under the official educational system. The programs for children in the period from birth to three years of age and early intervention almost do not exist, although this is the crucial period for the child's development.

In order to improve this, some significant documents have been passed, such as the Strategy for developing pre-school education in BiH 2007-2013; along with the Implementation plan³² and Framework Law on pre-school education³³ The most important of course is the introduction of mandatory pre-school education for children in the year before registering in schools, and development of the mandatory curriculum. This is being implemented through the Law on pre-school education in 2010/11 in the cantons of Sarajevo, Zenica-Doboj, and Unsko-Sanski. It is important to state that this Law still hasn't been implemented in 3 cantons in FBiH (Hercegovačko-Neretvanski, Srednjobosanski and Zapadnohercegovački). The Ministry of health in the RS has set aside some substantial finance for mandatory pre-school education for one fifth of children, which is an appreciable movement.

Primary education

The accomplishment of the right of every child to mandatory, primary education stipulates not only the right to access, but also the right to a quality and effect and result-orientation for every single child and it cannot be exclusively expressed by statistical data on number of children who enroll and complete education. A large number of children attending primary schools do that at schools without proper conditions, adequate equipment, didactical materials, equipped libraries, not even basic hygienic conditions, potable water nor adequate nutrition of children. In TIMS 2007³⁴ research it was found that BiH is below the international average line, according to the number of students that claim to „be happy to be in school“. Reasons for this kind of perception are educational curriculums, knowledge transfer methods, peer material and technical conditions in schools, old and low-conditions school facilities, bad hygienic conditions, lack of computer equipment. Reasons for children's dissatisfaction is also low standard of safety conditions in schools and on the way to schools, presence of peer violence and sometimes even verbal violence of teachers towards children.

Schools dominated by traditional forms of education do not work enough on developing individual needs of children that will grant them future success. The analysis of the research data³⁵ on the issue to what extent pupils can influence the content of the curricula with their proposals and views (often 17%, sometimes 48% and never 35%) or the quality of the work of teachers (often 15%, sometimes 45% and never 40 %). This says a lot about the traditional student-teacher relationship and poor organization of the educational process.

The right of every child to a good quality education stipulates well educated and trained teachers and other professionals working at schools. The fact that teachers with adequate formal education work at schools does not necessarily guarantee the success in the implementation of the educational reform objectives, neither a qualitative educational process. Over 46% of teachers state that during their formal education they couldn't acquire enough professional competence to perform the reform demands. Over 55% of them claim they aren't familiar with the process of reform at all. It is impossible to neglect the fact that BiH belongs to a group of economically underdeveloped and poor countries, that the consequences of the aggression are still present and that it is unable to develop in consistency with the documents and regulations enacted in the past decade³⁶. The Gross National Product (GNP) of BiH was 4.438 dollars in 2009. Just to point, the GNP of countries in region was: 17.684 dollars for Croatia,

³² Adopted by the Council of Ministries, in 2007

³³ Agency for preschool, primary and secondary education in BiH, BiH Official gazette no. 88/07

³⁴ TIMS-trends in international Mathematics and Science Study

³⁵ Research on the status of the rights of the child in BiH, NVO Our children, Sarajevo and Hi neighbour, Banja Luka, 2004 and 2009

³⁶ UNICEF, Analyses of teachers needs in terms of professional education, 2007

10.830 dollars for Serbia, 10.742 dollars for Montenegro and 9.728 dollars for Macedonia. Precisely economic factors are the most often limiting factor to non-implementation of the strategies and legislations. The existence of “two schools under one roof” is seen as a political problem and unfortunate repercussion of the war troubles, thus not resolved with full attention. The researches and analyses conducted by the nongovernmental sectors point at long-lasting consequences of such a situation, but these are being neglected. The Country report pointed that on grounds of the Document on European Partnership (2007) with the European Union, our country was made aware that “the European future of the country to a great extent depends on the competencies of the authority and various communities to develop a joint educational framework”. The United Nations Committee for economic, social and cultural rights (2005) requested from Bosnia and Herzegovina to provide conditions for the abolition of “two schools under one roof” form, as well as for construction of separated schools for pupils of different ethnic backgrounds.

Children’s right to learn about different things and people and acquire knowledge and skills necessary to a life in democratic, multicultural societies are still being violated. The curriculum, especially the part concerning ethnic group of subjects, fail to instigate, to favorable extend, the pride for being a citizen of Bosnia and Herzegovina, the programs and textbooks often promote cultural and religious values of just one ethnicity or religious membership. “Religious diversity is treated as a problem, being a member of your own religion is seen exclusive and feeling of vulnerability is stirred with pupils.” The political messages are implicated, while critical reflections are not encouraged. These are just some of the conclusions based on the research concerning textbooks and other contents children are learning at primary schools³⁷. Children belonging to minority groups are exposed to various forms of discrimination. Every 10th pupil states that discrimination does exist, while only every 20th teacher notices those occurrences. Every 8th pupil, often regularly, avoids activities with the pupils of another nationality; every 7th pupil expresses aggressive behavior towards pupils of another nationality often and regularly; every 6th pupil does not want to go to same class with the members of another nationality³⁸.

The Foundation of Local Democracy in 2008 implemented the project “Monitoring and analysis of the implementation of criteria for school names and insignia”, in partnership with the BiH Ministry for Human Rights and Refugees, the RS Ministry of Education and Culture, the FBiH Ministry of Education and Science, Brčko District Department of Education, the Cantonal Ministries for science and education, while the implementing partners were organizations “Associated women” from Banja Luka, „Vesta“ from Tuzla and “Terca” from Mostar. The project was supported by the EU. What was performed is the monitoring on the level of application for the Criteria for school names and insignia at 2,088 primary and secondary schools in BiH, RS and Brčko District. The Western Herzegovina and Canton 10 did not grant permission for overview at 151 schools.³⁹

The research results showed that the criteria were not respected: 14% schools regarding school names; 27% schools regarding school symbols; 7% in school manifestation and 20% schools have disputable criteria for school manifestation.⁴⁰ The mentioned data say

³⁷ Resolution of European Parliament on situation in BiH (Ref.:RSP/2010/2734), on 17th June 2010, „underlines that education is the drive force for true multi-ethnic reconciliation, considering that in the context of EU support, more attention should be paid to promotion of inclusive education, non-discriminatory educational system, based on tolerance and respect of differences in mutual effort to reach understanding of joint history“)

³⁸ Research “Discrimination of children at BiH school”, Save the Children Norway SEE

³⁹ Board for coordination of implementation of Temporary agreement on fulfilling special needs and rights of the children of returnees proposed to the competent ministries the Criteria for school names and insignia, which were adopted and are mandatory for all schools across BiH

⁴⁰ “The analysis of implementation of criteria for school names and insignia“, Local Democracy Foundation, Sarajevo, August 2008.

that the educational authorities in the Republic of Srpska and the Federation of BiH would have to put much energy and effort into ensuring an education of a better quality and without any form of exclusion and discrimination, following the pace and example of Brčko District.

The lack of adequate care for children from early ages, insufficient support to families and insufficiently qualitative education resulted, amongst other things, in increase of peer violence and other forms of unacceptable conduct of children at schools⁴¹. The offered solutions mostly refer to strengthening the correctional and repressive measures, marginalization and stigmatization of children, while insufficient funds are invested in measures of prevention, employment of experts, intensive education and training of teachers, social programs and affirmative actions.

Secondary education

The level of employment, state of economy and the society will in the coming decade depend entirely on educational policy and the education reform. The information that over 40% of young people will not complete secondary education is overly alarming and is a direct result of inefficient educational policy and poor quality of previous education levels. During the school year 2008/09, 5.9% less children enrolled at secondary schools than the previous school year⁴² while the total of 24% high school students enrolls (but does not complete) university studies.

Canton Sarajevo has introduced in school year 2009/10 a mandatory two-year secondary school education for the first two years. The launched Initiative of the Trade Union of the secondary education for introduction of the free secondary education has faced approval and support from the Centre of Civil Initiatives. In June 2008, a Conference was held under the title – „Mandatory secondary education in Bosnia and Herzegovina – a path to reduction of poverty, unemployment and social exclusion“, including presence of representatives from the competent ministries from the state, entity and cantonal levels, BiH Brčko District, representatives of trade unions, employers, academic community, foreign and local NGOs. The conference saw the presentation of the Model of transfer onto mandatory secondary education of Canton Sarajevo. The conclusions of the Conference supported the introduction of the mandatory secondary education. The initiative encourages all department ministries to plan enactment measures in the following year that would result in introduction of mandatory secondary education in BiH during the school year 2009/2010. These initiatives are present in other cantons and RS as well, but require more notable investments. One of the mandatory measures is providing a free-of-charge acquisition of textbooks and transport, as well as including schools in the Internet network. By doing this, 100% of students would be enrolled in 1st and 2nd grades of high schools. According to the survey conducted this year by the Commission for the youth with the Council of Ministers, 31% of the youth in BiH aged 15 to 24 years have no secondary education. The Head of Department for Secondary Education at the RS Ministry of Education and Culture says that during the school year 2007/2008, 3.78% of children did not continue education upon completion of primary school in the RS. According to the data from the RS Ministry of education and culture, 206 primary school pupils in the school year 2006/2007 did not attend classes in this

⁴¹ Every other teacher in school confirmed that children in school make inappropriate jokes, disturb, and abuse children because of their origin. Along with their origin, physical look is often the object of peer comments and basis for inappropriate jokes and offences. Half of teachers from the research is absolutely shore that children make fun of children with obesity and in the same time one quarter of them thinks that skinny children are also the object of such comments. Violence against children, mostly without penalty, is performed by teachers too, parents and other adults. Besides examples of physical violence, children are exposed to insults, discrimination etc.

⁴² Agency for Statistics of Bosnia and Herzegovina, Social Protection 2002-2007, 2008 Sarajevo.

entity. Children mostly leaving the school are Roma children.⁴³ An action by the Ministry is currently ongoing in the RS to introduce the electronic school diary, by means of which parents could monitor achievements of their children via internet⁴⁴. Fear remains that this sort of cooperation with parents would reduce the contact between parents and school, which is anyway rather poor and formal.

Poverty, unemployment and extremely severe living conditions are still present amongst Roma in BiH; hence the majority of Roma children are not able to attend school. Apart from the will of many parents to education their children, the Roma presence is, at best, sporadic at the present time. In Tuzla Canton with the highest percentage of Roma children enrolled (50% of Roma children attend primary and secondary schools, only three attend University, around 80% of them have no professional qualification, while 60% of Roma is illiterate). Many local communities try to involve Roma children in educational system by providing them textbooks.

Conclusion and recommendations for education, leisure and cultural activities of children:

- A general and severe economic situation in BiH and war devastations still fresh in memory is negatively reflected in all forms of education.
- Insufficient efforts are still made in BiH on involving as much children in pre-schools as possible, with an emphasis on inclusion of socially vulnerable children, children from marginalized groups of population and children from rural areas.
- It is of high relevance to provide a free and quality education for everyone, with clear goals of education and no discrimination and exclusion.
- Supporting inclusive education, provided that the number of expert teams for aids and support to children, teachers and parents is increased.
- Providing expert bodies in cantonal/entity/county jurisdiction work on adequate and adjusted plan and program for work with children who have special educational needs
- Working on reorganizing “two schools under one roof “system and respecting all children’s rights
- Ensuring further implementation of the action Plan on educational needs of Roma and members of other ethnic minorities in BiH. It is necessary to provide an adequate application of the Criteria for school insignia and names.

VII SPECIAL PROTECTION MEASURES

Refugee and displaced children - (recommendation 62)

In 2008, the Revised Strategy for implementation of the Annex 7 of the General Framework agreement for BiH was developed, by which the BiH Council of Ministers has committed to protect the rights of the displaced persons and refugees, particularly the rights of children, as well as social and professional reintegration of their parents. During 2009, in spite of several debates at the BiH Parliament, The Strategy was not adopted. Even 16 years after the war, the issue of refugees and displaced people still hasn’t been resolved. There are 37.408 families or 113.642 people, 48.772 living in FBIH or 43%, 64.624 or 56,8 % in the RS , and 246 or 0,3% in Brčko District area. 80.000 refugees living abroad with no permanent

⁴³ “The poor coerced to leave the school“, *Nezavisne novine*, 28.12.2008

⁴⁴ „Poor in situation to leave school“, *Independent newspapers*, 28.12.2008

resident status, and 30.000 of them wants to come back home. Abruptly, there is about half a million people living in diaspora, who left BIH in the time between 1992-95. The greatest number wishing to come back home is from Croatia- 3.282 families or 12.140 people; and 2.724 families or 9.220 people from Montenegro. In the same way there are 10.000 refugees from Croatia evidenced in the RS⁴⁵, with unresolved status. 2,550 families or 7,000 persons are still currently living at collective centers.⁴⁶ In Republic of Srpska, 100 children are still living at refugee centers without basic living conditions. Most of them are in the municipality of Dobož, while in Federation of BiH, the most children are in Tuzla, Mostar, Zenica and Čapljina. Data show that there are 2,750 returned families in the country who still live without electricity supply. Out of the total number of displaced persons, around 17% are children. The children of displaced persons live, like their parents, in severe living conditions, and this particularly concerns children of returnees. They encounter special difficulties in satisfying their educational and health needs. The signing of Temporary agreement on fulfillment of needs and rights of the children of returnees (signed in March 2002) and the enactment of Framework law (in 2003) and the Framework law on pre-school education in BIH (in 2007) represent a significant step forward towards full accomplishment of the right to education of refugee and returnee pupils. Still, there is still a large number of outstanding issues in respect of education of children. It has not been provided that the ethnic group of subjects is taught systematically and in continuity in areas where the number of pupils does not exceed 20 pupils, the number needed to organize the classes on the language of constitutive people. Problems related to transportation and part-taking in transportation costs by parents, who are in no position to cover the education costs, and hence often de-register children from the educational process. This refers to high-school students. The Revised strategy for implementation of Annex 7 is expected to accelerate the return of the remaining displaced persons and mobilize the society in providing resources for the needs of returnees.

Children in armed conflicts - (recommendation 64)

In spite the efforts shown and significant progress in resolving the problem, mines still represent one of the biggest obstacles to safety of children and citizens, as well as economic and social development of the country.⁴⁷ According to the Strategy of anti-mine action, evaluation is made that BiH should have been demined until 2019. The funds necessary to accomplishment of this plan amount to average BAM 80 million per annum. Further on, the main disturbing factor in reaching the goals from the Strategy is the lack of finance, lack of political willingness to set priorities in the country, as well as the detriment of international interests. The evaluation is that there are still 13,000 locations in BiH with around 220,000 mines and lethal devices, that effect the safety of around 900,000 people. Mines still take lives. The monthly average number of victims in 2008 was five victims of mines monthly⁴⁸. The number of victims of mine and non-exploding lethal devices in the area of BIH in 2009 was less than the two previous years. The greatest number of victims comes from those of 19-39 and 40-60 age groups. Eight children aged 0-18 years were hurt by mines in the period between 2007 -2009. Many NGOs cover programs of prevention and protection from mines. The Red Cross of BIH, RS, FBIH, and BD performs the best job in this, continually working on prevention and introducing children to dangers from mines through school education across BIH and promoting the state competition for elementary school pupils named "Think-Mines", whose final manifestation hosts representatives of entities and Brčko District.

⁴⁵ News, BHT, 20.06.2011.

⁴⁶ The Report done by the Association of refugees, BiH, July 2008.

⁴⁷ BH Mine Action Center - BHMIC

⁴⁸ "220,000 mines still threat", Fokus, December 08, 2008

The EUFOR Headquarters, who educated 8.225 children, while Banja Luka EUFOR educated 17.854 children, both supported this cause by taking parts in different manifestations and activities with various associations on promoting programs that raise awareness on the perils of mines.

The network of those who survived mines in BiH has so far helped 2,300 persons injured by mines and works in continuity on informing the youth about mine jeopardy at some parts of BiH. When it comes to the issue of mines, BiH is still the most vulnerable country in the Europe.

Economic exploitation and children living on the streets - (recommendation 66)

The problems of economic exploitation of children in Bosnia and Herzegovina are related to children living and working on the street, that are primarily engaged in begging and vagrancy. The legislation protecting children from economic exploitation is regulated at the entity level⁴⁹. The new Law on public peace and order states that offenders are classified in three groups – the beggars; those instigating panhandling and those organizing panhandling. According to data from the BiH Agency for Statistics in 2007, 1,022 children were recorded begging on the streets in BiH.⁵⁰

The street begging (4 cases) was for the first time processed before the Court in 2008. These trials showed that this was not solely a social phenomenon, but instead that it contained elements of crime, exploitation and abuse of child labor on the street. As a measure to prevent panhandling, the Cantonal Court in Zenica reached the verdict in November 2007 to temporarily strip the married couple of their right for instigating their children to engage in street begging. The abuse of the child “labor on the street” has been in continuity present in BiH, and this is manifested through: panhandling, car window washing, sale of various goods on the street etc. The child begging has a growing trend. Bearing in mind the circumstances of this performance, this labor could be classified as a harmful child labor. This type of child abuse is mostly performed by the families, and often children become victims of organized crime. These children are deprived of education, hygiene, health and good upbringing. A certain number of children begging on the streets have not been recorded in the registries of birth; some of them come from other areas and countries. The data from the Country Report presented at the Multiple Indicator Cluster Survey claim that around 6% of children aged 5-14 years are engaged in some sort of labor outside their home. Around 5% of children are engaged in some sort of family business, more boys than girls, and more in rural than in urban areas.

The information collected during the research conducted by “The land of children” state that 100-200 children aged 1-15 years, are exposed to economic exploitation on a daily basis in large city environments. Most of these children are Roma children, due to the fact that Roma are exposed to social exclusion. Out of interviewed children aged 7-16 years, 75% of them do not go to school, while 25% of them has never gone to school and do not know how to write or read. Almost 80% of these children have no health insurance, contributing to the fact that 50% of them feels sick or has some health-related problems. They have not been covered by social care system to a great extent of cases.

The findings of the research conducted by the BIH Ombudsman in 2009 in 5 cities in BiH (with an aim to protect children from exploitation in form of begging) point that not a single government institution has a database nor statistical records about children beggars. One of the biggest problems in decrease and prevention of begging activity is insensibility, lack of interest and ignoring the existence of this problem by the authority representatives, as well as technical and personnel limited capacities of the Social Work

⁴⁹ Law on labor in RS, FBiH and Brčko District; Criminal law of FBiH, RS and Penalty Law of Brčko district; Public peace and order in FBiH, Public peace and order law of RS, Public peace and order law of Brčko District., RS, FBiH and Brčko district Family Law

⁵⁰ Agency for Statistics of Bosnia and Herzegovina, Social welfare 2002-2007., Sarajevo 2008

Centre. Unfortunately, the good work models with these children realized by the NGOs were not supported by the government institutions and their survival is to a great extent grounded on assistance from international donors. The panhandling and child abuse for these purposes has been present up to 70% at Roma communities in Tuzla Canton. According to information at our disposal, not a single child has been used for child pornography.

Drug abuse - (recommendations 68)

The children's rights Committee expressed its concern due to the alarmingly increasing consumption of opiates among the youth and recommended the state member to initiate a Study on causes and side effects of this phenomenon. During the report period some sporadic surveys have been performed by UNICEF, ESPAD⁵¹ and some NGOs. The state hasn't initiated the Study on intoxicating habits in BiH.

Drug abuse among under-aged persons in BiH is an increasing trend. The problem is that younger children enter the circle of drug users, and this generates other negative side effects. The country responded to this by founding necessary agencies to cope with this issue inside the Ministry of safety of BiH and proposing a Strategy to fight drug abuse in BiH, for the period 2009-2013. The adoption of Strategy has provided for a mobilization of a higher number of professionals from the government and non-government sectors in implementation of the program, primary goal of which was to protect children from drug abuses and addictions. Within the jurisdiction of the Ministry of Justice and in accordance with the Law on criminal procedure, the Central Records of effective rulings for criminal act of illicit production, processing and sale of drugs and toxins was established. In the period from 2005 to 2007, around one hundred effective verdicts ruled by the courts across BiH for this type of criminal act were registered. NGO representatives as well as parents weren't satisfied with the penalties given to drug dealers, bearing in mind the severe consequences drugs have on young people. The BiH Ministry of Security has established all necessary institutions for tackling this problem, and the initiating results regarding disruption of drug trafficking channel confirm this. BiH still does not own a methodologically universal system of tracking and monitoring in the field of drug abuse and holds no exact data about this occurrence. However, it is evident that drug abuse is increasing and that the age limit regarding first drug experimenting lowered (11-12 years; age fitting the final elementary school classes.)

According to the data available in BiH, there are currently 9 communes for rehabilitation of drug addicts, while there are several centers for detoxication and treatment on methadone for drug addicts (Sarajevo, Zenica, Mostar, Tuzla and Sanski Most).

Sporadic surveys carried out in BiH mostly often result from program activities of international and local nongovernmental organizations show the following:

- Children in BiH are exposed to risk due to extensive availability of drugs,
- The percentage of children using drugs is rising (from 11 to 12 years of age),
- The connection between the drug abuse and rise of juvenile delinquency is extremely high.

The Strategy for drug control and prevention of drug abuse for the period 2008 – 2012 has been adopted in the Republic of Srpska. The activities on implementation of the Strategy are various and aimed at reduction of drug abuse, reduction of offer, reduction of demand, medical treatment and rehabilitation, as well as at social reintegration of drug addicts. Many chains of production and trafficking in narcotics were broken. However, new narcotics keep showing up on the drug market and new trafficking paths are found. The target of drug dealers is mostly primary and secondary school pupils, while the sale most often takes place – in school yards! The first center for methadone treatment of addicts was opened in Doboje. The plan is to open these centers in every region of the RS.

The measures conducted by the country to suppress drug trade are insufficient and uncoordinated in the area of entire BiH, as opposed to well-organized crime and coordinated criminal gangs. The penalties are still to benign, and the care for rehabilitation institutions is not under the state command.

51 ESPAD – European School Survey Project on Alcohol and other Drugs, Sarajevo 2008

Sexual exploitation and trafficking - (recommendations 70, 71 and 72)

According to the data from the Office of the State Coordinator for fight against trafficking of people and illegal immigration, out of 41 women who were used for prostitution in BiH during 2007, 73% of them were from the RS and the FBiH. Out of the total number of victims of prostitution, 44% of them are juveniles with origin from BiH. Out of the total of 33 victims registered in 2008, only two were foreign citizens. They were mostly juveniles coming from poor or dysfunctional families in BiH. It is clear that BiH is becoming the target destination for the victims of trafficking, and also that the number of juvenile victims from BiH abruptly increased. The government identified 46 victims of human traffic in 2009, while this number decreased to 37 victims in 2010. In that same year, the governing bodies on state level pursued and convicted 7 culprits in human traffic, in comparison to 11 of them convicted in 2009. Government services are doing their best to promote better cooperation and coordination through the Impact group fighting human traffic, which resulted in improved data gathering on human traffic cases. In September 2010 the authorities suspended the investigation on 17 people accused in human traffic for means of sexual exploitation of children from Roma communities, where potential victims are especially vulnerable. It is alarming the information given by the Ministry of internal affairs of the RS that out of 11 registered cases of human trade in the period 2006-2010, 10 victims were children. An obstacle is also the fact that many providers of sexual favors change their working method thus making it harder to identify the locations of providing this service. The penalties for them are always meek. NGOs consider that the real number of these victims is much higher. Based on the evaluation of performed activities under the Action Plan for fight against trafficking in people 2005-2007, a new State Action Plan for the period 2008- 2012 was made, which contains a number of objectives and goals in terms of support, prevention, protection of victims and victimized witnesses, and criminal prosecution. The Council of Ministers has adopted a document "Standardized procedures in dealing with children as victims and victims as witnesses of human traffic in BiH". The rules have been adopted as mandatory standard for protection of victims of trafficking, who are citizens of Bosnia and Herzegovina, and they set working standards concerning prevention, identification procedure, protection and assistance to victims and victims as witnesses from BiH. Within the project of Regional Program for prevention of children trafficking, the Office of State Coordinator, Medica Zenica and Save the Children Norway developed "A manual for employees of police force, prosecutor's offices, social and health institutions - Protection of children from human trafficking". 39 professionals were trained; a survey "Children speak up" was carried out and 10 potential and identified victims were taken care of and placed at the shelter Medica.⁵²

Child pornography and pedophilia are more common ways of sexual children abuse through modern communicating technologies (Internet, mobile phones) and this phenomenon has unfortunately increased. In 2007 there was not a single case of children pornography recorded, only to be followed by a major action of Special Investigation Units of the Ministry of interior affairs in the end of 2007. Based on the suspicion for organizing juvenile prostitution, 8 people from Derventa (the Derventa file) and Prnjavor municipality had been arrested. From that period onwards, the statistic data of the Ministry of internal affairs of FBiH and RS in 2008 state that pedophilia is a growing issue⁵³. What raises alarming concern is that the abusers are often people from close vicinity- parents, close family members, neighbors, religious teachers, teachers and trainers, which show that society is in a deep moral crisis.

The regional project for suppressing sexual abuse of children "Pandora's box" resulted in giving a Report on the conditions in BiH regarding sexual abuse of children for period of 2006-2010. The Report showed multiple felonies that included children- in RS it was Production and Displaying of children pornography (4 felonies); Abuse of children and juveniles for pornography (2 felonies); in FBiH it was- Abuse of children and juveniles for pornography (26 felonies) and Introducing a child to pornography (6 felonies).

⁵² „Glas Srpske“, August 18 , 2008, State Coordinator for fighting against trafficking, Report for 2007

⁵³ Report on situation in BiH in relation to sexual violence against children, Regional project "Pandoras box",Sarajevo, July 2011

In BiH there are multiple actions launched to suppress pornography through electronic media, named “Sledgehammer”⁵⁴, which included 48 persons when a bigger amount of hard disks containing children pornography was impounded; then there is the case of a search conducted by members of the Ministry of internal affairs in an Internet club in Banja Luka, where they removed 18 hard disks; as well as international actions “EG Stop”, “Hidden” and “Oliver” after which legal procedures were taken against people from Derventa, Banja Luka and Brčko.

TAIEX⁵⁵ conducted several activities in this area, in cooperation with some institutions. Apart from the representatives of the Ministry of Interior of the Republic of Srpska, seminar was also attended by representatives of all law enforcement agencies from BiH, as well as entities and BiH judicial bodies. The first trial for sexual abuse of children was held in Tuzla, in which the Prosecutor called on the Convention on the Rights of the Child. This is the first indictment in BiH grounded on the international document. Since sexual intercourse with children exceeding 14 years of age are not subject to punishment under the BiH legislation, the Prosecutor has decided to call upon the UN Convention. The BiH Association of Prosecutors initiated on several occasions changes of regulations, including among others, alteration of age limit for (il)legal sexual intercourse.⁵⁶

In 2008, in the Ministry of safety of BiH and Ministry of human rights and refugees of BiH, the planned actions and funds were realized in the budget in order to activate the Action plan to suppress human trafficking, whilst the planned funds in 2009 were reduced. Through various projects financed by the IPA, USAID, Government of Norway, IOM, and Save the Children Norway the funds were raised for the period of two years to come, in the amount of 1 100 000 Euros. The BiH government didn’t initiate new programs on raising awareness on human trafficking in 2010, but it did continue a specialized training of military troops in BiH to fight human trafficking before going to international peace missions.

Juvenile justice - (recommendations 73 and 74)

The First Country Report concluded that the promulgation of the new Criminal Code of BiH and the BiH Law on Criminal Proceeding and also the FBiH Law on Criminal Proceeding and Criminal Code established a special system of juvenile protection in court proceeding. It also concluded that the number of juvenile offenders is in rise, adding there is an emerging need for separation of criminal-legal regulations for juveniles. At the end of 2008, the proposal of the law on juvenile perpetrators of criminal acts and criminal-legal protection of children and juveniles was developed; it was presented at the Public debate participants of which were also representatives of the competent government institutions, international institutions and foreign and local nongovernmental organizations. The law is currently in the enactment procedure.

Special courts for juveniles were not established in BiH, but instead special judges for juveniles are nominated within the existing courts to run the proceeding in juvenile offence cases. There is no control system over execution of prison sentences for juveniles, neither the rehabilitation program for juveniles after they serve sentences, due to which reasons a high number of recidivists occur. It is still necessary to work on alignment of legislation within BiH and entities. The FBiH Criminal Code treats possession of child pornography as a criminal act, while it is not the case in the RS. This was recorded as a drawback and the changes to the RS Criminal Code are ongoing. The promulgation of the law per se does not mean a lot, unless secondary legislation is enacted and conditions are ensured for the application of the law (providing conditions for conducting educational and disciplinary measures, admission centers for female and male children and the youth, day care centers, disciplinary centers, correctional facilities).

⁵⁴ Independent papers, 01.11.2008, Banja Luka

⁵⁵ EC Technical assistance instrument and information exchange

⁵⁶ <http://www.eset.com>

The Law on sanctioning crimes and felonies in BiH, FBIH, RS and BD commands separate accommodation of under-aged and adults during their conviction serving, separate accommodation for those incarcerated and sentenced, as well as other conditions for a decent sentence serving. This area contains the most unresolved issues concerning penal institutions in FBIH. This specifically applies to separate accommodation of under-aged people and adults, male and female persons, setting conditions to enable the rights to leisure and recreation for those incarcerated, as well as education, adequate health care and other basic standards. The first periodic report does not mention at all the lack of preventive work on delinquency behavior of the youth, or lack of the institutions to undertake preventive measures. It only mentions correctional facilities. The society has not as yet identified solution for the increasing number of the youth who are on the streets without any supervision, who commit both big and small offences and who become lost and unable to integrate within the society due to inadequate reactions from the system institutions. As a result of the initiated strategic activities on fight against delinquency partnership projects between governmental and nongovernmental sectors have evolved, which led to the signing of several Protocols on cooperation between entities and cantonal ministries, Social Work Centers and nongovernmental organizations running shelters in the FBIH and the RS. Data clearly show that basic activities were carried out, namely – strategy was enacted, as well as action plans of cantons and municipalities (to a great extent). There are insufficient funds for more concrete activities. Social welfare services complain on not being properly equipped and staffed; on no admission centers for female and male children and the youth; insufficient resources for implementation of activities with individuals and groups of juvenile offenders and for the work with parents of children; that criminal code does not incorporate instruments of imposing constraints against parents and juvenile offenders, hence Social Work Centers are unable when parents or juveniles refuse to cooperate; lack of institutions in FBIH is a constant problem. We would like to point at lack of systematic preventive measures, that would be realized amongst children with a special efforts pledged towards inclusion of children under risk in these activities.

Children belonging to ethnic minorities - (recommendation 76)

Compared with the previous report, it could be noticed that some progress has been made at all places populated by Roma people. However, this progress is still insufficient for the piled problems Roma population is facing with. At the beginning of 2007, several Roma nongovernmental organizations led by the BiH Council of Roma people and with the financial and expert support from international organizations and donors, carried out a relevant research regarding the life of Roma population in BiH, with a special accent on housing, employment and some other segments falling under fields of existence of this ethnic minority. The most precious data from this research is the number of Roma population in the territory of Bosnia and Herzegovina. The research has shown that at least 76,000 Roma people have lived in BiH in 2007. The data collected during this research unambiguously imply that although Roma people are the biggest ethnic minority in BiH, they are also the most socially vulnerable minority, according to all parameters the status of any social group is measured against and defined.

Out of 17 ethnic minorities living in BiH and constitutive peoples, the Roma children are the children who enroll and complete primary and secondary school the least of all other children, while the number of Roma people who enrolled university studies is unfortunately insignificant. A special problem is the state of awareness amongst Roma people regarding importance of the health care, prevention of some diseases, to the same extend as prejudices towards Roma people and their discrimination in the BiH society represent a problem for itself nowadays. In October 2008, Bosnia and Herzegovina signed Declaration on Accession to Decade of Roma Inclusion 2005-2015. By doing this, BiH has associated with the regional countries and the EU in obligation to provide all rights related to housing, education, health care and employment of the Roma people. This was preceded by a number of activities. The BiH Council of Ministers in June 2008 adopted the Action Plan for resolving the problems of the Roma people. At the same time, the Decision on the establishment of the Coordination Board for implementation and

monitoring of the Action Plan was made and Declaration on BiH accession to “Decade of Roma Inclusion 2005-2015” was adopted. The amount of BAM 630 million should be invested within the program Decade for Roma people in BiH, and the resources will be intended for resolving housing, educational, health needs and employment problems⁵⁷. These Action Plans were a requirement for BiH to apply to the Program Decade of Roma 2005-2015. The Roma Centre of Tuzla Canton worked on development of the Action plan together with the representatives of Roma from the BiH Council of Ministers, Roma Centre from Kakanj and RS Association of Roma. A number of workshops were organized at all municipalities of Tuzla Canton in partnership and organized by the Human Rights Bureau. The workshops were aimed at ensuring participation of all ethnic minorities at Municipal Councils in elections. At the Round table on ethnic minorities, the Chairman of the Council of ethnic minorities at the BiH Parliament stressed that the primary task of Roma in BiH was to preserve the Roma ethnic identity, fight for the change of BiH Constitution and BiH Election Law, which disabled Roma, but also other ethnic minorities, to participate in political life of the state. The NGO “Bospo” presented the book “History, culture and tradition of Roma” in Tuzla, while EuroRom presented the brochure and short film dealing with Roma customs in the territory of Tuzla municipality. Several municipalities from FBiH also built specific number of housing units for Roma families; they also provide Roma children who go to school with textbooks and didactic aids, and some municipalities even grant scholarships. The support to Roma children who go to school was shown by many NGOs and special thanks goes to “Education builds BIH” NGO and so far 454 scholarships were granted for Roma children- structured in the class of elementary and high school students, as well as university. There are about 25,000 Roma in the RS, only 2% of whom are working. Apart from this, there are significant steps forward in various fields, such as: the first Roma magazine was published under the title “Black and white world” in Roma and local language. The City of Banja Luka has provided free textbooks for 24 primary school pupils, while Roma students were given the amount of BAM 500 to purchase necessary textbooks. The City has also provided for free school meals during the entire school year to all Roma primary school pupils. All Roma children in Banja Luka who turned 7 years go to school. Many activities were performed in 2008 to improve living conditions of Roma thanks to the European Union projects that were specified under the World Decade of Roma.

Conclusions and recommendations for Special care measures:

- The problem of drug addiction still exists. The communes for assistance to drug addicts are full. The NGO sector is still taking care of them, apart from Sarajevo Canton.
- The increase of trafficking in women within the BIH borders has been recorded. The penalties for these offences are meek.
- The process of return has not been finalized. The country must provide conditions for sustainable return, integration and support of education of refugees, displaced children and returnee children.
- A specific number of children in BiH still live in collective (alternative) centers, almost 14 years following completion of war conflict, many refugee families live without basic living conditions.
- The monthly toll of people who died from mines in 2008 was five people. The economic exploitation of children is the most frequent in the form of street begging. The number of detected cases of sexual abuse of children and pedophilia has been ascending in BiH.
- The increase in brutal offences of juveniles has been recorded. No prevention, rehabilitation and juvenile admission measures are performed after serving the sentence, and therefore the number of recidivists amongst delinquents is high.

⁵⁷ “Glas Srpske” newspapers, 8.8. 2008.

- Within the shortest time frame possible, it is necessary to ensure locations and resources for juvenile institutions in FBiH, the admission centers for boys and girls and the youth, day care centers, disciplinary centers, correction facilities for male and female users, to team-up multidisciplinary teams at the Social Work Centers to exclusively treat children and the youth with behavioral disturbances, and to initiate addenda to regulations dealing with juvenile delinquency, in which the elements of constraint upon parents and juvenile perpetrators of criminal acts to cooperate with the Social Work Centers would be incorporated. It is especially important to provide financial means for preventive work on suppressing pre-delinquent behavior of young, in cooperation with the NGO sector.
- Though somewhat improved, the level of inclusion of Roma people in education is still insufficient. The problem of registering newborn Roma children is still unresolved, even though the measures of registration have been simplified to a certain extent.

List of acronyms and abbreviations

NGO -	Non-governmental organisation
BiH -	Bosnia and Herzegovina
UN –	United Nations
CRC –	Convention of the Rights of the Child
AP –	Action Plan
EU –	European Union
RS –	Republic of Srpska
FBiH –	Federation of Bosnia and Herzegovina
BD –	Brčko District in Bosnia and Herzegovina
MTDS –	Mid-term development strategy
UNICEF –	United Nations Children’s Fund
NATO –	North Atlantic Treaty Organisation
OSCE –	Organisation of Security and Co-operation in Europe
UNHCR –	United Nations Refugee Agency
SCN –	Save the Children Norway
MICS –	Multiple Cluster Survey
GDP –	Gross domestic product