



BOSNIA AND HERZEGOVINA
MINISTRY FOR HUMAN RIGHTS AND REFUGEES

**THE FIFTH REPORT OF BOSNIA AND HERZEGOVINA ON IMPLEMENTATION
OF EUROPEAN SOCIAL CHARTER (REVISED)**

ARTICLES 7, 8, 16 and 17
(GROUP IV: CHILDREN, FAMILIES, MIGRANTS)

REPORTING PERIOD:
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INTRODUCTION

Bosnia and Herzegovina ratified the European Social Charter (revised) on 7 October 2008 and is delivering its Fifth Report on implementation of the European Social Charter (revised) in accordance with Article 21 thereof.

This Report includes provisions of the European Social Charter (revised) from the fourth thematic group (children, families, migrants) relating to articles: 7, 8, 16 and 17, which Bosnia and Herzegovina accepted ratifying the Charter, for the reporting period 2010- 2013, and offers responses to the Conclusions (2011) of the European Committee of Social Rights.

The Report was prepared in accordance with the new reporting system, which was adopted by the Committee of Ministers of the Council of Europe on 31 October 2007, and in accordance with the form for reports to be submitted on the implementation of accepted provisions of the European Social Charter (revised)¹ and concentrates on all relevant information on adopted measures for the purpose of its implementation, on the following in particular:

- 1) The legal framework – any laws or regulations, collective agreements or other provisions that contribute to such application;
- 2) Measures taken (administrative arrangements, programmes, action plans, projects etc.) to implement the legal framework;
- 3) Pertinent figures, statistics or any other relevant information enabling an evaluation of the extent to which these provisions are applied.

All instructions derived from the interpretation of articles of the Charter given by the European Committee for Social Right and summed up as the Digest of the Case Law were taken into account so that the subject-matter of the provisions can be fully clear.

The required information, statistical data in particular, is presented for the reporting period (2010-2013).

The Fifth Report of Bosnia and Herzegovina for the thematic group (children, families and migrants) contains up to date information on the legislative framework from previous reports, as well as adequate explanations or information on developments in practice during the reporting period. This report also contains answers to all the questions that the European Committee of Social Rights submitted in its Conclusions (2011), in relation to certain provisions.

In accordance with Article 23 of the European Social Charter (revised), copies of this Report will be communicated to relevant employers' organizations and trade unions:

- The Confederation of Independent Trade Unions of Bosnia and Herzegovina,
- The Confederation of Trade Unions of the Republika Srpska
- The Trade Union of Brčko District of Bosnia and Herzegovina,
- The Association of Employers of Bosnia and Herzegovina,
- The Association of Employers of the Federation of Bosnia and Herzegovina,
- The Association of Employers of the Republika Srpska,
- The Association of Employers of Brčko District of Bosnia and Herzegovina.

¹ Adopted by the Council of Europe Committee of Ministers on 26 March 2008.

Article 7 – The right of children and young persons to protection

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;
2. to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;
3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;
4. to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;
5. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;
6. to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;
7. to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;
8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;
9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;
10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

GENERAL LEGISLATIVE FRAMEWORK:

- The Labour Law of FBiH ('Official Gazette of FBiH', no. 43/99,32/00 and 29/03),
- The Rulebook on Defining Specific Conditions of Work and Medical Examinations of Workers in these Workplaces ('Official Gazette of Federal Republic BiH', no. 2/90),
- The Law on Social Protection, Protection of Civilian War Victims and Protection of Families with Children ('Official Gazette of Una-Sana Canton,' no. 5/00, 7/01 and 11/14),
- The Law on Social Protection ('Official Gazette of Posavina Canton', no. 5/04 and 7/09),

- The Law on Social Protection, Protection of Civilian War Victims and Protection of Families with Children (Revised text) ('Official Gazette of Tuzla Canton', number: 5/12),
- The Law on Social Protection, Protection of Civilian War Victims and Protection of Families with Children (Revised text) ('Official Gazette Zenica-Doboj Canton', no. 13/07 and 13/11),
- The Law on Social Protection, Protection of Civilian War Victims and Protection of Families with Children (Revised text) ('Official Gazette of Sarajevo Canton', number: 38/14),
- The Law on Public Revenue Belonging in FBiH ('Official Gazette of FBiH', no. 22/06, 43/08, 22/09 and 35/14),
- The Law on Social Protection, Protection of Civilian War Victims and Protection of Families with Children ('Official Gazette of Una Sana Canton', no. 5/00, 7/01 and 11/14),
- The Criminal Code of FBiH ('Official Gazette of FBiH', no. 36/03, 37/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14 and 76/14),
- The Law on Protection and Treatment of Children and Juveniles of FBiH ('Official Gazette of FBiH', number 7/14),
- The Labour Law – Revised text ('Official Gazette of RS', number: 55/07),
- The Law on Safety at Work ('Official Gazette of RS', number: 1/08 and 10/13),
- The Law on Mediation in Employment and Exercise of Rights of Unemployed Persons ('Official Gazette of RS', number: 30/10 and 102/12),
- The Law on Employment of Foreign Citizens and Stateless Persons ('Official Gazette of RS', number 24/09 and 117/11),
- The Law on Vocational Rehabilitation, Training and Employment of Disabled Persons ('Official Gazette of RS', number 37/12),
- The Labour Law of BD ('Official Gazette of BD', number: 19/06, 19/07, 25/08, 20/13 and 31/14),
- The Law on the safety and protection of workers at work of BD ('Official Gazette of BD', number 20/13),
- The Law on Inspections of BD ('Official Gazette of BD', no. 24/08, 25/08 and 20/13),
- The Law on Social Protection of BD ('Official Gazette of BD', no. 1/03, 4/04, 19/07, 2/08),
- The Law on Children Protection of BD – revised text ('Official Gazette of BD', number 51/11),
- The Family Law of BD ('Official Gazette of BD', number 66/07),
- The Criminal Code of BD – revised text ('Official Gazette of BD', number 47/11 33/13),
- The Law on Administrative Procedure of BD– revised text ('Official Gazette of BD', number 48/11),
- The Law on Administrative Disputes of BD ('Official Gazette of BD', number 4/00, 1/01)
- The Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings of BD ('Official Gazette of BD', number 44/11)
- The Law on Movement and Stay of Foreigners, revised text ('Official Gazette of BiH', 36/08 and 87/12),
- The Law on Protection of Threatened and Vulnerable Witnesses of BD ('Official Gazette of BD', no. 10/03, 8/07 and 19/07).

Article 7, paragraph 1: Prohibition of employment under the age of 15

The European Committee of Social Rights in its **Conclusions (2011)** recalls that the prohibition on the employment of children under the age of 15 applies to all economic sectors, including agriculture, and all places of work, including work within family enterprises and in private households. It also extends to all forms of economic activity, irrespective of the status of the worker (employee, self-employed, unpaid family helper or other).

Question 1: Describe the general legal framework. Please specify the nature of, reasons for and scope of reforms, if any.

FBiH

In the First Report of Bosnia and Herzegovina (hereinafter: BiH) on the implementation of the European Social Charter, we described the provisions of the Labour Law of the Federation of Bosnia and Herzegovina (hereinafter: FBiH) ('Official Gazette of FBiH', no. 43 / 99, 32 / 00 and 29/03) according to which it is not permitted to conclude an employment contract with persons under the age of 15. The contract concluded in contravention of this provision shall be deemed null and void due to unilateral prohibition of concluding the contract, and thus do not produce any legal consequences. According to past practices and reports of labor inspections, there have been no cases recorded that employers concluded contracts with persons under the age of 15.

In terms of the Labour Law, minors are employees between 15 and 18 years of age.

The Law governs the protection of these employees and prescribes a ban on minors working at hard physical jobs, working underground or under water, as well as working on other activities that could adversely and with increased risk affect their life or health, development and morals.

The labor inspector is obliged to prohibit work of minors at these jobs, and the employer who assigns minors at jobs that may have adverse effects on his health does a violation which is punishable by fines ranging from 1000 to 7000 KM.

The current law does not regulate the work at home or outside the employer's premises and therefore the competence of the labor inspection is limited to inspection at the seat or registered workstations of the employer.

Working at home is stipulated and regulated in the new draft of the Labour Law, which is in the process of adoption.

RS

Article 14, paragraph 1 of the Labour Law of Republika Srpska /hereinafter: RS/ - revised text ('Official Gazette of RS', no. 55/07) prescribes that the Employment Contract cannot be concluded by a person under 15 years of age and who does not have general medical ability to work.

Article 1, paragraph 3 of the Law on Safety at Work ('RS Official Gazette, no. 1/08), stipulates that special protection is prescribed in order to preserve undisturbed psychophysical

development of minors, protection of women against risks that could jeopardize the achievement of motherhood, protection of disabled persons and professionally ill persons from further damage to health and impairment of their ability to work, and to preserve working capacity of older workers within the limits of their age.

The provision of Article 30, paragraph 3 of the Law on Safety at Work provides that the employer is obliged to ensure that employed women during pregnancy, a worker under 18 years of age and a worker with reduced working capacity, and in addition to training for safe and healthy work, are informed in writing of the results of the risk assessment in the workplace and on measures to eliminate risks in order to increase the safety and health at work. This provision provides special protection to workers under the age of 18.

Regulations in the field of labor and employment do not regulate the issue of child labor under the age of 15, nor their work at home. The current regulations govern the work of persons between the ages of 15 and 65 years. Labour inspection cannot control child labor at home at family estates; it controls the work and exercise of labor rights of persons working in registered business entities whether it be on companies or craft shops.

BD

The Labour Law of Brcko District of BiH (hereinafter referred to as BD) ('Official Gazette of BD', no. 19/06, 19/07 and 25/08, 20/13 and 31/14) in Article 10, paragraph 1 provides that "An employment contract cannot be concluded with a person below the age of fifteen (15)." Paragraph 2 of the same Article stipulates that the minor cannot be employed if the following requirements have not been met:

1. that the licensed doctor or competent medical institutions issued a certificate showing that the minor had been examined and that he/she is physically and mentally capable to realize the tasks required by the job and
2. that one or both parents or legal guardian of the minor have given their consent.

The Labour Law does not provide for any exception and does not allow any possibility of concluding a contract of employment for persons under 15 years of age, including all forms of economic activity and regardless of the status of workers.

"Amendments to the Labour Law from 2013 in Article 15 stipulate that the employment contract may be concluded for the purpose of carrying out work outside the employer's premises and that it, among other things, must include:

- a) The way of organizing work outside the premises of the employer;
- b) method of supervision over the work of the employee;
- c) the manner and terms of use of funds for the work of the employee and determination of the fees for their use;
- d) compensation of other labor costs;
- e) other rights and obligations."

The possibility of "work at home" is regulated by the Labour Law of BD in Article 15 which provides that an employment contract may be concluded for the purpose of carrying out work outside the premises of the employer. To date, labor inspectors did not have recorded inspection supervisions in this regard.

Further on, paragraph 3 of the same Article provides that: "The employer may contract jobs outside their premises which are not dangerous or harmful to the health of the employee or other persons and which does not jeopardize the working environment."

The Labour Law of BD provides a general formulation of the minimum age for concluding the employment contract, which is 15 years of age. It is not possible to conclude an employment contract with a person under the age of 15 for any economic activity.

Article 111 of the Labour Law prescribes penalties for non-compliance with the provisions of the Labour Law and fines ranging from 1000 to 7000 KM, or double the amount if the offense was committed against a minor.

Supervision of the implementation and application of the Labor Law in BD is performed by the Labor Inspector. In performing the inspection, the inspector shall have a preventive role, while carrying out administrative and other measures and actions when preventive action cannot ensure the purpose and objective of the oversight.

BD plans to adopt a Rulebook to regulate medical examinations of minors for labor relations.

Article 7, Paragraph 2 - Prohibition of employment under the age of 18 for dangerous or unhealthy activities

The European Committee of Social Rights in its Conclusions (2011) asks whether there exist further specifications in law as to the forms of work or types of risk that would constitute dangerous or unhealthy activity for young persons.

Question 1: Describe the general legal framework. Please specify the nature of, reasons for and scope of reforms, if any.

FBiH

According to the Labour Law, the Federation Minister of Labour and Social Policy shall regulate which jobs are particularly difficult and adversely affect the health and development of minors, but this act has never been passed in the Federation BiH. However, the regulations adopted under the Law on Safety at Work ("Official Gazette of SR BiH", number 2/90), and the Rulebook laying down specific conditions of work and medical examinations of workers in these positions ("SR BiH Official Gazette, No. 2 / 90) provides a list of risks in workplaces with special working conditions and prescribes the requirements for those jobs that are related to age, gender, health status and mental and pshyco-physical abilities. The aforementioned regulation prescribes the lowest age limit of 18 years of age for all workplaces with special working conditions, as a condition to perform these activities.

The Law on Safety at Work determines a penalty for employers who have not established positions with special working conditions in accordance with the law and regulations based on the law.

Reports by the Federation Labor Inspection do not contain data on the employment of minors in jobs with special working conditions.

RS

Article 14, paragraph 3 of the Labour Law stipulates that a person under 18 years of age cannot conclude an employment contract for the performance of work in which there is an increased risk of injury or increased adverse effect on health.

Article 75 of the Labour Law provides that a worker under 18 cannot be assigned to work at particularly hard physical jobs, the works that are done under the ground or under water as well as in other jobs which could represent increased risk to his life, health and psychological development.

The jobs that a worker under the age of 15 cannot be assigned to are determined by the collective agreement and the rulebook on labour.

Workers under 18, pregnant women and lactating mothers cannot work in workplaces with increased risk of work with poisons. Other contraindications to work are established by occupational health specialists by type of work, type of poison and the degree of exposure as per Article 17 of the Rulebook on the content and procedure of medical examinations of workers at jobs with higher risk in dealing with poisons ("RS Official Gazette", No. 15/08). For the performance of the protection of health of employees at work, the employer hires occupational health services. The Occupational Health Service shall perform duties in accordance with the law, and in particular: evaluates and determines the specific medical fitness to be met by workers to perform certain tasks in the workplace with increased risk or for use, i.e. handling certain equipment for work.

Preliminary and periodical medical examinations of workers can be performed by occupational medicine services which has the right equipment, facilities and professional staff (Article 41 of the Law on Safety at Work).

BD

In terms of the provisions of the Labour Law, a minor is a person between 15 and 18 years of age, who may conclude an employment contract and thus be employed provided that the authorized medical doctor or relevant medical institution issued a certificate showing that the minor had been examined and that he/she is physically and mentally able to realize the tasks required by the job and that one or both parents or legal guardian of the minor have given their consent. Article 41 of the Labour Law provides that: "A minor cannot work in dangerous or hard physical works, works underground or under water, nor on other jobs that could harm him/her or significantly jeopardize his/her life, health, physical development, or morals ". The above-mentioned activities are regulated by the collective agreement, which BD still does not have. Types of work or types of risks that would represent a risk or an unhealthy influence on the young person are not explicitly listed in BD. Exceptions are not provided for in the laws of the District in relation to quoted Article 41.

The Law on Safety and Protection of Workers of BD ("Official Gazette of BD" number 20/13) has not explicitly listed types of work or types of risk, which would represent a danger or unhealthy influence on young people, because this question needs to be regulated by by-laws in accordance with Article 2 of the aforementioned law.

BD does not have information on how the Labour Inspectorate monitors employment of young people in dangerous working conditions.

Article 7, Paragraph 3 - Prohibition of employment of children subject to compulsory education

The European Committee of Social Rights in its Conclusions (2011) asks that next report clarifies whether there are any categories of work where children under 15 and subject to

compulsory education may be employed and requests clarification as to whether work of children during school holidays is effectively prohibited.

Question 1: Describe the general legal framework. Please specify the nature of, reasons for and scope of reforms, if any.

FBiH

The Labour Law does not regulate the question of working children under the age of 15, nor their work at home. This means that the Labour Law does not restrict child labor during the school holidays because the law contains a general ban on employment of persons under the age of 15.

RS

Regulations in the fields of labor and employment do not regulate the issue of child labor under the age of 15, nor their work at home. This means that the Labour Law does not restrict child labor during the school holidays because the law contains a general ban on employment of persons under the age of 15.

In RS, mandatory education includes primary education for a period of nine years and lasts up to 15 years of age. Persons under the age of 15 cannot conclude an employment contract, thus there have not been such cases. We do not have data on the employment of persons younger than 15 years.

BD

Article 10 of the Labour Law of BD prohibits signing an employment contract with a person under 15 years.

The legislation of BD does not contain any categories of work where children younger than 15 years and who are subject to compulsory education, can be employed.

The work of children during the school holidays is not explicitly prohibited by law, but the ban can be inferred from the above legal provision (Article 10 of the Law).

Article 7, Paragraph 4 - Working time for young persons under 18

The European Committee of Social Rights in its Conclusions (2011) concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 7, paragraph 4 of the Charter on the ground that the limit of 40 hours per week for young workers under the age of 16 is excessive.

Question 1: Describe the general legal framework. Please specify the nature of, reasons for and scope of reforms, if any.

FBIH

An earlier report stated that the working hours of minors, according to the provisions of the existing Labour Law, in terms of duration, have been equalized to the working hours of other employees. Bearing in mind the provisions of Article 7, paragraph 4 of the European Social Charter, Article 20 of the current Labour Law has been amended in the new draft of the Labour Act, in a way that it determines that working hours for minors cannot last more than

35 hours a week. However, until the preparation of this report, the new Labour Law has not been submitted to the FBiH Parliament for adoption, even though the FBiH Government adopted the Draft Labour Law in November 2012. On that occasion, the government, making a precedent in the process of adopting laws, submitted the Draft Law to the Economic and Social Council for the territory of the FBiH for review and agreement of the social partners on some of the issues which have not been agreed in the preparation of the Draft Law. The social partners have not agreed on their attitudes to the present, and the adoption of the new Labour Law is "on hold".

Provisions *de lege ferende* exempt minors, or persons between 15 and 18 years of age, in terms of the length of the weekly working time and they provide that weekly working time cannot be longer than 35 hours for this category of employees. According to new legal provisions persons under 15 years of age cannot conclude a contract of employment or be employed in any type of work with the employer. The provisions relating to the prohibition of overtime for minors remained unchanged.

RS

Article 40, paragraph 1 of the Labour Law provides that full working time is 40 hours per week.

Article 47, paragraph 1 of the Labour Law stipulates the prohibition of overtime for workers younger than 18 years. Regulations do not establish special working time for workers younger than 18 years of age.

We do not have data on overtime work of persons under 18 years of age or violation of the rights of these persons in this subject matter.

BD

The length of working time of persons younger than 18 years is prescribed by Article 22 of the Labour Law of BD and it is 40 hours per week with no exception foreseen for persons under 18 years of age. The Labour Law of BD did not make changes to Article 22, which regulates working hours, in accordance with Article 7 paragraph 4 of the Charter. This alignment and implementation will be the subject of the next amendment to the aforementioned law.

Article 7, paragraph 5- Fair Pay

The European Committee of Social Rights in its Conclusions (2011) recalls that, in application of Article 7, paragraph 5, domestic law must provide for the right of young workers to a fair wage and of apprentices appropriate allowances. This right may result from statutory law, collective agreements or other means and asks that next report provide such information in order to be able to assess the adequacy of young workers wage. The Committee asks whether by "lowest salary" is meant the minimum wage and asks that next report provide the net minimum wage and the net average wage for the next reference period.

Question 1: Describe the general legal framework. Please specify the nature of, reasons for and scope of reforms, if any.

FBiH

Salaries in FBiH are paid in accordance with collective agreements, labour rulebooks and employment contracts. These acts do not make a difference in the amount of salary on the

basis of the age of employees. Lower salaries, or compensations can be paid only to apprentices in the amount of at least 80% of the minimum salary.

The Labour Law, which determines the amount of compensation to apprentices, does not precisely determine the minimum salary. Namely, it can be a minimum salary for a position with the employer that the apprentice is being trained, or may be the lowest salary in FBiH according to the latest statistics, etc. Thus it is left to the employer to determine the minimum salary or the basis on which he/she will calculate 80% of compensation for apprentices, taking into account the principle *in favorem laboratoris*.

As for the work of minors, their salary is calculated in the same way as other workers, depending on the job for which they have concluded a contract of employment and the coefficient to be applied to that position, depending on the complexity of work and level of expertise and specific skills required for that position. The rule that is applied here is that the employer is obliged to pay employees equal pay for work of equal value, and salaries cannot be paid in an amount less than the amount stipulated in the collective agreement, labour rulebook and employment contract.

Lowest salary is the minimum wage, and it is determined by collective agreements in the field of activity (branch collective agreements) provided that, in accordance with the General Collective Agreement for the territory of FBiH, the gross hourly wage with contributions from the salary and on the salary and tax on the salary cannot be less 3.26 KM, while the lowest net hourly wage ca not be less than 1.95 KM.

The nominal amount of the lowest net salary in FBiH is 343 KM, and gross salary is 504. 41 KM.

The lowest salary can be determined by the Branch Collective Agreement in a higher amount depending on the economic power of a branch of activity.

The lowest net salary is the basis for the calculation of the basic salary of the employee which is the product of the lowest net salary and the corresponding coefficient of the complexity of tasks performed by the employee.

The amount of the minimum salary in FBiH defined by the General Collective Agreement for the territory of FBiH has not changed since October 2008.

Average salary in FBiH for 2010-2013

Year	Gross salary in KM	Net salary in KM
2010	1.223	804
2011	1.248	819
2012	1.266	830
2013	1.275	835

Source of data: Federation Bureau for Statistics

RS

Article 90, paragraph 2 of the RS Labour Law stipulates that the workers are guaranteed equal pay for equal work or work of equal value performed with an employer.

Article 29, paragraph 2 of the Labor Law stipulates that during the internship an intern is entitled to 80% of the minimum salary before taking the professional exam, which is paid by the employer.

Net salaries of apprentices is determined as a percentage of 80% of salary of an adult who performs the same work and not from an average salary paid by the employer or at the level of RS.

All collective agreements for workers in the real sector and the laws governing the amount of salaries of civil servants and other persons who are paid from the RS budget stipulate that an intern is entitled to remuneration in the amount of 80% on the one he/she would receive if he/she had passed the professional exam.

The regulations in RS do not allow the difference in basic pay of younger workers compared to older workers after the end of the internship period during which they had reduced salary. Under Labour Law and the General Collective Agreement the minimum salary is determined, which implies a minimum salary that the worker can have for full working time and average performance.

The lowest net salary in RS was established in 2010 in the net amount of 370 KM and to this day has not changed.

The average net salary in RS for the year 2011 amounted to 809 KM, for the year 2012 818.00 KM and 808 KM for the year 2013.

An apprentice shall be entitled to a salary equal to 80% of the salary as determined for the position for which he/she is being trained and it does not depend on the minimum and average salaries.

We do not have information on violations of the rights by employers, because different salaries based on the age of the workers are not established in practice.

BD

The Labour Law of BD regulates the rights of apprentices and volunteers. Article 19 of the said Law provides that an employer may conclude an employment contract with an apprentice for as long as the training period prescribed for the profession to which it relates. The contract shall be concluded in writing and a copy shall be submitted to the competent Employment Bureau within five days of its conclusion for the records and control. During the internship, the apprentice is entitled to 80% of the salary of the workplace to which he/she is hired. The lowest salary does not mean the minimum wage and the intern is entitled to 80% of the salary of the workplace to which he/she is hired, rather than the minimum wage.

The Labour Law of BD regulates the rights of apprentices and volunteers. Article 19 of the said Law provides that an employer may conclude an employment contract with an apprentice for as long as the training period prescribed for the profession to which it relates. The contract shall be concluded in writing and a copy shall be submitted to the competent Employment Bureau within five days of its conclusion for the records and control. During the internship, the intern is entitled to 80% of the salary of the workplace to which he/she is hired.

ANNUAL AVERAGE GROSS AND NET SALARY FOR BIH FOR THE PERIOD 2010-2013

TOTAL

- A Agriculture, forestry and fishing
- B Mining and quarrying
- C Manufacturing
- D Production and supply of electricity, gas, steam and air conditioning supply
- E Water supply; sewerage, waste management and remediation activities
- F Construction**
- G Wholesale and retail trade; repair of motor vehicles and motorcycles**
- H Transportation and storage
- I Activities to provide accommodation and food service (hotels and catering)**
- J Information and communication
- K Financial and insurance activities
- L Real estate activities
- M Professional, scientific and technical activities
- N Administrative and support service activities
- O Public administration and defense, compulsory social security
- P Education
- Q Human health and social care
- R Arts, entertainment and recreation
- S Other service activities

2010		2011		2012		2013	
<i>Gross</i>	<i>Net</i>	<i>Gross</i>	<i>Net</i>	<i>Gross</i>	<i>Net</i>	<i>Gross</i>	<i>Net</i>
1.217	798	1.271	816	1.290	826	1.291	827
994	658	1.083	689	1.117	708	1.135	721
1.230	819	1.374	893	1.446	936	1.481	957
842	560	868	573	885	581	892	587
1.967	1.265	2.036	1.285	2.053	1.291	2.083	1.311
1.093	723	1.133	734	1.154	745	1.164	752
798	529	831	542	833	541	822	535
865	567	876	571	891	580	887	578
1.152	755	1.157	752	1.170	759	1.178	764
788	524	818	532	839	543	827	536
1.765	1.140	1.797	1.142	1.844	1.171	1.875	1.190
1.978	1.270	2.075	1.314	2.088	1.317	2.120	1.336
1.165	765	1.162	758	1.221	787	1.234	793
1.281	826	1.312	836	1.360	865	1.344	856
890	582	898	583	861	557	881	571
1.719	1.103	1.802	1.140	1.809	1.142	1.802	1.137
1.320	856	1.341	856	1.340	852	1.313	836
1.542	998	1.573	1.000	1.609	1.021	1.614	1.025
1.013	665	1.016	656	1.031	663	1.015	653
1.584	1.026	1.590	1.025	1.604	1.032	1.566	1.010

Source of data: BiH Agency for Statistics

Justification:

The average net salary for 2010 is **798 KM** while the lowest net salary is in the field I (Activities to provide accommodation and food service (hotels and catering)) and amounts to **524 KM**

The average net salary for 2011 is **816 KM** while the lowest net salary is in the field I (Activities to provide accommodation and food service (hotels and catering)) and amounts to **532 KM**

The average net salary for 2012 is **826 KM** while the lowest net salary is in the area F (Construction) and amounts to **541 KM**

The average net salary for 2013 is **827 KM** while the lowest net salary is in the area F (Construction) and amounts to **535 KM**

ANNUAL AVERAGE GROSS AND NET SALARY FOR BD FOR THE PERIOD 2010-2013

TOTAL

- A Agriculture, forestry and fishing
- B Mining and quarrying
- C Manufacturing
- D Production and supply of electricity, gas, steam and air conditioning supply
- E Water supply; sewerage, waste management and remediation activities
- F Construction**
- G Wholesale and retail trade; repair of motor vehicles and motorcycles**
- H Transportation and storage
- I Activities to provide accommodation and food service (hotels and catering)**
- J Information and communication
- K Financial and insurance activities
- L Real estate activities
- M Professional, scientific and technical activities
- N Administrative and support service activities
- O Public administration and defense, compulsory social security
- P Education
- Q Human health and social care
- R Arts, entertainment and recreation
- S Other service activities

2010		2011		2012		2013	
Gross	Net	Gross	Net	Gross	Net	Gross	Net
1.114	796	1.140	800	1.171	819	1.266	817
943	646	965	645	1.013	691	986	637
1.407	574	1.441	577	1.498	609	943	608
1.547	1.232	1.579	1.235	1.839	1.285	1.951	1.291
1.033	746	1.052	743	1.222	1.043	1.425	990
835	603	853	604	806	527	752	488

915	508	934	508	920	528	806	523
948	678	975	681	944	661	1.108	709
1.226	548	1.260	552	1.293	557	663	437
1.668	1.033	1.708	1.038	1.760	1.108	1.671	1.045
1.307	1.105	1.329	1.110	1.356	1.129	1.850	1.185
915	587	929	565	945	598	824	532
928	621	951	624	964	625	1.139	719
1.392	604	1.425	607	1.424	626	900	616
1.917	1.209	1.963	1.213	2.002	1.119	1.869	1.209
1.948	1.275	1.995	1.282	1.975	1.345	2.166	1.379
1.507	1.164	1.546	1.169	1.483	1.178	1.857	1.191
1.130	738	1.124	740	1.155	738	1.153	778
1.177	808	1.135	848	1.180	795	972	625

Source of data: BiH Agency for Statistics

Justification:

The average net salary for 2010 is **796 KM** while the lowest net salary is in the field G (Wholesale and retail trade; repair of motor vehicles and motorcycles) and amounts to **508 KM**

The average net salary for 2011 is **800 KM** while the lowest net salary is in the field G (Wholesale and retail trade; repair of motor vehicles and motorcycles) and amounts to **508 KM**

The average net salary for 2012 is **819 KM** while the lowest net salary is in the field F (Construction) and amounts to **527 KM**

The average net salary for 2013 is **817 KM** while the lowest net salary is in the field I (Activities to provide accommodation and food service (hotels and catering)) and amounts to **437 KM**

Article 7, Paragraph 6 - Inclusion of time spent on vocational training in the normal working time

The European Committee of Social Rights in its Conclusions (2011) *concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 7, paragraph 6 of the Charter on the ground that legislative framework does not provide for time spent by young people at the training with the consent of employer, to be counted as a part of the working day.*

Question 1: Describe the general legal framework. Please specify the nature of, reasons for and scope of reforms, if any.

FBiH

As stated in an earlier report, the labor legislation of FBiH has no specific regulations or provisions that govern vocational training of young employees, and treatment of working hours during vocational training. However, the Labour Law provides that an employer may,

in accordance with the needs of the work, allow the employee education, training and professional development, while the employer is obliged to provide it to the employee when changing or introducing new methods or organization of work. There is no data on how this provision is implemented in practice.

RS

Inclusion of time spent on vocational training during working hours also stems from the current normative regulation in RS, because this issue is not regulated at all in the field of labor and employment in RS. Regulations in RS in the field of labor relations do not provide the right of young workers to have the time spent in vocational training with the consent of the employer be treated as part of the working day, unless they are trained for the needs of the workplace and the employer and this will be regulated when we start drafting amendments to the Labor Law.

BD

As for the inclusion of time spent on vocational training in the working hours, the Labour Law of BD in Article 18 stipulates that the employer may allow the employee education, training and professional development. The employee is obliged to acquire the education, training and / or professional development that the employer considers necessary, and at the employer's expense. This provision is applicable to all employees. The Law on Secondary Education of BD does not regulate this issue, and it will be subject of amendments to the Labour Law of BD.

Article 7 – Paid Annual Leave

European Committee for Social Rights in its Conclusions (2011) wants to know whether young workers may choose not to use their paid vacation. The Committee also asks whether young workers have the opportunity to take advantage of the absence at some other time in the event of illness or accident during the holidays, etc.

Question 1. Describe the general legal framework. Specify the nature of, reasons for and scope of reforms, if any.

FBiH

Article 41 of the current Labor Law guarantees the juvenile employees entitled to annual leave of at least 24 working days. This right of minors exercised under the same conditions and in the same way as other employees, and the duration of annual leave will not be counted during the temporary inability to work due to illness or injury, and upon termination of these circumstances allows the continued use of the remaining portion of annual leave. In the exercise of the right to annual leave all legal provisions prohibiting employer withholding or waiver of the right to annual leave, as well as payment in lieu of annual leave shall be applied to minors.

RS

Article 57, paragraph 1 of the Labor Law stipulates that a minor worker is entitled to annual leave of at least 24 working days. In the case of the use of excused absence for the duration of

the holiday the same is interrupted and continues to use after reasons for the absence of another form of for example inability to work due to illness. Annual leave of 24 working days is four weeks and four working days if all working days, since the week account five working days from the day when it comes to determining the length of annual leave. Juvenile employee has the right to use up all paid leave and in addition uses the absence in other cases stipulated by law, collective agreements and rule book as other workers

BD

Labor Law, Article 32, Paragraph 2, stipulates: "underage employee is entitled to annual leave of at least twenty (24) working days. Amendments to the Labor Law of 2013 provide that in determining the duration of annual leave days per week counts as five working days.

Article 36 of the Labor Law stipulates that an employee cannot waive the right to annual leave or be denied the right to annual leave, nor may he be paid compensation in lieu of annual leave.

The new amendments to the Labor Law in Article 36 paragraph 3 prescribes an exception to the above, that allows employer to pay employee the compensation for unused leave days in the event of termination of employment contracts but only on condition that the employer and the employee are agreed about.

The amended Article 34. foresees that the duration of annual leave is not counted during temporary inability to work as well as other time of absence from work that the employee is recognized as working experience, and Article 35, Paragraph 4 stipulates: "If an employee who has met the condition for entitlement to annual leave, and not in whole or in part used leave in the calendar year due to temporary incapacity for work or maternity leave, is entitled to use the rest after the cessation of the above circumstances. "

Article 7, Paragraph 8. Prohibition of night work

European Committee for Social Rights in its Conclusions (2011) requires information about the activities of the Labor Inspectorate regarding the monitoring of the situation in practice.

Question 1. Describe the general legal framework. Specify the nature of, reasons for and scope of reforms, if any.

Request for Information on the activities of the Labor Inspectorate in the FBiH, RS and BD regarding supervision prohibition of night work for minors cannot be met, because we have no the requested data, nor are these offenses specifically stated in the reports on the work of the Labor Inspectorate.

Article 7, Paragraph 9. Regular Medical Control

European Committee for Social Rights in its Conclusions (2011) concludes that the situation in Bosnia and Herzegovina is not in accordance with Article 7, paragraph 9 of the Charter on the ground that there is no requirement for regular medical examinations of the underage workers.

Question 1. Describe the general legal framework. Specify the nature of, reasons for and scope of reforms, if any.

FBiH

In response to Article 7, paragraph 2, we have listed the ban on minors working in workplaces with special working conditions.

The current labor law stipulates that minors may conclude an employment contract if competent physician or authorized medical institution approve their general health capability.

The proposed new Labor Law stipulates that the minor worker, in order to protect his health and mental and physical development, is entitled to a medical examination at least once every two years, and the cost of the medical examination shall be borne by the employer

It was originally, in the preparation of the new Labor Law, established that the cost of a medical examination of the minor when concludes work contract also borne by the employer, but this solution was omitted in the final version of the text.

Status of the Draft Labor Law is described in Article 7, Paragraph 4 of this report.

RS

In accordance with the provisions of the Labor Law, when conclude employment contract each worker attaches a medical certificate.

The employer shall, in accordance with Article 15, paragraph 1, item f) of the Law on Protection at Work ("Official Gazette of RS", no. 1/08 and 13/10), provide prescribed medical examinations of employees based on an act on risk assessment and evaluation of occupational health service. Previous medical examination is carried out to determine and assess whether a worker who is hired has the necessary ability to work in the workplace. Periodic medical examination is carried out at the intervals specified by the act on risk assessment in order to monitor and evaluate workers' health status and determine whether a health of workers is damaged.

The employee has the right to control his own health depending on the risk in the workplace, in accordance with the regulations on health care (Article 32 of the Law on Protection at Work).

Employers respect the rights of workers to periodic medical examinations including the younger workers in accordance with Regulations.

BD

In 2011, three underage persons were identified who did not meet the requirements of Article 10, paragraph 2 of the Labor BD, but also did not meet the requirements to the obligatory medical examination in employment. Inspection of work and labor relations, in cases of employment of minors, which are very rare, noted the violation of basic provisions throughout the entire process of minor employment including medical examinations of minors as well. The Law on Protection at work of BD is not provided employment of minors.

Article 7 Paragraph 10. Special protection against physical and moral dangers

European Committee for Social Rights in its Conclusions (2011) asks whether all criminal laws of all offenses relating to child pornography, including procurement, production, distribution, making available and only possession, under 18 years of age, are defined as criminal offenses. In the meantime, reserves its position on this issue.

Question 1. Describe the general legal framework. Specify the nature of, reasons for and scope of reforms, if any.

Protection against sexual exploitation

BiH

In 2012 BiH ratified the Conventions of the Council of Europe refer to child protection (BiH Official Gazette – International Treaties“ no 11/12) as follows:

- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual abuse
- Council of Europe Convention on contact concerning children
- The Hague Convention on the International Recovery of Child support and Other Forms of Family Maintenance

We should emphasize that BiH is obliged to regularly inform Council of Europe on application of these Conventions.

On 13 July 2013 BiH Council of Ministers adopted 2011-2014 Action Plan for Children. Action Plan for Children defines the protection of children from sale, child prostitution and child pornography, in order to fight against the trafficking of children and for each year the Council of Ministers adopted a report on the state of human trafficking and illegal immigration in BiH.

Since 2007 BiH Ministry of Justice is being keeping the central database of the decided cases for criminal offenses prescribed by Article 407 of the Criminal Procedure Code, *Centralization of data* and reads: „Crime acts as production and putting into circulation of counterfeit currency, illicit production, processing and sale of narcotics and poisons, human trafficking, production and distribution of pornographic material, as well as other criminal offenses in respect of which international agreements provides for centralization of data, the Court shall - without delay, provide data to the competent ministry of Bosnia and Herzegovina on the crime, the perpetrator and the final verdict. When it comes to the criminal offense of money laundering or an offense in relation to money laundering, information must also be delivered without delay to the competent anti-money laundering authority of the BiH.“ An overview and a brief review of the state that is based on recorded data for the past few years, noting that it is probable that the judgment did not submit all courts in BiH.

The Council of Ministers at its 96th session held on 05 September.2014 adopted a Communication on the decided cases for criminal offenses prescribed in Article 407 Of the Criminal Procedure Code for the reporting period from 01 January 2013. to 31 December 2013 which contains certain statistical information, among others, related to criminal offenses exploitation of children and minors for pornography and introducing a child to pornography (2010, 2011, 2012, 2013, the judgments for crimes exploitation of children and minors for pornography and introducing a child to pornography.

Tabular overview of the crimes of exploitation of children or minors for pornography and introducing a child to pornography in BiH

Crime	2010	2011	2012	2013	Total judgments
Exploitation of child or minor for pornography	1	1	5	3	10
Introducing a child to pornography	0	1	0	1	2

Data source: BiH Ministry of Justice

A child, in terms of the Criminal Code of BiH, FBiH Criminal Code and the Criminal Code of BD is a person who has not attained the age of 14, a minor under this law is a person who has not attained 18 years of age.

Criminal Procedure in BiH does not define the term child, but defines the minimum age for criminal responsibility. There is criminal liability of minor if he was 14 years old at the time when he committed a criminal offence. The Criminal Procedure Code of BiH, the Criminal Procedure Code of FBiH and Criminal Procedure Code of BD prescribes that the criminal proceedings are discontinued and inform the guardianship authority, if it is found in the course of proceedings that a minor at the time of the offense commitment was under 14 years of age. The Criminal Procedure Code of RS provides that proceedings cannot lead to a juvenile who has not reached 14 years.

Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings of RS in Article 2, Paragraph 1 defines a child as "any person under 18 years of age" Equivalent law in the Federation, which entered into force on 14 January 2014 also, defines a child as "any person who has not attained 18 years of age".

The basic form of protection of children from sexual exploitation and abuse is contained in the framework of criminal law to be applied in Bosnia and Herzegovina. Criminal Code, in the group of criminal acts against humanity and values protected by international law, provides for certain crimes that include sexual abuse of children, or in which such appear damaged person under 18 years of age as follows: slavery and transportation of enslaved persons, human trafficking, international recruitment for prostitution.

The entity criminal law and criminal law BD, in the sections "crimes against sexual integrity and morality" and "crimes against marriage and family," appears in a series of crimes which contain elements of sexual abuse and exploitation of children (persons under 14 years of age) or minors (persons under 18 years of age):

- Rape
- Sexual intercourse with a helpless person
- Sexual intercourse with a child
- Sexual intercourse by abuse a position
- Lewd Acts
- The satisfaction of lust before a child or minor
- Pandering
- Trafficking in minors

- Exploitation of children or minors for pornography
- Production, possession and viewing of a child pornography
- Introducing a child to pornography
- Incest

The crimes that appear most frequently in connection with the said acts are:

- Common-law marriage with a minor
- Neglect and abuse of minor

At the beginning of 2010, the BiH Parliamentary Assembly adopted the Law on Amendments to the Criminal Code of Bosnia and Herzegovina ("Official Gazette of BiH" 8/10).

By these amendments Article 186 relating to human trafficking was changed. The new article is now in full compliance with the Council of Europe Convention on Action against Trafficking in Human Beings. The definition of the said crime has been changed to read as follows:

(1) Whoever, by means of use of force or threat of use of force or other forms of coercion, by abduction, fraud or deception, the abuse of power or influence or a position of vulnerability, or by giving or receiving payments or benefits to achieve the consent of a person having control over another person, recruits, transports, transfers, hands over, harbours or receives a person for the purpose of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or similar status, servitude or the removal of organs of human body or of other types of exploitation, shall be punished by imprisonment for a term not less than three years.

(2) Whoever recruits, incites, transports, transfers, hands over, harbours or receives individuals under 18 years of age for the purpose of the exploitation referred to in paragraph (1) of this Article, shall be punished by imprisonment for a term not less than five years.

(3) In the event that a criminal offence under paragraphs (1) and (2) of this Article is perpetrated by an official exercising his official duty, the perpetrator thereof shall be punished by imprisonment for a term not less than five years.

(4) Whoever forges, obtains or issues a travel or personal document, or uses, retains, seizes, alters, damages, destroys a travel or personal document of another person for the purpose of facilitating trafficking in persons, shall be punished by a prison sentence between one and five years.

(5) Whoever organises or in any manner leads a group of people for the purpose of perpetration of the criminal offences referred to in paragraphs (1) or (2) of this Article, shall be punished by imprisonment for a term not less than ten years or a long-term imprisonment.

(6) Whoever uses the services of a victim of human trafficking shall be punished by a prison sentence between six months and five years.

(7) In the event that the perpetration of the criminal offences under paragraphs (1) and (2) of this Article resulted in serious health damage, bodily injury or death of the persons referred to in paragraphs (1) and (2), the perpetrator shall be punished by a prison sentence of minimum five years or long-term imprisonment.

(8) The objects and means of transportation used for the perpetration of the offences shall be seized, while the facilities used for the purpose of human trafficking may be temporarily or permanently closed.

(9) Whether a person consented to the exploitation is of no relevance to the existence of a criminal offence of trafficking in persons. “

Article 41 defines the crime of "Extended confiscation of criminal assets", which practically means that the court may, by decision pursuant to Article 110, paragraph (2) confiscate the property gain for which the prosecutor provided sufficient evidence to reasonably believe that such property gain obtained through the commission of these offenses, and the offender fails to submit evidence that gain was legally obtained."

According to data collected by the prosecutor's offices, law enforcement agencies, social welfare centers and non-governmental organizations, which are required to draw up the annual report on the trafficking situation in BiH, it was found that in 2010 identified a total of 25 potential victims of trafficking people / guidance on prostitution / trafficking for begging. There were 5 adults and 20 juveniles out of the total number of victims of trafficking in 2010.

In 2011, a total of 35 potential victims of trafficking were identified / incitement to prostitution and / or sexual exploitation / trafficking for begging / 'sales that the purpose of marriage' '. There were 16 adults and 19 juveniles out of the total number of victims of trafficking in 2011.

According to data collected by the prosecutor's offices, law enforcement agencies, social welfare centers and non-governmental organizations, it was found that in 2012 identified / assisted a total of 39 potential victims of trafficking / incitement to prostitution and / or sexual exploitation / trafficking for begging / sales for the purpose of marriage. Of the total number of victims of trafficking in 2012 there were 20 adults (all women) and 19 juveniles (16 women and 3 men)

The Criminal Code of Bosnia and Herzegovina under the term child (Article 1) defines a person who has not attained 14 years of age, and the term of the minor person who has not attained 18 years of age.

Law on Amendments to the Criminal Code of Bosnia and Herzegovina ("Official Gazette of BiH" no. 8/100) Article 10 is amended as follows:

„The criminal legislation of Bosnia and Herzegovina shall apply to juveniles pursuant to Chapter X (Rules on Educational Recommendations, Educational Measures and Punishment of Juveniles) of this Code and other laws of Bosnia and Herzegovina."

Article 12 is amended and reads as follows:

„The criminal legislation of Bosnia and Herzegovina shall not apply to children."

Criminal Code of BiH, Chapter Ten, Rules relating to educational recommendations, educational measures and punishing juveniles, article 76 defines conditions for application of educational measures:

(1) Educational recommendations may be applied to a juvenile for criminal offences for which a fine or a punishment of imprisonment for a term not exceeding three years is prescribed.

(2) The educational recommendations may be applied to a juvenile by a competent prosecutor or judge for juvenile perpetrators.

(3) The conditions for application of educational recommendations are: the juvenile's admission that he has perpetrated the criminal offence, and his expressed willingness to make amends with the injured party.

The provisions of the Criminal Code of Bosnia and Herzegovina is nowhere explicitly stated whether children can be prosecuted for any offenses connected with the exploitation.

FBiH

FBiH the subject area decorated with the following substantive regulations as follows:

- Criminal Code FBiH ("Official Gazette of the FBiH", nos. 36/03, 37/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14 i 76/14),

Law on Protection and Treatment of Children and Juveniles FBiH ("Official Gazette of BiH", No. 7/14),

Provisions of the Criminal Code of the Federation BiH contain the following criminal offenses:

- Pandering (Article 210, paragraph 4)
- Introducing a child to pornography (Article 210, paragraph 1 and 2)

In addition to the applicable provisions of the Criminal Code of FBiH, regulating the area of protection of minors from the aspect of trafficking crimes and specific forms of sexual exploitation, Federal Ministry of Justice in October 2013, drafted and sent to the parliament amendments to the above legal provision which a more efficient way makes criminal legal protection in the processing of these forms of socially dangerous acts that the subject of protection has people under the age of 18 years.

The said draft law is still in parliamentary procedure and its adoption and entry into force is expected.

Articles 10 and 11 change the text of the law and amend 210 "Pandering" and after Article 210 adds a new Article 210a which prescribes the criminal offense of "human trafficking" and Article 210b "Organized human trafficking". The definition of the crime of "trafficking in persons" is defined in accordance with international standards in Article 186 of the Criminal Code of BiH. The elements of the offense - an act of commission, the manner of execution and purpose - are prescribed as separate elements in accordance with the Palermo Protocol and the European Convention. Unlike the Criminal Code of BiH, the entity criminal codes and the Criminal Code of BD, do not prescribe human trafficking as a criminal offense in accordance with the international obligations of Bosnia and Herzegovina. However, some provisions contain elements of the complex criminal offenses, for example, the crime of "forced prostitution", tin the criminal codes of FBiH and BD, and "human trafficking for prostitution", that bears the name of the CC RS.

Quoted legislative, among others, contains:

Article 210 – Incitement to prostitution

(1) Whoever, for gain, induces, incites or lures another in offering sexual services or in another way enables turning another over to a third person for offering sexual services, or in any way takes part in organizing or managing of sexual services offering, shall be punished by imprisonment for a term between six months and five years.

(2) The application of this Article for the perpetrated criminal offense will not affect whether a person who is induced, incited or procured has already been engaged in prostitution.”

Article 210a – Trafficking in human beings

(1) Whoever, by means of use of force or threat of use of force or other forms of coercion, by abduction, fraud or deception, the abuse of power or influence or a position of vulnerability,

or by giving or receiving payments or benefits to achieve the consent of a person having control over another person, recruits, transports, transfers, hands over, harbours or receives a person for the purpose of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or similar status, servitude or the removal of organs of human body or of other types of exploitation, shall be punished by imprisonment for a term not less than five years. Exploitation under this Article include: prostitution of another person or other forms of sexual exploitation, forced labor or services, slavery or similar status, servitude or the removal of organs or any other exploitation.

(2) Whoever recruits, transports, transfers, harbors or receives a person who has not attained 18 years of age for the purpose of exploitation through prostitution or other forms of sexual exploitation, forced labor or services, slavery or similar status, servitude or the removal of organs or any other exploitation shall be punished by imprisonment for at least ten years.

(3) If the criminal offense referred to in paragraphs. (1) and (2) of this Article has made official in the performance of official duties, shall be punished by imprisonment of at least ten years.

(4) Whoever forges, obtains or issues a travel or identity document or uses, maintains, alters, destroys a travel or identity document of another person for the purpose of facilitating trafficking in persons shall be punished by imprisonment for one to five years

(5) Who uses the services of trafficked persons shall be punished by imprisonment from six months to five years.

(6) If the criminal offense under paragraphs (1) and (2) of this Article caused severe deterioration of health, serious bodily injury or death to persons referred to in paragraphs. (1) and (2) of this Article, the perpetrator shall be punished by imprisonment for ten years or long-term imprisonment

(7) Items, vehicles and objects used for the perpetration acts will be seized..

(8) The circumstance whether a person that is a victim of trafficking consented to exploitation does not affect a crime of trafficking in persons. .

(9) Against trafficking victim who was forced, by the offender, participate in the commission of another criminal offense shall not conduct criminal proceedings if such actions were a direct result of its status as victims of trafficking.

With the entry into force of the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings "FBiH Official Gazette", No. 7/14 01/29/2014. and in particular the provisions of Article 185 are realized principles of Article 17 of that Convention. The provisions of the said Article have been prescribed a special position in relation to the prosecution of crimes against children and minors. That law came into force with the prescribed vacatio legis.

Criminal offenses against children and minors

Article 185. General Provisions

(1) The juvenile judge or the panel chaired by a judge or a judge who has expertise in the area of children's rights try to adult perpetrators of criminal acts prescribed by the Criminal Code when the criminal proceedings as a child and minor appear damaged persons. Those crime offences are as follows:

- 1) murder,
- 2) infanticide,
- 3) participation in suicide,
- 4) serious bodily injury,

- 5) unlawful detention,
- 6) kidnapping,
- 7) rape,
- 8) sexual intercourse with a helpless person,
- 9) sexual intercourse by abuse of position,
- 10) sexual intercourse with a child,
- 11) gross indecency,
- 12) sexual exploitation against a child or minor,
- 13) incitement to prostitution,
- 14) exploitation of children and minors for pornography,
- 15) introducing a child to pornography
- 16) rođoskrvuće,
- 17) marriage with the younger juvenile,
- 18) confiscation of a child or minor,
- 19) changes in family status,
- 20) neglect or abuse of a child or minor,
- 21) the abandonment of a child,
- 22) domestic violence,
- 23) avoidance of serving,
- 24) prevention and incompleteness of measures for the protection of minors,
- 25) enabling the use of narcotics,
- 26) robbery,
- 27) robbery.

(2) The plaintiff initiated proceedings against adult perpetrators of other criminal offenses prescribed by the Criminal Code, in accordance with the provisions of this section, if he considers it necessary to specially protect the children and minors participating in criminal proceedings as damaged parties.“

The measures for the implementation of the above legal framework are realized in the framework of judicial and other institutions responsible for law enforcement.

RS

Amendments to the Criminal Code of the Republika Srpska from 2010 were made to comply with the Lanzarote Convention and other international standards in this field. So first of all with the crime of "production and viewing of child pornography" was extended and "possession" of child pornography was added to the production and display of child pornography. In addition, the above changes to the law stricter penal sanctions for this offense.

Also, the Law on Amendments to the Criminal Code of RS ("Official Gazette of RS, No. 67/13) has been amended in a qualification of crimes against minors and stricter criminal sanctions for:

Article 198b. Trafficking in minors

(1) Whoever recruits, transports, transfer, transfers, sells, buys, mediates in sale, hides, holds or accept the person under the age of 18 years to exploit or her labor, commission of criminal offenses, prostitution or other forms of sexual exploitation, pornography, establishing slavery or a similar relationship, forced marriage, forced sterilization, illegal adoption or a similar

relationship, the removal of organs or body parts, for use in armed forces or other forms of exploitation, shall be punished with imprisonment of at least five years

(2) Whoever commits the offense referred to in paragraph 1 of this Article by use of force, serious threat or other forms of coercion, deceit, kidnapping, blackmail, abuse of his position, a relationship of trust, dependency or helplessness, difficult circumstances of another, giving money or other benefits, shall be imprisoned of at least eight years.

(3) Who uses or enables another to use sexual services or other forms of exploitation of a minor, and was aware that it is a victim of human trafficking, shall be punished with imprisonment of at least five years.

(4) Whoever takes, retains, falsify or destroy personal identification document to commit offenses referred to in paragraphs 1 and 2 of this Article, shall be punished with imprisonment of three to fifteen years.

(5) If the offense referred to in paragraphs 1, 2, 3 and 4 of this Article is committed by organized criminal group, the perpetrator shall be punished by imprisonment of at least ten years.

(6) If the offense referred to in paragraphs 1, 2, 3 and 4 of this Article is committed by an officer in the execution of his duty, shall be punished with imprisonment of at least eight years.

(7) If the crime referred to in paragraphs 1 and 3 of this Article, caused a serious bodily injury, serious health damage or death of one or more persons, the perpetrator shall be punished by imprisonment of at least ten years.

(8) The consent of the minor to any form of exploitation referred to in paragraph 1 of this Article shall not affect the existence of the offense.

(9) items, vehicles and objects used to commit the offenses referred to in this Article shall be seized.

Organizing a group or criminal association for the commission of crimes of human trafficking and trafficking in minors.

Article 198v.

(1) Whoever organizes a criminal group, association or criminal association for the commission of crimes under Articles 198a and 198b of this law, shall be punished with imprisonment of three to fifteen years.

(2) Anyone who becomes a member of a group or association referred to in paragraph 1 of this Article, or otherwise assists the group or association, shall be punished with imprisonment of one to ten years.“

Article 208 is amended as follows:

„(1) Whoever, by use of violence, insolent or arrogant behavior endangers tranquility, physical integrity or mental health of a family member or family unit and thereby cause injury to the physical or mental integrity of the passive subject, shall be fined or punished by imprisonment from three months to three year.

(2) If the weapons, dangerous tools or other means suitable to bodily injuries or health breached were used for commission of a criminal offense referred to in paragraph 1 of this Article, the offender shall be punished with imprisonment from six months to five years.

(3) If the offense referred to in paragraphs. 1 and 2 of this Article caused a serious bodily injury or serious damage to health or are committed against a person younger than 18 years or in the presence of a person under 18 years of age, the offender shall be punished with imprisonment from two to ten years.

(4) If the offense referred to in paragraphs. 1, 2 and 3 of this Article caused the death of a family member or family community, the offender shall be punished with imprisonment of three to fifteen years

(5) Whoever kills a family member or a family unit which had previously been abused shall be sentenced to at least ten years.

(6) Anyone who violates the measures of protection from domestic violence ordered by the court according to the law, shall be punished by a fine and imprisonment of three months to three years.

(7) The family member or family community, in terms of the offense, considered to be spouses or former spouses and their children and the children of each of them, common-law spouses or former common-law spouses, their children or children of each of them, relatives by marriage up to the second degree. Regardless of the fact that marriage ceased to exist, family member or family unit are considered to be the parents of current and former marital and non-marital partners, relatives from full adoption in the direct line without limitations, and lateral to the fourth degree, and relatives from incomplete adoption, persons connected relationship guardianship, persons who live or have lived in the same household, regardless of relationship, and persons who have a common child, or the child is conceived, although they have never lived in the same household.“

BD

BD, the subject area is regulated by the following substantive regulations as follows- BD Criminal Code - revised text (“Official Gazette of BD, no 47/11 33/13)

- Law on Protection and Treatment of Children and Juveniles in the Criminal Procedure BD ("Official Gazette of BD", no. 44/11)

The Criminal Code of BD, in Article 2 (Basic notions) defines the notions of children and minors

Paragraph 11 - *child, in terms of this Code, is a person under the age of 14*

Paragraph 12 - *A juvenile, in terms of this code, is a person under 18 years of age*

This law provided prosecution and punishment of perpetrators of sexual abuse committed against a child or minor.

Article 200 - Rape

Paragraph (5) Whoever perpetrates the criminal offense referred to in paragraph 1 of this Article against a juvenile, shall be punished by imprisonment of at least three years.

Paragraph (6) Whoever perpetrates the criminal offense referred to in paragraphs 2, 3 and 4 of this Article against a juvenile, shall be punished by imprisonment of at least five years

Article 202 Sexual intercourse by abuse of position

Paragraph (2) Teacher, educator, parent, adoptive parent, guardian, stepfather, stepmother or other person who abuses his position or relationship with a juvenile who is entrusted to him for learning, education, preservation or care, performs sexual intercourse or sexual act, shall be punished by imprisonment from six months to five years.

Article 204 Sexual intercourse with a child

Paragraph (1) Whoever performs sexual intercourse or sexual act with a child shall be punished by imprisonment for one to eight years.

Paragraph (2) Whoever performs forcible sexual intercourse or sexual act with a child

(Article 20, Rape, paragraph 1) or on a helpless child (Article 201, sexual intercourse with a helpless person, paragraph 1), shall be punished by imprisonment of at least three years.

Paragraph (3) Whoever performs sexual intercourse or sexual act with a child by abuse of position (Article 202, Sexual intercourse by abuse of position, paragraph 2), shall be punished by imprisonment from one to ten years

Paragraph (4) Whoever perpetrates the criminal offense referred to in paragraphs 1-3 of this Article in a particularly cruel or degrading manner, or if on the same occasion the same victim was subject to several sexual intercourse or sexual acts, by several perpetrators, shall be punished by imprisonment to five years at least.

Paragraph (5) If the criminal offense referred to in paragraphs 1-3 of this Article caused the death of a child, or a child was severely injured, or his health was severely impaired or the female child was left pregnant, the perpetrator shall be punished by imprisonment for five years or to life imprisonment.

Article 205 Debauchery

Paragraph (2) A person who commits an offence involving only debauchery in the case referred to in Article 204 (Sexual intercourse with a child) of this Law, when there was no attempt of that criminal offence, or a person who commits the criminal offense referred to in paragraph 1 of this Article against a child or a minor, shall be punished by imprisonment from six months to five years.

Article 206 Satisfaction of lust before a child or juvenile

Whoever, against a child or juvenile, performs acts aimed at satisfying one's lust or others, or who induces a child before him or another person engage in such conduct shall be punished by imprisonment from three months to three years.

The Criminal Code of BD – Enticing prostitution

Article 207 Enticing prostitution

Paragraph (1) A person who entices, induces or persuades another person to engage in prostitution or in some other way facilitates prostitution of that person for the benefit of another person, or in any other way organizes or manages prostitution in order to acquire material gain, shall be punished by imprisonment from six months to five years.

Paragraph (2) The fact of whether a person induced, enticed, persuaded or forced to engage in prostitution was previously engaged in prostitution shall not interfere with the criminal offence referred to in this article.

Trafficking in children

Article 207a Trafficking in human beings

Paragraph (2) Whoever recruits, transports, transfers, harbors or receives a person under 18 years of age for the purpose of exploitation for prostitution or any other form of sexual exploitation, forced labor or services, slavery or similar status, servitude or the removal of organs or any other exploitation of shall be punished by imprisonment for at least ten years.

Paragraph (3) If the criminal offense referred to in paragraphs 1 and 2 of this Article committed by official person performing his duty, the perpetrator shall be punished by imprisonment of at least ten years

Paragraph(4) Whoever forges, obtains or issues a travel or identity document or uses, maintains, alters, destroys a travel or identity document of another person for the purpose of facilitating trafficking in persons shall be punished by imprisonment for one to five years.

Paragraph (5) Who uses the services of trafficked persons shall be punished by imprisonment from six months to five years.

Paragraph (6) If the criminal offense referred to in paragraphs 1 and 2 of this Article caused severe deterioration of health, serious bodily injury or death of a person under paragraphs 1 and 2 of this Article, the perpetrator shall be punished by imprisonment for not less than ten years or long-term imprisonment.

Paragraph (7) Items, vehicles and facilities used for the execution of the criminal offence shall be confiscated.

Paragraph (8) The crime trafficking in persons does not affect the fact whether the victim of trafficking consented to the exploitation.

Paragraph (9) Against trafficking victim who was forced, by the perpetrator, to participate in the commission of another criminal offense will not lead criminal proceedings if such action was a direct result of its status as victims of trafficking.

Child pornography

Article 208 Abuse of a Child or Minor for Pornography

Paragraph (1) Whoever takes photographs, audio-visual material or other pornographic materials, or possesses or imports or sells or distributes or displays such material, or induces such persons to take part in pornographic shows, shall be punished by imprisonment for one to five years

Paragraph (2) The objects intended or used for the commission of the offense referred to in paragraph 1 of this Article shall be forfeited and the items produced by the perpetration of the offense referred to in paragraph 1 of this Article shall be forfeited and destroyed.

Article 209 Showing Pornographic Material to a Child

Paragraph (1) A person who sells, shows or presents to the public or in some other ways makes available documents, photographs, audi-visual and other pornographic material or shows a pornographic performance to a child shall be fined or sentenced up to one year of imprisonment.

Paragraph (2) Items referred to in paragraph 1 of this article shall be confiscated.

Neglect or abuse of a child or minor

Article 216

(1) A parent, adoptive parent, guardian or other person who severely neglects his duties in maintaining or educating a child or a minor, shall be punished by imprisonment from three months to three years.

(2) The subject of punishment referred to in paragraph 1 of this Article shall be the parent, adoptive parent, guardian or other person who abuses a child or a minor, forcing him to work that is unsuitable for his age, or to work excessively or beg or direct him by greed to behavior that is harmful to the child's development.

(3) If the offense referred to in paragraphs 1 and 2 of Article resulted in child or minor serious bodily injury, or his health is severely impaired, or for a criminal offense referred to in paragraph 1 or 2 of this Article caused that a child or juvenile has taken to begging, prostitution or other forms of anti-social behavior or delinquency, the perpetrator shall be punished by imprisonment from three months to five years.

Data on cases in which the victims are children or minors for 2011

NAME OF THE CRIME	TOTAL NUMBER OF CASES	TOTAL NUMBER OF PERSONS OFFENSE	CHILDREN VICTIMS /minors/ TOTAL	METHOD OF COMPLETION /STATUS/ OF THE CASE				
				Judgment – Imprisonment	Judgment -	acquittal	Educational measures	suspended proceedings

		RS	NUMBER	onment	suspe nded senten ce		res	ngs
204/2 sexual intercourse with a child and juvenile	2	2	3	0	0	1	1	
205/1 Indecent liberties	3	3	4	2	0	0	0	1
206 Satisfaction of lust before a child or juvenile.	1	1	1	0	1	0	0	0
216/1 Neglect or abuse of a child or minor	1	3	4	1	2	0	0	0
TOTAL:	7	9	12 (M-3+F-9)	3	3	1	1	1

Data Source: BD Prosecution official data

Data on cases in which the victims are children or minors for 2012

NAME OF THE CRIME	TOTAL NUMBER OF CASES	TOTAL NUMBER OF PERSONS OFFENDERS	CHILDREN VICTIMS /minors/ TOTAL NUMBER	METHOD OF COMPLETION /STATUS/ OF THE CASE					
				Judgm ent – Impris onmen t	Judgm ent - suspens ed sentenc e	acquittal	Educati onal measures	Suspens ed proceedin gs	Charged
200. Rape	1	1	1	1	0	0	0	0	0
205.Ddebauchery	1	1	1	0	0	0	1	0	0
204. Sexual intercourse with a child and 207. Enticing prostitution	1	1	1	1	0	0	0	0	0
208. Abuse of a Child or minor for pornography	1	2	1	1	0	0	0	0	1
TOTAL:	4	5	4 (M-1+F-3)	3	0	0	1	0	1

Data Source: BD Prosecution official data

Data on cases in which the victims are children or minors for 2013

NAME OF THE CRIME	TOTAL NUMBER OF CASES	TOTAL NUMBER OF PERSONS OFFENDERS.	CHILDREN VICTIMS /minors/ TOTAL NUMBER	NAČIN ZAVRŠETKA /STATUS/ PREDMETA						
				Judgmen t – Impris onment	Judgm ent - suspens ed sentenc e	acquittal	Educati onal measures	Suspended proceedin gs	Charged	second ed cases

202. a) Sexual intercourse by abuse of position	1	2	1	0	0	0	0	0	0	1
205. Debauchery	1	1	1	1	0	0	0	0	0	0
206. Satisfaction of lust before a child or juvenile	1	1	3	0	1	0	0	0	0	0
207. a) Trafficking	1	2	3	0	0	0	0	0	2	0
209. Child pornography	1	1	1	0	0	0	0	0	0	suspended
216/1 Neglect or abuse of a child	1	1	3	0	0	0	0	0	1	0
TOTAL:	6	8	12 (M-6+F-6)	1	1	0	0	0	3	2

Data Source: BD Prosecution official data

Law on Protection and Treatment of Children and Juveniles in the Criminal Procedure in BD.

Article 2 Paragraph (1)

A child, in accordance with this law, is any person who is under 18 years of age.

Criminal offenses against children and minors

Article 184

Paragraph (1) The juvenile judge or the panel chaired by a judge or a judge who has special knowledge on trial may try a case against adult offenders for criminal offenses prescribed by the Criminal Code, when the criminal proceedings involves a child or minor as damaged party. Such as criminal offenses are as follows:

- e) *serious bodily injury*
- h) *abuse*
- i) *rape*
- j) *sexual intercourse with a helpless person*
- k) *sexual intercourse with a child*
- l) *sexual intercourse through abuse of office*
- m) *trafficking in persons for the prostitution*
- n) *abuse of a Child or minor for pornography,*
- nj) *production and viewing of child phonograph,*
- o) *incest,*
- p) *common-law marriage with a minor,*
- r) *deprivation of minor,*
- s) *neglect and abuse of minor,*
- š) *family violence,*
- t) *breach of family obligations,*
- u) *avoiding financial maintenance*
- v) *facilitating the use of narcotics*

Paragraph (2) The Prosecutor shall initiate proceedings against adult perpetrators of other criminal offenses prescribed by the criminal law, in accordance with the provisions of this section, if considers it necessary to specially protect the children and minors who as damaged participate in criminal proceedings

Article 185 (Conducting of criminal proceedings)

Paragraph (1) The criminal proceedings against the perpetrators of crimes under Article 184 of this law shall be conducted under the provisions of the Criminal Procedure Code, provided that it does not apply the provisions relating to criminal account.

Paragraph (2) The investigation leads prosecutor who has acquired special knowledge in the field of child rights and criminal justice protection of minors.

Paragraph (3) The investigative measures involves specialized authorized officials who have acquired special knowledge in the field of child rights and criminal justice protection of minors.

Article 186 (Procedural actions)

Paragraph (1) When handling the criminal cases against perpetrators of crimes that are committed against children and minors, procedural actions for criminal offenses that are committed against minors should be careful, in view of his age, his personality traits, education and opportunity in which lives, in order to avoid possible adverse consequences for his future life, education and development. The hearing of a child or a minor is generally done with the help of educators, psychologists or other professional.

Paragraph (2) If a witness heard a child or younger minor damaged by criminal offense under Article 184 of this law, a hearing may be conducted at most twice. Prosecutor or authorized official questions a witness through technical means for transferring image and sound, and without the presence of the prosecutor or authorized official in the room where the witness is. The hearing of a child or a minor is generally done with the help of educators, psychologists or other professional.

Paragraph (3) Child or younger juvenile may be questioned at his/her residence or other space in which resides or social work center. At the hearing a witness shall be treated in accordance with paragraph 2 of this Article.

Paragraph (4) The court heard the child or juvenile as a witness damaged by criminal act under Article 184 of this Law, in accordance with paragraph 2 of this article, so that the court, the parties and the defense attorney may ask questions, not to be present in the same room with the witness. Hearing a child or minor is done so that questions are asked through the court, and if necessary with the help of educators, psychologists or other professional.

Paragraph (5) In order to protect children and minors damaged by criminal offense under Article 184 of this Law, other relevant provisions of the Law on Protection of Witnesses in Criminal Proceedings of Brcko District of BiH shall be applied.

Paragraph (6) The provisions of this Article shall also be applied when questioning a child or a minor who is a witness - eyewitness to the committed offense referred to in Article 184 of this Law.

Paragraph (7) The provisions of Article 84 of this Law shall apply in criminal proceedings against perpetrators of criminal offenses committed against children and minors.

Article 187 (Prohibition of confrontation)

If a child or a minor is heard as a witness and who is severely physically or mentally traumatized by the events of the offense or suffers from a serious mental disorder that make it particularly sensitive, it is forbidden to carry out his confrontation with the suspect or accused.

Article 188 (Identifying the suspect or accused)

If identification of the suspect or the accused is performed by the minor damaged by the

offense, or an eyewitness of the committed criminal offenses, such recognition in all stages of the procedure shall be done in a way and circumstances that completely prevents suspect or accused to see a minor.

Article 189 (The jurisdiction and composition of the court)

With regard to the jurisdiction of the court composition that tries adult offenders against damaged children and minors, the provisions of the Criminal Procedure Code shall be applied, if the law provides otherwise.

Article 190 (The urgency of proceedings)

Criminal proceedings for offenses under Article 184 of this Law are urgent.

Protection against misuse of information technologies

The Criminal Code of Bosnia and Herzegovina is not defined child pornography. Criminal offenses that are directly related to "child pornography" are regulated by the criminal laws of RS, FBiH and BD.

During 2008, a working group consisting of relevant professionals prepared a document titled "Analysis of capacities, procedures and shortcomings in the system of protection of children from child pornography in Bosnia and Herzegovina and Recommendations for development of model for combating child pornography in BiH." On the basis of this document the first national action plan was adopted in 2009 for improving the system of protection of children from child pornography and other forms of sexual abuse and exploitation of children through the use of information and communication technologies for the period 2010-2012.

The Council of Ministers at its 43rd session held on 26 March 2013 adopted the 2013 -2015 Strategy to fight trafficking in human beings on the basis of which has been made an Action plan to protect children and prevent violence against children through information and communication technologies in BiH for the period 2014 -2015 which the Council of Ministers adopted at the 89th session held on 04 April 2014. The Action plan was prepared by the Ministry of Security in cooperation with all relevant institutions of Bosnia and Herzegovina. This action plan is focused on improving the system of protection against child pornography and pedophilia. The Action Plan contains more than 40 activities to be implemented by BiH authorities by the end of 2015 in order to ensure an efficient mechanism of protection against child pornography and other forms of sexual exploitation and abuse of children through information and communication technologies.

Action Plan for the protection of children and prevention of violence against children through information and communication technologies in BiH for the period 2014 - 2015 has been prepared in accordance with the Strategy for combating human trafficking in Bosnia and Herzegovina (2013-2015).

Item A (A.1 And A.2) of above-mentioned Action Plan provides amending of substantive and procedural criminal law and the harmonization of by-law regulations in BiH, as well as the monitoring of international instruments in the field of violence against children through information and communication technologies.

Protection against other forms of exploitation

Child begging in the streets, in most cities in BiH, represents a burning socio – pathological problem. In the area of human trafficking prevention and suppression of begging, this problem has always been given some attention, primarily through the establishment of certain facilities in the form of day care centers for children working on the streets.

Day care centers are open to help the realization of children's rights to protection from all forms of violence, abuse and exploitation, for street children, children who work and live in the street. By opening day centers the number of victims of trafficking and sexual exploitation is greatly reduced. Existing day centers are examples of good practice and in the coming period new ones are planned to open.

FBIH

Ministry of Labor and Social Policy / hereinafter FMLSP / assessed as very important and supported the recommendations submitted by the Institution of Ombudsman of Bosnia and Herzegovina aimed at protecting children from all forms of exploitation, with particular emphasis on the protection of children from begging. One of the recommendations of the Institution of the Ombudsman of Bosnia and Herzegovina is advocating the establishment of day care centers for children found begging in all municipalities in BiH in which this phenomenon is expressed. A range of activities were taken in the past regarding this issue by the governmental and NGO sector.

In the area of the FBiH, and in order to assist the realization of children's rights to protection from all forms of violence, abuse and exploitation of street children, i.e. children working and living on the streets so-called invisible children or children at risk, in comparison to the previous report increased the number of centers, so according to incomplete statistics of the FMLSP in FBiH currently operating the following centers:

- Day Care Centre for children performing work on the streets of Sarajevo Canton within the PI "Cantonal Center for Social Work",
- Reception center for children found wandering, begging or under other circumstances for who urgent short-term accommodation is necessary. It operates within the Center for Social Work Tešanj,
- The day center for street children and children who are at risk of becoming -Association "Land of Children Tuzla"
- The day center for children Mostar
- Shelter for street children NGO "Medica" Zenica,
 - Reception center for street children, Association "Women from Una" Bihac

Protocols on cooperation were signed in most municipalities according to which institutions which perform harboring of children living and working on the street coordinate and work with parents and other institutions to combat socially negative phenomena. By the Protocol implementation the number of children living and working on the street has been reduced and positive developments can be seen relating to the preparation and inclusion of children in the mainstream education system, improvement in hygiene habits, culture, and communication with the environment.

Day care centers provide shelter and professional assistance to children who live or work on the streets and who are at risk of trafficking, and various forms of exploitation. The users of these centers are children aged 5-18 years from socially vulnerable families, prone to begging, with problems of discipline, children at risk of abuse, trafficking, prostitution, begging, and all the negative effects of the street.

Day centers offer services of physical care (bathing, feeding, clothing), psychosocial treatment, counseling for children and families, educational work, development of creative abilities and talents, the exercise of rights (linking with social welfare services and other institutions) through:

- counseling which includes administrative and statistical work / records, processing users, managing database / and work organized in the form of individual and group sessions, within the center and in the field and aims at the prevention of alcoholism, domestic violence, peer violence, etc.,
- prevention work
- providing counseling and psychological support to children and families,
- crisis response - urgent help,
- creative, social and educational activities with the aim of expressing creative skills in children, to acquire special skills, develop psychomotor abilities, etc.,
- literacy and support in studying and learning
- hot meal
- bathing and washing, getting clean clothes.

Within the advisory center users are offered counseling and legal assistance - assistance in issuing personal documents, ensuring access to education, health and social care system.

In the cities and municipalities in which there are no day care centers, centers for social work in cooperation with police stations are working on preventing of stay and work of children on the street, returning the child to the family, informing the parents of their obligations towards children, providing psychosocial treatment of children and members their families, as well as other forms of assistance. In cases where it is necessary, centers for social work undertake other legal activities to protect children.

BD

Family Law of BD provides that a child in the family has a right to protection from all forms of violence, abuse and neglect.

Division for Social Security, in cooperation with Police, undertakes steps to reduce and eliminate child stay on the street, in a way that warns parents of their legal obligations regarding the protection of children. In individual cases, for those parents and children who do not respond to the warnings psycho-social treatment is conducted and other measures provided by laws.

From 1 October 2014 to 31 December 2014 the Non-governmental organization NGO "Vermont" Brcko carried out a pilot project "Mapping the children who live and work on the streets and those who are at risk of becoming so."

"Vermont" is in negotiations with donors, and it is expected that the pilot project will grow on 1 January 2015 into a project "Daily center for children who live and work on the streets and those who are at risk of becoming so."

ARTICLE 8 – THE RIGHT OF EMPLOYED WOMEN TO PROTECTION OF MATERNITY

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

1. to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;
2. to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;
3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;
4. to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;
5. to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women.

GENERAL LEGAL FRAMEWORK

- Labour Law in Institutions of BiH („BiH Official Gazette“, 26/04,7/05,48/05, 60/10, 32/13),
- Law on Gender Equality of BiH – Consolidated text („BiH Official Gazette“ 32/10),
- Law on Civil Service in the Institutions of BiH (“BiH Official Gazette” 19/02, 35/03, 4/04, 17/04, 26/04, 37/04, 48/05, 2/06, 32/07, 43/09, 8/10),
- Labour Law of FBiH (FBiH Official Gazette 43/99, 32/00,29/03),
- Law on Civil Service of FBiH (FBiH Official Gazette 29/03, 23/04, 39/04, 54/04, 67/05, 8/06),
- Law on Safety at Work („SR BiH Official Gazette“ 2/90),
- Rulebook on Determination of Jobs with Specific Conditions and Medical Examinations of Workers in These Jobs („SR BiH Official Gazette” 2/90),
- Labour Law of RS – Consolidated text ("RS Official Gazette" 55/07),
- Law on Public Administration of RS (RS Official Gazette 62/02; 38/03; 42/04; 49/06),
- Labour Law of BD („BD Official Gazette“ 7/00, 8/03, 33/04, 20/13, 31/14),
- Law on Civil Service in the BD Public Administrative Bodies (BD Official Gazette 28/06; 29/06; 19/07),
- Law on Child Protection of BD – Consolidated text („ BD Official Gazette“ 51/11)

Article 8, para. 1. Maternity leave

Conclusion

ECSR Conclusions (2011)

The Committee concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 8§1 of the Charter on the ground that maternity benefits are not adequate or not regulated in certain parts of the country.

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

BiH

Chapter III – Rights, Duties and Responsibilities of Employees, Section 4 - Protection of Employees, sub-paragraph a) of the Labour Law in the Institutions of BiH („BiH Official Gazette“ 26/04,7/05,48/05, 60/10, 32/13) governs protection of women and maternity. This Law (Article 1, para. 2) regulates employment in institutions of Bosnia and Herzegovina and employment in public enterprises of Bosnia and Herzegovina, associations and foundations of Bosnia and Herzegovina, cross entity corporations and other institutions performing additional responsibilities of Bosnia and Herzegovina. The Law on Civil Service in the Institutions of BiH (“BiH Official Gazette” 19/02, 35/03, 4/04, 17/04, 26/04, 37/04, 48/05, 2/06, 32/07, 43/09, 8/10) governs the legal status of civil servants in ministries, independent administrative organizations and administrative organizations in ministries, as well as other institutions established by special laws or entrusted with administration operations by special laws. Article 45 of this Law invokes the application of the Labour Law in the Institutions of BiH and other laws governing rights and obligations deriving from labour relations. Therefore, the same legal framework in relation to the matters covered in Article 8 of the Revised Charter is applied to all persons covered by provisions of Labour Law in the Institutions of BIH.

The Constitutional Court of Bosnia and Herzegovina issued a decision (U 12/09) on 28 September 2010 repealing Article 35 of the Law in the Institutions of Bosnia and Herzegovina and the Council of Ministers' Decision on the Manner and Procedure of Exercising the Right to Maternity Benefits in the Institutions of BiH (“BiH Official Gazette” 58/09).

Article 104, para. 2) of the Labour Law in the Institutions of Bosnia and Herzegovina („BiH Official Gazette“ 26/04, 07/05, 48/05, 60/10, 32/13) provides the following:

„In the event of laws and other regulations of the Entities and Brčko District of Bosnia and Herzegovina regulating entitlements deriving from maternity leave differently, the Council of Ministers shall regulate this matter with a decision in a unique way, which shall apply solutions of the level of government in Bosnia and Herzegovina that are most favourable for the beneficiary of this right. The funds required for these entitlements shall be provided in the budget of the institutions of Bosnia and Herzegovina.“

Accordingly, after the Constitutional Court of Bosnia and Herzegovina's decision, in order to regulate the entitlements deriving from maternity leave in the Institutions of BiH, at its 136th session held on 2 November 2010, the Council of Ministers issued the Decision on the Manner and Procedure of Exercising the Right to Maternity Benefits in the Institutions of BiH („BiH Official Gazette“ 95/10) which governs the manner and procedure of exercising the right to maternity benefits in the Institutions of BiH. The Decision equalises rights to compensation during maternity leave for all employees in institutions of BiH and the Decision applies as of 29 September 2010.

The Labour Law in the Institutions of BiH provides for the right to benefits and the right to salary and other allowances in accordance with this Law and the Law on Salaries and Benefits in BiH Institutions and bylaws enacted in pursuance of this Law of which control and enforcement are within competences of the Ministry of Finance and Treasury of BiH.

According to this Decision, all persons who are on maternity leave as of 29 September 2010 exercise entitlements deriving from maternity in accordance with this Decision, which means that they receive a monthly compensation in the amount of average net salary earned in the last three months before starting the maternity leave.

FBiH

The Labour Law of FBiH („FBiH Official Gazette“ 43/99, 32/00, 29/03) governs all matters arising from labour relations of employed persons in FBiH. The Law on Civil Service of FBiH („FBiH Official Gazette“ 29/03, 23/04, 39/04, 54/04, 67/05, 8/06) governs legal status of civil servants in administrative authorities of FBiH, cantons, cities and municipalities. Article 47 of the Law on Civil Service of FBiH invokes the application of the Labour Law and other laws and collective agreements governing rights and duties deriving from labour relations. The same legal framework in relation to the matters covered in Article 8 of the Revised Charter is applied to all persons who are employed in FBiH, regardless of whether they are employed in the public or private sector.

Article 2 of the Labour Law of FBiH defines that „employer“ is a natural or legal person who gives a job to an employee.

The First Report of Bosnia and Herzegovina on Implementation of ESP states that problems in exercising rights by families with children exist and that some cantons are not able to provide the necessary funds for this purpose in their budgets, which is why these benefits are not paid in all cantons or are paid in small and varying amounts. Herzegovina-Neretva Canton and Posavina Canton have not passed any regulation in this field.

Starting from the fact that the protection of families with children are of particular public interest, which protection aims at providing approximately equal conditions for healthy and proper development of children, as well as at assisting in the implementation of the reproductive function of the family, it is necessary to take action to improve the situation in this area.

In this regard, in the context of joint responsibilities and activities of the Federation and the Cantons in the field of social protection, the Federation Ministry of Labour and Social Policy, together with relevant cantonal ministries, is planning to draft new legislation in the field of social protection and protection of families with children. In drafting the new legislation, provisions of the European Social Charter and conclusions of the Committee, as well as other international instruments respecting maternity benefits, will be taken into account in order to ensure the availability and uniformity of these rights in the entire territory of the Federation, regardless of the canton in which a beneficiary resides in accordance with funds available to the Federation.

RS

The Labour Law of RS – Consolidated text („RS Official Gazette“ 55/07) governs all matters arising from labour relations of employed persons in the territory of RS. Article 125 of the Law on Public Administration of RS („RS Official Gazette“ 62/02,38/03,42/04,49/06) provides that the Labour Law, the General Collective Agreement and the Special Collective Agreement for Employees in the Administration of RS are applied to the labour relations of civil servants, as well as of technical and support staff employed in public administration bodies. The same legal framework in relation to the matters covered in Article 8 of the Revised Charter is applied to all persons who are employed in RS, regardless of whether they are employed in the public or private sector.

In RS, Article 3 of the Labour Law determines that “employer” means a company, institution, bank, insurance company, association, agency, co-operative, as well as any other natural or legal person who or which employs workers on the basis of employment contract. Article 4 of the Law provides that appropriate provisions of this Law shall also apply to the employees in the administration, judiciary, law enforcement agencies, customs service and all other administrative agencies and organisations, unless otherwise provided in a different law.

The Labour Law of RS regulates the issue of exercising rights of women to maternity leave, maternity leave duration, start of work by women at their own request before the expiry of maternity leave and the amount of compensation to be paid to women during maternity leave, while the Law on Child Protection (“RS Official Gazette” 04/02 - Consolidated text, 17/08, 01/09) defines reimbursement of net salary compensation paid to women on maternity leave and the period for which the compensation is paid by the employer/ Child Protection Public Fund.

Article 79 of the Labour Law – Consolidated text provides that, during pregnancy, birth giving and child-care, a woman shall be entitled to maternity leave in the duration of one year without interruption, and if she has given birth to twins, a third or every next child, she shall be entitled to maternity leave in the duration of 18 months without interruption. Article 80 para. 1 of the Labour Law provides that, at her own request, a woman may start working before the expiration of the maternity leave under Article 79(1), but not before 60 days have expired after the childbirth.

Article 84, para. 1 of the Labour Law provides that, during the maternity leave, a woman shall be entitled to salary compensation at the level of average salary she was earning during the last three months before the starting date of the maternity leave. The compensation shall be adjusted monthly to the increase of salaries and wages in RS. Article 84. para. 2 of the Labour Law provides that, if the woman did not receive salary over each of the last six months, the salary compensation shall be paid in accordance with the collective agreement for the months preceding the month she starts the maternity leave. This article determines that salary compensation shall be paid by the RS Child Protection Public Fund after having been adjusted to the growth of average wage in RS.

Article 94, para. 2 of the Labour Law provides that an amount of salary compensation shall not be lower than 50% of average salary the employee had in a given prior period, or the salary which he/she would have earned if he/she had been working. This article determines the minimum salary compensation deriving from employment rights that may be paid to workers, including the right to salary compensation during maternity leave.

The RS laws determine that salary compensation paid during maternity leave amounts to 100% of the base determined.

The Decision of the Board of Directors of the Fund on the amount of salary compensation paid to mothers on maternity leave, which the employer will be reimbursed, No. 01-UO-4436-05 / 11 dated 28 December 2011 determines that the employer, who raised the salary of the mother three months or more before the start of maternity leave and did not pay contributions for child protection calculated on the pay rise for all the months in the year prior to the mother's maternity leave, shall be reimbursed the average of all salaries on which contributions were paid for child protection, which salaries the mother was paid a year before maternity leave, including pay rise.

The Law on Child Protection prescribes a time limit for filing a claim for a refund of salary compensation that the employer paid to a mother and it is 12 months from the date of commencement of maternity leave by the mothers whose salary compensation is sought to be reimbursed, a time period for which the salary compensation is paid by the employer and a time period in which reimbursement is made to the employer for salary compensation paid by the Child Protection Public Fund.

In conjunction with Art. 79 and 84 of the Labour Law, the Law on Amendments to the Law on Child Protection ("RS Official Gazette" 17/08) amended Article 13 of the Law on Child Protection - Consolidated text ("RS Official Gazette" 04/02), which provides that: "the compensation of net salary for the first 30 days of maternity leave shall be provided and paid to the mother by the employer from its own funds and for the next 11 months for the first and second child and 17 months for twins, third and each subsequent child, the salary compensation shall be paid by the employer and the funds shall be provided by the Fund for Child Protection.

The compensation of net salary during maternity leave shall not be paid by the Fund for Child Protection to a mother who, at her own request, in accordance with the Labour Law, begins working after the expiration of 60 days of birth and before the expiry of maternity leave.

When a mother begins working before the expiry of maternity leave, at her own request, the employer is obliged to issue a decision on the termination of the maternity leave and to transmit it to the authority of first instance in order to terminate the right to funds provided by the Fund for Child Protection."

In accordance with the Labour Law and the Law on Child Protection, an employer pays salary compensation to a mother having given birth in the amount prescribed by law and, after the payment of salary compensation, it claims from the Centre for Social Welfare or the Child Protection Office in municipalities that do not have a centre to reimburse salary compensation paid to the mother.

Pursuant to the above-mentioned provisions of the Law on Child Protection, the compensation of net salary for the first 30 days of maternity leave shall be provided and paid to the mother by the employer from its own funds and for the next 11 months for the first and second child and 17 months for twins, third and each subsequent child, the salary compensation shall be paid by the employer and the funds shall be provided by the Fund for Child Protection.

The salary compensation is received at the expense of the RS Fund for Child Protection. The Republican Administration of Inspection - Labour Inspection supervises the implementation of the Labour Law. Article 180, para. 2, point 4 of the Labour Law provides for a fine ranging between BAM 2,000 and 15,000 to be imposed on an employer for the failure to enable a female employee to exercise the statutory rights.

BD

In BD Article 2 of the BD Labour Law gives *inter alia* a definition of "Employer", which says that an employer is any natural or legal person who or which employs workers on the basis of employment contract.

Article 128 to 132 of the Law on Civil Service in the BD Public Administrative Bodies (BD Official Gazette, No. 28/06; 29/06; 19/07) provides for a maternity leave of female civil servants. This Law governs the legal status of civil servants, public servants and employees in the BD Public Administration.

Accordingly, rights and protection of women employed in the private and public sector are governed in different laws depending on the place of job and residence of the employee (BiH, Entities, BD); nevertheless, the laws do not discriminate women employed in the public or private sector while exercising the rights.

The Labour Law provides that a woman may start maternity leave 28 days prior to the expected date of the birth of the child based on the findings of a certified doctor and she is obliged to start maternity leave 7 days prior to the expected date of the birth of the child at the latest.

Article 45 of the BD Labour Law respecting maternity leave was amended on 23 August 2014. The amended Article reads: „(1) during pregnancy, birth giving and child-care, a woman shall be entitled to maternity leave in the duration of twelve months (12) without interruption, and if she has given birth to twins, a third or every next child, she shall be entitled to maternity leave in the duration of eighteen months (18) without interruption. The salary compensation is received at the expense of the BD budget provided that contributions for pension and health insurance have been paid regularly.“

New paragraph 3 is added after paragraph 2 of this Article and it reads:

„(3)The right to maternity leave under paragraph 1 of this Article in terms of the length thereof shall also apply to a woman who is on maternity leave at the time of entry into force of this law.“

The new revised Law provides that, upon expiry of maternity leave, a woman with a child of up to at least twelve months of age shall be entitled to work half working hours, and for twins, third and each following child she shall be entitled to work half working hours up to eighteen months of age of the child. It also provides that, when a child turns one year of age, one of the parents shall be entitled to work half working hours until two years of age of the child if the child, according to the findings of the certified health institution, requires intensified care. Exceptionally, upon her written request, a woman may use shorter maternity leave, but no shorter than 42 days after the birth-giving. The Law on Civil Service in the BD Public Administrative Bodies governs the matter of maternity leave in the same manner as the Labour Law does.

The Decision on the Conditions and Manner of Payment of Compensation of Salary during Maternity Leave, No. 34-000890/13 dated 15 January 2014 for the implementation of Articles 43 and 45 of the Labour Law was issued in January 2014 and became effective as of 22 January 2014.

According to Articles 3 and 4 of the Decision on the Conditions and Manner of Payment of Compensation of Salary during Maternity Leave, issued on the basis of Article 45 of the Labour Law of BD and the Law on Child Protection of BD - consolidated text, the employer is obliged to regularly pay salary to an employee during maternity leave, Article 4, paras. 4 and 5 – the employer is obliged to claim reimbursement under para. 2 and to provide documentation under para. 3 of this Article no later than three months of the last paid salary. The claim under para. 4 of this Article relating to reimbursement of wages paid in the current

year must be submitted no later than 31 December of the same year, in order for the reimbursement to be paid from the current year's budget.

The right to compensation for salary during maternity leave is afforded to an employee (mother or adoptive parent of a child or other person to whom the competent authority entrusted custody of a child) for a period as prescribed by the Labour Law.

In the procedure of exercising this right, the employer shall issue a decision establishing the right to maternity leave, its duration and the amount of salary compensation that shall be paid to the employee.

During maternity leave the employee is entitled to compensation of salary in the amount of the average monthly net salary that the employee received in the last six months before maternity leave. The calculation of wages, payment of contributions and payment of compensation to the employee is responsibility of the employer.

3) Please provide pertinent figures, statistics or any other relevant information evidencing that adequate maternity benefits are in place.

FBiH

Monthly amounts of compensation of salary paid to a working mother during her absence from work due to pregnancy, childbirth and child care in all cantons of FBiH in the period 2010-2013

Canton	2010	2011	2012	2013
Una-Sana Canton	184.71 – 1,044.00	343.00 – 1,361.00	369.42 – 1,361.50	193.30 – 1,279.11
Posavina Canton	Law has not been passed	Law has not been passed	Law has not been passed	Law has not been passed
Tuzla Canton	418.79 – 2,300.00	418.79 – 2,150.00	645.00 – 1,175.00	400.00 - 734.00
Zenica-Doboj Canton	200.00 - 647.89	200.00 - 648.22	264.35 - 668.41	200.00 - 736.00
Bosnia-Drina Canton	359.00 – 2,154.00	359.00 - 966.00	359.00 – 1,037.82	359.00 – 3,224.11
Middle Bosnia Canton	Data unavailable	Data unavailable	Data unavailable	Data unavailable
Herzegovina-Neretva Canton	Law has not been passed	Law has not been passed	Law has not been passed	Law has not been passed
Western Herzegovina Canton	116.12 – 1,619.30	258.78 – 1,717.78	240.00 – 2,002.00	240.00 – average wage in FBiH
Sarajevo Canton	Lowest amount 360.00	Lowest amount 360.00	Lowest amount 360.00	Lowest amount 360.00
Canton 10	303.60 - 806.37	344.00 - 805.00	344.00 - 808.00	371.55 - 835.00

Source: FMO LSP, based on data collected from cantonal ministries

Number of beneficiaries of compensation of salary paid to a working mother during her absence from work due to pregnancy, childbirth and child care in all cantons of FBiH in the period 2010-2013

Canton	2010	2011	2012	2013
Una-Sana Canton	412	402	415	389
Posavina Canton	Law has not been passed	Law has not been passed	Law has not been passed	Law has not been passed
Tuzla Canton	1138	2671	2954	756
Zenica-Doboj Canton	1038	907	1012	1023
Bosnia-Drina Canton	86	70	105	149
Middle Bosnia Canton	466	467	482	478
Herzegovina-Neretva Canton	Law has not been passed	Law has not been passed	Law has not been passed	Law has not been passed
Western Herzegovina Canton	299	331	279	315
Sarajevo Canton	1866	1872	1944	1940
Canton 10	101	95	91	122
Total	5406	6815	7282	5172

Source: FMoLSP, based on data collected from Cantonal ministries

RS

Number of new mothers in RS that were on maternity leave and received compensation of salary

Rights under the Law on Child Protection	2010		2011		2012		2013	
	Average number of beneficiaries	In BAM	Average number of beneficiaries	In BAM	Average number of beneficiaries.	In BAM	Average number of beneficiaries.	In BAM
Compensation of salary paid to new mothers (number of decisions issued)	3.428	26,811.455	3.251	26,737.688	3.338	25,830.204	3.425	25,940.040
Compensation of salary paid on average	16405:12=1367	-	50940:12=4245	-	-	-	-	-
Part-time work (number of decisions issued)	94	366.383	112	452.052	102	447.633	138	484.334

Source: Child Protection Public Fund of RS

BD

Compensation of salary paid during maternity leave or extended maternity leave and leave of absence of a working parent or adoptive parent to take care of a child;	2010	2011	2012	2013
Beneficiaries	380	288	291	309

Source: BD Sub-Department of Social Welfare

Article 8, para. 2. Illegality of dismissal

In Conclusions (2011), the Committee asks for more information on illegal dismissals and reinstatement of the women in the Republika Srpska and the District of Brčko and confirmation that women employed in the private and public sectors are equally protected.

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Labour laws in FBiH, RS and BD expressly provide that an employer shall not refuse to hire a woman or terminate the employment contract or assign her to other jobs because of her pregnancy or because the woman is on maternity leave. Any woman who believes that this right or any other right deriving of employment has been violated may demand from the employer the exercise of this right. She may also file a complaint before the competent court for the violation of labour rights within a period of one year of serving the decision that violates her right or the date on which the violation of labour rights came to her knowledge.

FBiH

Article 53 of the Labour Law of the Federation of Bosnia and Herzegovina provide that an employer shall not refuse to employ a woman because of her pregnancy, or cancel her employment contract because of her condition. Accordingly, pregnancy itself may not be relevant and legitimate reason for cancelling an employment contract; however, this does not mean that a pregnant employee cannot be dismissed during pregnancy for statutory reasons. Therefore, the valid Law does not provide for the protection against dismissal for pregnant employees during pregnancy in the case of ordinary dismissals, i.e. when economic, technical or organizational reasons justify such a dismissal or when such an employee is responsible for serious misconduct or gross violation of obligations under the contract of employment.

The Labour Law is a general law governing labour and employment and applies to all employers in the Federation, unless some special law governs labour rights in a different way, in which case the principle of *lex specialis derogat lex general* applies.

In FBiH, the protection of labour rights is prescribed in Article 103 of the Labour Law and applies equally to all employees, including pregnant women and women on maternity leave.

In this sense, pregnant women or new mothers who feel that their rights deriving from employment have been violated or that they have been illegally dismissed may file a complaint before the competent court to protect the rights within one year of serving the decision that violates their right or the date on which the violation of labour rights came to their knowledge. This right to file a lawsuit is not conditional on previous employee's demanding the exercise or protection of that right.

In the event that the court finds illegality of dismissal, the employer may be ordered to reinstate the employee and pay compensation of salary in the amount she would have earned if she had worked and compensation for the damage suffered, the severance pay to which the employee is entitled pursuant to the law in case of termination of employment and other benefits to which she is entitled in accordance with the Law, collective agreement, the employee handbook and employment contract.

RS

In the RS, according to the labour and employment legislation, pregnant women and women on maternity leave who are unlawfully dismissed from job are entitled to bring an action at the competent court for protection of their rights. This right is afforded in Article 118 of the Labour Law, which provides that an employee who feels that her/his rights arising from employment has been violated may bring an action for the exercise of such right before competent court. The right to bring an action is not subject to previous recourse to the employer for the protection of rights.

Article 77 provides that an employer shall not refuse to employ a woman because of her pregnancy or terminate her employment contract during pregnancy or maternity leave.

Article 132 of the Labour Law provides that an employee shall not terminate an employment contract due to economic, organisational or technological reasons, during pregnancy, maternity leave, parental leave and part-time work in order to care for a child.

Women employed in the private and public sectors are equally protected, because, as defined in Article 2 of the Labour Law, an employee is any person employed under a contract of employment and this includes employment with any employer under Article 3 of the Law, according to which an employer means: enterprise, institution, bank, insurance company, association of citizens, agency, cooperative organization and any other legal or natural person that employs a worker on the basis of employment contract.

In the event of dismissal of a woman by any of the employers above, she is entitled to unemployment benefit in accordance with the Law on Mediation in Employment and Rights during Unemployment of Republika Srpska at the expense of the Employment Institute of RS that contributions for unemployment were paid to.

The judicial protection in the event of illegal dismissal is enjoyed by all women equally, regardless of whether their employer is in public or private sector. A court order for reinstatement of an employee must be implemented unless the employer has ceased to operate business. If the employer has ceased to operate business, the matter of reinstatement is not a matter under the Labour Law, but the matter of enforcement of court decisions and relevant regulations. Pending resolution of a labour dispute, a labour inspector may suspend the enforcement of decision or action taken by the employer until the court issues a final decision,

which means that the employee may resume his job until the court has disposed of the dispute. This option is provided for in Article 120, para. 2 of the Labour Law.

The lawsuit for protection of employee's rights may be filed within one year of the violation coming to her knowledge and not later than three years of violation.

The Republican Administration for Inspection - Labour Inspection Supervises the implementation of the Labour Law. Article 180, para. 1, point 24 of the Labour Law provides for a fine ranging between BAM 1,000 and 10,000 to be imposed on an employer who terminates the employment contract of a woman due to her pregnancy. In addition to the payment of fine, the employer is ordered to reinstate the woman.

We have no information about the violation of the rights of women on maternity leave or any other information on the cancellation of the contract during pregnancy and maternity leave

BD

Female employees are protected against dismissal not only during pregnancy but also until the end of maternity leave. There are no specific provisions governing unlawful dismissal of pregnant women and new mothers.

Article 81 of the Labour Law governs illegal dismissal in general. If a court finds that an employer's termination of the employment contract is unlawful, it shall order the employer to reinstate the employee to her/his original job, to pay compensation for the damage suffered in the amount of lost salary she/he would have earned if she/ had worked and to pay contributions for him. Employees have the right to request not to be reinstated but to be paid damages in the amount of up to 18 salaries that employees would have received if they had worked, severance pay and other benefits in accordance with the law, collective agreement, the employee handbook or employment contract. The amount of compensation depends on the time spent on the job, the age of the employee and the number of dependents. If the employer does not want the employee to be reinstated although the court found the illegality of dismissal the employer shall pay double compensation to the employee.

Article 88 of the Labour Law of BD provides for the protection of employees' right so that employees believing that their employer has violated a right of theirs arising from employment may request the exercise of such right from the employer. Paragraph (3) provides that the submission of a request under Paragraph 1 of this Article shall not prevent the employee from filing immediately a claim before a court. Thus, the prohibition of dismissal of pregnant women is expressly set forth in both the Labour Law and the Law on Civil Service and, in such cases, if labour inspectors fail to help a pregnant woman and protect her rights, she has the right to file a complaint with the court having territorial jurisdiction and subject-matter jurisdiction, i.e. the Basic Court of BD, to protect her rights. Pursuant to paragraph 4 of this Article, the time line for filing a complaint is three years of the date of violation of right or the date on which the violation of labour rights came to her knowledge.

Article 128 of the Law on Civil Service of BD, provides for the protection of mothers and that administrative bodies shall not refuse to employ a woman because of her pregnancy, nor shall the employer relieve her of her duties or cancel the employment contract or reassigned her to other duties because of her condition.

Article 111, para. 1, item 14 of the Labour Law of BD provides for a fine ranging between BAM 1,000 to 7,000 for refusing to employ a woman because of her pregnancy or terminating her employment contract. Women in the private and public sectors are equally protected.

Subject to the foregoing, the complaints shall be submitted within the time limits set forth in the Labour Laws (BiH, Entities and BD) in accordance with the Laws on Civil Procedure, which require disposal of labour disputes as a matter of urgency.

In addition, the Law on Gender Equality of BiH – Consolidated text („BiH Official Gazette“ 32/10) defines a dismissal due to pregnancy as a form of discrimination and protection is enabled by filing a complaint in accordance with the Law Against Discrimination („BiH Official Gazette“ 59/09).

Article 8, para. 3. Time off for nursing mothers

ECSR Conclusions (2011)

The Committee concludes that the situation in Bosnia and Herzegovina is in conformity with Article 8§3 of the Charter.

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

A woman working full-time after her maternity leave is entitled to absence from work twice a day in the duration of one (1) hour each time for the purpose of breast-feeding her child, based on the findings of a certified doctor. The Labour Laws of FBiH, RS and BD expressly set forth that the leave of absence for breastfeeding is counted in hours spent in full-time work.

Article 59 of the Labour Law of FBiH provides that a woman working full-time *after her maternity leave is entitled to absence from work twice a day in the duration of one hour each time for the purpose of breast-feeding her child, based on the findings of a certified doctor.* The woman may exercise this right up to one year of age of the child and the leave of absence is counted in hours spent in full-time employment, which means that she gets pay for these hours.

Article 80, para. 2. of the Labour Law of RS provides that a woman who starts working before the expiration of the maternity leave is entitled to additional 60 minutes of break during working hours in order to breastfeed the child, which is a paid leave of absence. If a woman has given birth to a stillborn or her child has died before the expiration of the maternity leave, the women shall be entitled to a leave as long as the doctor in appropriate institution finds necessary for the women to recuperate from the delivery and psychological crisis caused by the loss of the child, but no less than 45 days after delivery i.e. the loss of the child..

Article 49 of the Labour Law of BD provides that a woman working full-time after her maternity leave shall be entitled to absence from work twice a day in the duration of one 60 minutes for the purpose of breast-feeding her child. The woman may exercise this right up to one (1) year of age of the child. The leave of absence under paragraph 1 of this Article is counted in hours spent in full-time employment.

The Law on Civil Service does not specifically provide for the right of women to leave of absence for breastfeeding during working hours, but Article 145, para. (1) of the Law

determines that the Labour Law of BD applies to the matters not regulated in the Law on Civil Service. Accordingly, the right of women to leave of absence for breastfeeding during working hours is provided for both in private and public sector.

Article 8, para. 4. Regulation of night work

ECSR Conclusions (2011)

The Committee concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 8§4 of the Charter on the ground that night work of pregnant women, women having recently given birth and women who are breastfeeding is not adequately regulated in the District of Brčko.

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

BIH

Women employed in the private and public sectors are equally protected when it comes to night work.

Article 45 of the Law on Civil Service in the Institutions of BiH (“BiH Official Gazette” 19/02, 35/03, 4/04, 17/04, 26/04, 37/04, 48/05, 2/06, 32/07, 43/09, 8/10) refers to the Labour Law in Institutions of BiH and other laws that govern employment-related rights and duties.

Although there is no prohibition of night work of pregnant women, new mothers and breastfeeding women, Article 35 of the Labour Law in Institutions of BiH provides that:

1. During pregnancy or breastfeeding of a child, a woman may be assigned to other jobs if this is in the interest of her health condition as established by the certified doctor.
2. If an employer is not able to ensure assignment of a woman in accordance with Paragraph 1 of this Article, the woman shall be entitled to paid absence from work.
3. The temporary assignment from Paragraph 1 of this Article may not result in reduction of the woman’s salary.
4. The employer may transfer the woman from Paragraph 1 of this Article to another place of work only with her written consent.

FBiH

As stated in our previous report the Labour Law does not contain strict prohibition of the night work for women, including women during pregnancy and breastfeeding. The Law on Occupational Safety requires measures in connection with special protection at work, so it determines that an employee may be ordered to work at night only under certain conditions and if the employer has made a decision on the need for the introduction of night work and provides a meal at night and that commuting to and from work is enabled. This 1990 Law provides that an approval of the administrative authority for labour affairs is needed for any female employee to work at night. This provision, however, no longer applies since the earlier labour legislation that was in effect before 1990 prohibited night work for women, except in exceptional, clearly defined cases, when the occurrence of circumstances provided for by law required the introduction of night work, which required an approval, too.

RS

Article 9 of the Law on Civil Servants („RS Official Gazette“ 118/08) determines that general labour legislation is applied. Therefore, the Labour Law ("RS Official Gazette" 38/00) is applied to regulate work at night.

Article 52 of the RS Labour Law prohibits the night work of pregnant women starting at the sixth month of pregnancy and to mothers with a child until he/she is one year old.

The Labour Law applies to women employed in the public sector and prohibits night work of pregnant women and women who have a child less than one year of age. Furthermore, the minimum protection is increased in some branch collective agreements, including the Special Collective Agreement for Employees in the field of Home Affairs of RS („RS Official Gazette“ 72/06), where Article 12 defines night work as work in the period between 22 hours in the evening and 6 hours in the morning of the following day, while Article 13 prohibits night work of minor employees, pregnant women and mothers having up to three years old children.

The Republican Administration for Inspection - Labour Inspection supervises the implementation of the Labour Law. Article 180, paragraph 1, point 14 of the RS Labour Law provides for a fine in the amount of BAM 1,000 up to 10,000 in case that an employer orders a pregnant woman or a mother with a child until he/she is one year old to work at night.

BD

The situation in BD remains the same as in the previous report. There is no explicit prohibition of the night work for women, except in cases under Article 52, which relates to single parents or when both parents are employed or the child is placed in social welfare or health institution, when the employer may not order them to work at night or overtime if he/she has not given his/her written consent.

Article 134 of the Law on Civil Service in the BD Public Administrative Bodies regulates this matter identically as Article 52 of the Labour Law does.

Night work of pregnant women, new mothers and breastfeeding women is not regulated in the Labour Law of BD.

Compliance with and implementation of ECSR Conclusions (2011) respecting night work of pregnant women and new mothers of BD will be the subject-matter of next amendments of the Labour Law of BD.

Concerning the Chapter's regulation of night work, ECSR asks about the protection of women in public sector. The Labour Law and other laws governing this matter are applied to all employees to provide their safety at work and other special measures of protection, unless otherwise provided for by law .

With regard to safety at work and other special measures of protection, including night work, Article 134 of the Law on Civil Service in the BD Public Administrative Bodies („BD Official Gazette“ 28/06; 29/06; 19/07) defines that Labour Law and other laws governing this matter are applied to all employees.

Article 8, para. 5 - Prohibition of dangerous, unhealthy or arduous work

ECSR Conclusions (2011)

The Committee concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 8§5 of the Charter on the ground that there are no adequate regulations on dangerous, unhealthy and arduous work in respect of pregnant women, women who have recently given birth and who are breastfeeding their child.

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

BiH

Although there are no adequate regulations on dangerous, unhealthy and arduous work in respect of pregnant women, women who have recently given birth and who are breastfeeding their child as such, of the Labour Law in Institutions of BiH provides that:

1. During pregnancy or breast-feeding of a child, a woman may be assigned to other jobs if this is in the interest of her health condition as established by the certified doctor.
2. If an employer is not able to ensure assignment of a woman in accordance with Paragraph 1 of this Article, the woman shall be entitled to paid absence from work.
3. The temporary assignment from Paragraph 1 of this Article may not result in reduction of the woman's salary.
4. The employer may transfer the woman from Paragraph 1 of this Article to another place of work only with her written consent.

The Labour Laws of FBiH, RS and BD do not list particular activities that are dangerous, unhealthy and arduous and as such prohibited for pregnant women, women who have recently given birth and who are breastfeeding their child (except for a ban of work in underground parts of mine) but provide provides that a pregnant and breastfeeding women may be assigned to other jobs that are suitable to her condition, but only with her consent. This fact is confirmed with the competent doctor's findings and the findings take into account the interest of her health or health of her child. If the employer has no possibility of placing the woman to another job, the woman shall be entitled to leave of absence.

FBIH

A piece of legislation delegated by the Law on Occupational Safety ("Official Gazette of SR BiH" 2/90), i.e. the Book of Rule on Laying Down Special Conditions and Medical Examinations of Workers in These Positions ("Official Gazette of SR BiH" 2/90) provides a list of risks in workplaces with special working conditions and the conditions for carrying out these tasks relating to age, gender, health status and mental and physical abilities. The above-mentioned legislation determines the lowest age limit of 18 years, as a condition to perform these jobs, for all workplaces with special working conditions.

The Book of Rule specifically lists jobs that cannot be given to women during pregnancy and during pregnancy and breastfeeding and they are:

Jobs that may not be given to women during pregnancy

1. jobs that require hard physical strain or those that are performed in a stress position

2. jobs that are performed at the height of three meters or descending into depths of more than three meters
3. jobs where a worker is exposed to vibration and shocks that are transmitted to the body
4. jobs performed in increased or decreased atmospheric pressure
5. jobs where a worker is exposed to fluoride and fluorine compounds
6. jobs for the preparation and handling of explosives, gunpowder and pyrotechnic mixtures

Jobs that may not be given to women during pregnancy and breastfeeding

1. jobs where a worker is exposed to dust and fumes of lead and its organic compounds
2. jobs where a worker is exposed to tetraethyl lead
3. jobs where a worker is exposed to mercury vapours and dust of mercury compounds
4. jobs where the worker is exposed to chromium and chromium compounds
5. jobs where a worker is exposed to carbon disulphide
6. jobs where a worker is exposed to benzene mologs and benzene derivatives
7. jobs for the production and manipulation in which a worker is exposed organophosphate and carbamate pesticides and the like

The Law on Occupational Safety provides for a fine to be imposed on an employer that has not defined jobs performed under specific conditions in accordance with the law and by-laws.

For the purpose of enhanced maternity protection, as well as for further harmonization of the provisions of the Labour Law of FBiH with the European Social Charter, the proposed amendments determine that an employer shall (the valid law prescribes that an employer may) temporarily place a pregnant women or a woman who breast-feeds her child to another job if this is in the interest of her health or health of her child as found by the competent doctor. The rest of provisions concerning salary and the entitlement to leave of absence with a compensation in the event that the employer has no possibility of placing the woman to another job remain the same.

In our opinion, bearing in mind that the Labour Law is a general law, these new provisions as well as the proposed prohibition of night work for pregnant women starting with the sixth month of pregnancy and mothers with child under one year of age provide for adequate protection of women's health.

However, a special law, i.e. the Law on Safety and Health at Work, which was also prepared and whose adoption is planned together with the Labour Law, will ensure a higher degree of protection against risks to health and safety of women at work in the part of law regulating the special protection of certain categories of employees.

In the period from 2010 to 2013 there were no changes regarding the protection of women, especially pregnant women and nursing mothers from dangerous, unhealthy and arduous work, in relation to the previous report.

RS

Article 78 of the Labour Law provides that, on the basis of the findings and recommendations of the competent doctor, a pregnant women or a woman who breast-feeds her child may be temporarily placed to another job if this is in the interest of her health or health of her child. If the employer has no possibility of placing the woman to another job in accordance with

paragraph 1 of this Article, the woman shall be entitled to leave of absence with compensation in accordance with the collective agreement and rule book. This compensation may not be less than the remuneration the woman would have received if she had worked on her post. Further, a pregnant or breast-feeding woman may be placed to a post in a different location only with her consent.

BD

A woman shall not be assigned to work in underground parts of mine, except when the woman works on a managerial position which does not require physical work or in health or social service. Exempted from this are the cases when the employed women has to temporarily work in the underground parts of a mine because of vocational training or when she needs to carry out a specific task not requiring physical work.

Article 44 of the Labour Law of BD provides that a pregnant women or a woman who breast-feeds her child may be temporarily placed to another job if this is in the interest of her health or health of her child as found by the competent doctor. If the employer has no possibility of placing the woman to another job in accordance with paragraph 1 of this Article, the woman shall be entitled to leave of absence with compensation in accordance with the collective agreement and rule book. The temporary placement may not result in pay reduction. A woman who has been placed to another job due to pregnancy and breastfeeding may be temporarily placed to another job that will suit her health condition only with her written consent.

The Labour Law does not govern employment of women in dangerous activities in detail. There are only the general above-mentioned provision that prohibits their work in underground parts of mine and Article 44 on placement of pregnant and breastfeeding women. Dangerous, unhealthy and arduous work is not regulated in the Labour Law of BD in detail.

Protecting employees, including minors and women, as well as the protection of women on maternity leave is regulated in Chapter VI of the Labour Law of BD ("BD Official Gazette " 19/06, 19/07, 25/08).

Article 39 of the law provides that employers shall

- ensure that work stations, machinery, equipment and processes under their control are safe and pose no threat to health, to the extent that is reasonably practicable and in accordance with the technical regulations.
- ensure that the chemical, physical and biological substances and agents under their control are without risk to health when appropriate measures are taken, to the extent possible and in accordance with the technical regulations.
- equip employees with personal protection equipment in order to protect employee from accidents at work and harmful impacts on health, to the extent that is reasonably practicable
- provide measures of protection in cases of exceptional circumstances and accidents, including appropriate measures to provide first aid.
- provide the employee with an opportunity to familiarize her/himself with the labour regulations and safety protection regulations within 30 days of the employee's starting work.

Article 42 of the Labour Law provides that a woman shall not be assigned to work in underground parts of mine, except when the woman works on a managerial position which does not require physical work or in health or social service. Exempted from this are the cases when the employed women has to temporarily work in the underground parts of a mine

because of vocational training or when she needs to carry out a specific task not requiring physical work.

Article 43 of the Law provides that an employer shall not refuse to employ a woman because of her pregnancy or terminate her employment contract during her pregnancy or maternity leave.

Article 43 of the Labour Law regulates recruitment and dismissal of pregnant women and women who have recently given birth and Article 42 regulates who may work in mines. Rights of pregnant women and women who have recently given birth, who work in mines and difficult conditions, is not regulated in this Law. Article 44, para. 1 provides that, on the basis of the findings and recommendations of the competent doctor, the pregnant women or a woman who breastfeeds her child may be temporarily placed to another job if this is in the interest of her health or health of her child.

Paragraph 2 of the same Article provides that, if an employer is not able to ensure assignment of a woman in accordance with Paragraph 1 of this Article, the woman shall be entitled to paid absence from work in accordance with the collective agreement and book of rules.

Paragraph 3 and 4 determines that the temporary assignment may not result in reduction of the woman's salary and that the employer may transfer the woman to another place of work suitable to her health condition only with her written consent.

Article 25 of the Law on Occupational Safety of BD („BD Official Gazette“ 31/05, 35/05) regulates the obligation of the employer to determine particularly heavy and unhealthy jobs-jobs with special working conditions.

The jobs with special working conditions are defined on the basis of the Law on Occupational Safety of BD.

Article 33, para. 1 of the Law on Occupational Safety of BD prohibits night work of minor employees, pregnant women, mothers having up to two years old children and employees with disabilities.

We point out that the protection of pregnant women and new mothers is provided for, with the Law determining that pregnant women and new mothers must be placed to another job suitable to her health condition as determined by a medical doctor. However, the protection of pregnant women and new mothers is regulated only in the above-cited articles and it is only Article 42 that lists specifically and precisely dangerous, unhealthy and adorous jobs and they are jobs in underground parts of mine, while other dangerous, unhealthy and adorous are not listed at all.

With regard to pregnant women, women who have recently given birth and women nursing their infants, the Labour Law of BD does not define other jobs that are dangerous, unhealthy and adorous. The Committee underlines that dangerous activities such as those involving exposure to lead, benzene, ionizing radiation, high temperatures, vibration or viral agents, must be prohibited or strictly regulated for the group of women concerned depending on the risks posed by work.

However, the Labour Law of BD does not regulate protection of women in this manner failing to define the above-cited jobs to be performed in dangerous, unhealthy and adorous working conditions for pregnant women, women who have recently given birth and women nursing their infants, which may be found in e.g. health care services in jobs involving exposure to viral agents, such as e.g. microbiological laboratories and radiological radiation as X-ray laboratories, etc., and which jobs are not specifically regulated and characterized as dangerous, unhealthy and adorous for pregnant women, women who have recently given birth and women nursing their infants. We can conclude from the above that BD has not defined dangerous, unhealthy and adorous for pregnant women, women who have recently given birth and women nursing their infants.

RS

Article 76 of the Labour Law provides that a woman (pregnant or not) shall not be assigned to work in underground parts of mine, except when the woman works on a managerial position which does not require physical work or in health or social service.

Article 78, para. 1 of the Labour Law provides that, on the basis of the findings and recommendations of the competent doctor, a pregnant women or a woman who breastfeeds her child may be temporarily placed to another job if this is in the interest of her health or health of her child.

Article 78, para. 2 of the Labour Law provides that, if the employer has no possibility of placing the woman to another job in accordance with paragraph 1 of this Article, the woman shall be entitled to leave of absence with a compensation in accordance with the collective agreement and rule book. This compensation may not be less than the remuneration the woman would have received if she had worked on her post.

Article 1, para. 3 of the Law on Occupational Safety of BD (“RS Official Gazette” 1/08, 10/13) provides that special protection is prescribed for preservation of the smooth psychophysical development of minors, protection of women against risks that could jeopardize motherhood, protection of disabled persons and persons with occupational diseases from further damage to health and impairment of their work ability and preservation of work ability of elderly as suitable to their age.

Article 30, para. 3 of the Law on Occupational Safety provides that an employer shall ensure that a working woman during pregnancy, a worker under 18 years of age and those with reduced work ability despite of training for safe and healthy work be informed in writing of the results of risk assessment in the workplace and on measures to eliminate risks in order to increase the safety and health at work. This provision provides special protection to workers under 18.

ARTICLE 16 – THE RIGHT OF THE FAMILY TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.

GENERAL LEGAL FRAMEWORK

- Law on Movement and Stay of Aliens and Asylum (“BiH Official Gazette” 36/08, 87/12),
- Law of Obligations of FBiH and RS (Consolidated text) (“SFRJ Official Gazette” 29/78, 39/85, 45/89, 57/89) (“RBiH Official Gazette” 2/92, 13/93, 13/94) (“RS Official Gazette” 17/93, 3/96,

- Framework Law on Preschool Upbringing and Education of BiH („BiH Official Gazette“ 88/07),
- Law on Social Protection, Protection of Civil War Victims and Protection of Families with Children (Una-Sana Canton Official Gazette“ 5/00, 7/01, 11/14);
- Law on Social Protection („Posavina Canton Official Gazette“ 5/04, 7/09);
- Law on Social Protection, Protection of Civil War Victims and Protection of Families with Children (Consolidated text) („Tuzla Canton Official Gazette“ 5/12);
- Law on Social Protection, Protection of Civil War Victims and Protection of Families with Children („Zenica-Doboj Canton Official Gazette“ 13/07 i 13/11);
- Law on Social Protection, Protection of Civil War Victims and Protection of Families with Children of Sarajevo Canton (Consolidated text) („Sarajevo Canton Official Gazette“ 38/14);
- Law on Appropriation of Public Revenues of FBiH (“FBiH Official Gazette” 22/06, 43/08, 22/09, 35/14);
- Family Law of FBiH („FBiH Official Gazette“ 35/05, 41/05, 31/14),
- Law on Protection from Domestic Violence („FBiH Official Gazette“ 20/13),
- Rulebook on the content and manner of keeping records of protection orders, persons who are protected by a protection order and violent persons against whom protection orders are issued („FBiH Official Gazette“ 95/13),
- Law on Taking Over of the Law on Housing Relations of FBiH („FBiH Official Gazette“ 11/98) taking over the Law on Housing Relations of SRBiH („SRBiH Official Gazette“ 14/84, 12/87, 36/89),
- Law on Primary and Secondary Education („FBiH Official Gazette“ 88/07),
- Law on Protection from Domestic Violence („RS Official Gazette“ 102/12 i 108/13),
- Criminal Code of RS („RS Official Gazette“ 49/03, 108/04, 37/06, 70/06, 73/10, 1/12, 67/13),
- Criminal Procedure Code of RS („RS Official Gazette“ 53/12),
- Law on Social Protection („RS Official Gazette“ 37/12),
- Law on Child Protection ("RS Official Gazette" 4/02, 17/08, 1/09),
- Family Law of („RS Official Gazette“ 54/02, 41/08, 63/14),
- Law on Protection from Domestic Violence („RS Official Gazette“ 102/12),
- Law on Housing of RS („RS Official Gazette“ 50/92, 76/92, 84/92).
- Law on Primary and Secondary Education ("RS Official Gazette“ 119/08, 1/12),
- Law on Social Protection of BD („BD Official Gazette“ 1/03, 4/04, 19/07, 2/08),
- Law on Child Protection of BD – Consolidated text („BD Official Gazette“ 51/11),
- Law on Primary and Secondary Education of BD („BD Official Gazette 13/07, 19/07, 39/08, 21/10.

ECSR Conclusions (2011)

The Committee concludes that the situation in Bosnia and Herzegovina is not in conformity with Article 16 of the Charter on the ground that it has not been established that the living conditions of Roma families and other vulnerable families in housing are adequate.

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Housing for families

Roma housing

Although BiH is still a country in transition and facing numerous outstanding housing problems of its citizens, BiH has continued to progress in solving the housing problems of Roma in the period 2010 to 2014 and thus in improving the overall socio-economic situation of the Roma population.

Previously, in order to secure adequate addressing the issues of Roma as one of the largest national minority in Bosnia and Herzegovina, as proposed by the Ministry of Human Rights and Refugees, Bosnia and Herzegovina adopted the following documents:

- In 2005 the Council of Ministers of Bosnia and Herzegovina adopted the Roma Strategy of Bosnia and Herzegovina.
- On 3 July 2008 the Council of Ministers adopted the Action Plan of Bosnia and Herzegovina on Roma, Housing and Health Care.
- On 4 September 2008 Bosnia and Herzegovina signed Declaration to join Decade of Roma Inclusion 2005-2015.

The basis of all the adopted documents is found in the Law on Protection of Minorities of Bosnia and Herzegovina that was passed in 2003.

As we reported in the previous reports, the Ministry for Human Rights and Refugees of Bosnia and Herzegovina decided to plan in the state budget EUR 1.500.000 for Roma each year. Of the amount, EUR 1.000.000 was appropriated for Roma housing each year.

Based on the planned budgetary funds, each year the Ministry announced Public Call for submitting Roma housing projects. The Public Call lasted for a month, after that the Project Selection Commission checked all locations from the submitted projects and, based on identified priorities in the field, the Commission recommended a number of Roma housing projects to be funded.

Based on the decision of the Project Selection Commission, the following projects were funded:

2010 – 13 project proposals for housing, which were implemented

2011 – 3 project proposals for housing (late adoption of budget at the level of BiH) were implemented only in FBiH on the basis of their funding in 3 municipalities

2012 – 23 project proposals for housing and better infrastructure/ were implemented

2013 - 24 project proposals for housing and better infrastructure, which are being implemented

2014 - 24 project proposals for housing and better infrastructure, which will be implemented in 2015.

Municipalities, cities, entities, local and international organizations, institutions and donors and Roma NGOs were eligible to take part in the project as implementing entities in cooperation with the Municipality in which the project was implemented.

Construction of Roma houses, reconstruction of infrastructure and improvement of living conditions were given high priority.

The following criteria were applied:

- the funds were used for the most vulnerable Roma families that could confirm ownership or for homeless Roma if municipalities allocated building plots (like in Zenica),
- co-funding was crucial in decision making process,
- attention was paid to the number of housing units and costs per Roma housing unit in the projects,
- infrastructure connections were obligatory (the reconstruction of electricity network or other infrastructure was required in some locations and the process was delayed),
- Two Roma representatives at local level were included in the Project Selection Commission.

A total of about EUR 8.200,000 consisting of budgetary funds, donations and funds co-funded by implementing partners were put in the projects in the period 2009-2013.

The housing projects were implemented in 60 municipalities/locations.

A TOTAL of 600 housing units were constructed/reconstructed, 107 housing units still being under construction with budgetary funds earmarked in 2013. The projects for which funds were earmarked in 2014 will be finalized in 2015 and will include additional 100 housing units.

A TOTAL of more than 400 Roma families were beneficiaries of infrastructure projects.

The Ministry for Human Rights and Refugees of Bosnia and Herzegovina applied for IPA funds on regular basis. In 2012, the Ministry was granted EUR 5 million through IPA 2011-2014. In 2013, the first phase of the IPA project started in the amount of EUR 2.5 million and 80% will be put in Roma housing. A plan is to construct or reconstruct 150 housing units with the IPA funds.

The Ministry constantly monitors the implementation of projects in the field and improves the methodology based on lessons learned and experience gained.

Member states of the Decade of Roma Inclusion 2005-2015 decided on the basis of positive results mainly in housing that BiH would preside over the Decade from 1 July 2014 to September 2015.

In 2009 and 2010, BD appropriated BAM 30,000 for Roma housing for Roma that were spent to help reconstruction of 5 housing units and construction of 3 new housing units.

In 2012, BD appropriated BAM 84.977 for Roma housing.

When it comes to providing housing to disadvantaged groups in housing units owned by BD, then we conclude that the Roma get special attention and the fact is that BD allocated 38 building plots where 31 persons have got possession of them and 28 persons have received zoning approvals for construction.

RS

On the basis of the Law on Organization of the Youth („RS Official Gazette“ 98/04, 119/08, 1/12) and Youth Policy of RS („RS Official Gazette“ 105/09) the Ministry of Family, Youth and Sports has implemented "Project of Interest Rate Subsidy on Housing Loans for Young People and Young Couples". Young people and young couples in RS have an opportunity to take housing loans under the most favourable conditions from commercial banks in RS, which is a line of credit of the Investment and Development Bank of RS. Housing loans are granted in the amount ranging from BAM 5,000.00 to 100,000.00 for a period of 20 years, with interest rates ranging from 3.6% to 5.6% depending on the level of education of young people

and young couples, as well as the number of children in the family. The Ministry of Family, Youth and Sports subsidizes 1% of the interest and young and young couples under 35 years of age are eligible for the subsidy, based on the Rulebook on Subsidizing Interest on Housing Loans for Young People and Young Couples ("Republika Srpska Official Gazette" 64/08). This project supported housing for 1343 young people and young married couples in the period 2010- 2013, which supported raising a family.

RS Government Decision No. 04 / 1-012-754 / 08 appropriated funds for "Provision of Housing to Families with Five or More Children" Project in the amount of BAM 8,500,000.00, which was completed in the reporting period. The Ministry of Family, Youth and Sports implemented the project in cooperation with local communities. The main objective of this project was to improve living conditions of children in these families, which are in most cases poor and needy. The project was implemented in 29 municipalities in RS and provided housing to 97 families and 512 children.

Occupants and Tenants

According to the Constitution of Bosnia and Herzegovina, housing policy is the responsibility of the entities and BD. Thus, the housing needs of the population and thereby ensuring funds and allocation of social housing, especially for persons with low income, poor and marginalized groups, is not responsibility of the State.

BiH has no specific law as *lex specialis* which would define the legal protection of occupants and tenants and the legal protection is regulated in the Law of Obligations of FBiH and RS (Consolidated text) ("SFRJ Official Gazette" 29/78, 39/85, 45/89, 57/89), ("R BiH Official Gazette" 2/92, 13/93, 13/94), ("RS Official Gazette" 17/93, 3/96), the Law on Housing of RS („RS Official Gazette“ 50/92,76/92,84/92) and the Law on Taking Over of the Law on Housing Relations of FBiH („FBiH Official Gazette“ 11/98) taking over the Law on Housing Relations of SRBiH („SRBiH Official Gazette“ 14/84,12/87, 36/89).

The Law of Obligations determines that a contract of lease (or hire agreement) shall be concluded between the owner of an apartment as a lessor and an occupant/tenant of the apartment as a lessee.

Article 567, para. 1 of Title XI determines the notion of a contract of lease (or hire agreement) a lessor (or owner) shall assume an obligation to deliver a specific object to a lease-holder (or hirer) for use, while the latter shall assume the obligation to pay him in return a specified rent. Articles 570 to 580 define obligations of the lessor and articles 581-585 define obligations of the lessee.

Article 582 - Cancellation due to the use contrary to the contract - provides "Should a leaseholder, even after the lessor's warning, continue to use the object contrary to contract or to its purpose, to the lessor, the latter may cancel the contract without a period of notice."

Article 583 - Payment of rent - "A lease-holder shall be bound to pay the rent within time limits specified by contract or by law, and should there be no contract or law, in the way practiced in the place of delivery of the object to the lease-holder."

Article 584 - Notice Because of an Unpaid Rent „(1) A lessor may cancel the contract of lease if a leaseholder fails to pay the rent even in the fifteen day time limit after lessor's demanding the payment from him. (2) But the contract shall remain valid should the leaseholder pay off the amount of the rent owed before being notified of the notice.

Article 595- Expiration of Designated Time „(1) A lease contract entered into for a definite period shall be terminated by the expiration of the time covered by the contract. (2) The same shall apply to cases in which, in the lack of intent of negotiating parties, the lease period is specified by law.”

Article 597 determines the period of notice, reading that, should the extent of the period of notice not be determined either by contract or by law, or by local trade practice, it shall amount to eight days, provided the notice shall not be given at a bad time (para. 2).

Article 599 determines that, in the case of death of a lease-holder or a lessor the lease shall be continued by their successors, unless otherwise provided by contract.

Article 7 of the Law on Housing of RS („ RS Official Gazette “ 50/92,76/92,84/92) defines that a lease contract is concluded between the owner of the apartment, and the holder of the right to dispose of an apartment owned by the State (hereinafter: lessor) and the person who rented the apartment (hereinafter: lessee).

A contract of lease shall be in written form and shall contain in particular: the parties; time and place of conclusion of the contract; data on the apartment subject to the lease; the duration of the lease; rights and obligations of the parties in the use and maintenance; the rent and the manner and terms of payment; terms and conditions for termination of the contract; persons who will occupy the apartment.

If a contract of lease does not determine the duration of the lease, it shall be deemed that the contract is concluded for an indefinite period of time.

During the handover of the leased apartment, records shall be taken on the state of the apartment to be signed by both parties.

Article 9 governs expiration of a lease and Article 10 governs cancellation of a lease.

The Law on Taking Over of the Law on Housing Relations of FBiH („FBiH Official Gazette“ 11/98) took over the Law on Housing of SRBiH („SRBiH Official Gazette“ 14/84,12/87, 36/89).

Article 54 of the above-cited Law provides that an occupant cannot cancel a contract of lease concluded for an indefinite period in a notice period shorter than 30 days, unless he himself agrees to a shorter period. An occupant who stays in an apartment after moving out of the holder of occupancy right is considered as a person illegally occupying it. Disputes regarding the cancellation of lease are decided by the competent court.

According to Article 61 of the Law, "the apartment owner may terminate a contract of lease regardless of a statutory provision or contractual stipulation on the duration of the contract, pursuant to Article 44, para. 1, points 1 to 4 of this Law.

An occupant may terminate the contract, regardless of a statutory provision or contractual stipulation on the duration of the contract, if the owner of apartment fails to make improvements to the apartment to meet requirements for handing over or maintaining it within a reasonable timeline that may not be less than 30 days.

Cancellation of a contract of lease shall be made in writing with an indication of notice period, which may not be less than 30 days, at the end of which the vacated apartment shall be handed/taken over.

Childcare facilities

Childcare facilities provide day care, achieve upbringing, educational, preventive health and social functions, organize a full day, half day, minimal, shortened, periodic, five-day and different forms of work with children until they start school.

The Framework Law on Preschool Upbringing and Education of BiH („BiH Official Gazette“ 88/07) governs preschool upbringing and education.

Article 6 of the Framework Law (Prohibition of Discrimination) provides that (1) „Every child has a right of access and equal possibility to participate in appropriate educational process, without discrimination on whatever grounds. (2) Equal access and equal possibilities signify ensuring equal conditions and opportunities for everyone, to start and further pursue education.“

Article 29, para. (2) provides that different programs of preschool upbringing and education in public and private sector shall be implemented by educators, specialized experts (pedagogues, specialized pedagogues, speech therapists, psychologists, doctors, social workers) with university degree.

Paragraph (3) provides that medical staff with university degree, two-year college degree or secondary medical school shall take care of children’s health and health improvement at the age between six months and pre-primary school age.

Article 12 of the Law provides that children with special needs shall be included in preschool institutions in accordance with programs adjusted to their respective needs. Individual programs adjusted to their abilities and capabilities shall be developed for each child and integration programs shall be developed and implemented for children with special needs.

Article 16 provides that, in year prior to primary school, preschool upbringing and education shall be obligatory for all children at preschool age. Conditions and ways of funding, programmes and duration of preschool upbringing and education, shall be regulated by relevant law passed by Competent Educational Bodies.

Article 25 determines that preschool upbringing and education in public and private preschool institutions shall be implemented on the basis of pedagogical standards and norms. Competent Educational Bodies shall identify and adopt standards and norms for preschool upbringing and education. Standards and norms in preschool upbringing and education shall ensure consistent and effective implementation of common core curricula in all preschool institutions in Bosnia and Herzegovina.

Article 44 determines obligations of social welfare authority as follows: Pursuant to relevant laws of Republika Srpska, cantons in the Federation of Bosnia and Herzegovina and Brcko District, social welfare authority shall co-finance costs of: children without parental care, children with special needs, children of disabled persons, children civilian victims of war, children of unemployed parents, children of single parents, children beneficiaries of social welfare and children of full-time students.

Article 54 provides that educators working with children in the care and education process shall have university degree in the field of preschool education and that educators with over 20 years work experience and two-year college degree or secondary school degree may continue with their service in upbringing and education process until their retirement.

FBiH

The Federation Law on Preschool Upbringing and Education („FBiH Official Gazette“ 88/07) has been brought in line with the above-mentioned Framework Law of BiH in all Cantons except in Western Herzegovina, Herzegovina-Neretva and Middle Bosnia Canton.

An overview of laws in Cantons in FBiH that determine and define an obligation to include children in preschool upbringing and education in the year preceding start of primary school

No.	Cantons in FBiH	Name of the Law	Remark
1.	Una-Sana	Law on Preschool Upbringing and Education („Una-Sana Canton Official Gazette“ 8/10)	Although the law was passed, it still does not apply.
2.	Posavina	Law on Preschool Upbringing and Education („Posavina Canton Official Gazette“ 8/08)	The provisions governing compulsory preschool education still do not apply.
3.	Tuzla	Law on Preschool Upbringing and Education („Tuzla Canton Official Gazette“ 12/09, 8/11)	The provisions on compulsory preschool education will be fully applied as of school year 2014/15.
4.	Zenica-Doboj	Law on Preschool Upbringing and Education („Zenica-Doboj Canton Official Gazette“ 07/10)	The provisions on compulsory preschool education have been fully applied since school year 2014/15.
5.	Bosnia-Drina	Law on Preschool Upbringing and Education of Goražde/Bosnia-Drina Canton „Goražde/Bosnia-Drina Canton Official Gazette“ 15/09)	The provisions on compulsory preschool education have been applied for three years now, with full application as of school year 2012/13.
6.	Middle Bosnia	A law that provides for an obligation of inclusion of children in preschool education in the year prior to starting school has not been enacted.	
7.	Herzegovina-Neretva	A law that provides for an obligation of inclusion of children in preschool education in the year prior to starting school has not been enacted.	
8.	Western Herzegovina	A law that provides for an obligation of inclusion of children in preschool education in the year prior to starting school has not been enacted.	
9.	Sarajevo Canton	Law on Preschool Upbringing and Education („Sarajevo Canton Official Gazette“ 26/08)	The programme of compulsory preschool education in the year preceding start of school has been implemented in

			Sarajevo Canton for three years now.
10.	Canton 10	Law on Preschool Upbringing and Education („Herzeg-Bosnia Canton Official Gazette“ 8/09).	The information about the enforcement of the provisions on compulsory preschool education is not available

Source: Federation Ministry of Education

Regarding cost-sharing in preschool education by parents, except for the mandatory preschool education, relevant education authorities can require parents to share some costs depending on their financial situation and, in practice, these solutions are different from Canton to Canton. There are preschool facilities in all Cantons of FBiH.

The Law on Social Protection, Protection of Civilian War Victims and Families with Children does not establish conditions for caring of children in preschool educational facilities, contrary to what is stated in the conclusions, but the above-mentioned Law established the statutory right to exemption or subsidizing of the expenses of children in preschool facilities that can be exercised by families with children in certain cases. Cantonal legislation governs conditions, methods, procedures, authorities and funding of the right. However, as in the case of exercising other rights by families with children, due to a lack of budgetary funds in Cantons, there are problems with the exercise of this right.

Activities of the Federation Ministry of Education and Science in the reporting period with a view to improving access to and enhancing of the quality of preschool education in FBiH:

As part of transfers on the basis of public calls for funding of programs and projects in preschool education from the FBiH budget, the following amounts have been allocated in recent years:

- a) 2010: BAM 95,000.00
- b) 2011: BAM 116,360.00
- c) 2012: BAM 116,382.00
- d) 2013: BAM 143,160.00

RS

The Law on Preschool Upbringing and Education ("RS Official Gazette" 119/08, 1/12) governs preschool upbringing and education of children from the age of six months to primary school, which is achieved through a program of preschool education. Preschool education is an integral part of a unified system of education in the RS, which makes a basis for lifelong learning and holistic development of the child. Preschool upbringing and education are carried out in preschool facilities, social welfare institutions in which permanently take care of children of preschool age and other institutions that implement programs for preschool upbringing and education. Preschool upbringing and education provide equal conditions and opportunities in exercising children's rights to education for the benefit to their physical and mental health and safety, regardless of gender, ability, socio-economic status and lifestyle of the family, cultural, ethnic, national and religious heritage, as well as implement other programs depending on the needs and interests of children of preschool age. Each preschool child is provided equal access to upbringing and education.

Upbringing and educational work is carried out in the languages of the constituent peoples living in the RS, the official alphabets are Latin and Cyrillic. Children belonging to national minorities may enjoy educational activities in their native language or bilingually. The Minister of Education and Culture issued the Rulebook on Educational Work Bilingually and in the languages of national minorities (101/13). The preschool programme as a whole or a part thereof may be implemented in a foreign language.

Upbringing and educational work with children with disabilities is carried out under customized or special programme, depending on the needs and abilities of children. In school year 2010/2011, 64 children with special needs were enrolled/placed in preschool facilities. In school year 2012/2013 there were 102 children with special needs. In school year 2013/2014 there were 138 children with special needs in preschool facilities.

Preschool facilities can be organized as public or private institutions. Public and private institutions are established under equal conditions.

For upbringing, education, care, child protection, increasing of interest and developing skills of children and quality leisure activities, the following can be established:

- a) 'clubs for kids' programmes with different themes: sports, music, art, drama, folklore, language and communication, information, recreation etc.,
- b) 'groups for children'- playrooms that are established in urban and rural areas for the purposes of socializing and playing of children under five years and
- v) 'nursery in nature' for rest and recreation of preschool children.

For the purpose of playing and socializing of children, indoors and outdoors centres for playing and socializing of children such as in shopping centres, parks and other public areas, can be established.

The duration of preschool upbringing and education may vary (depending on the needs of children, parents and the local community and the founder, as well as on programming concept of the preschool facility):

- a) full-day care programme - up to 12 hours a day,
- b) half-day care programme - up to six hours a day and
- v) overnight care programme - more than 24 hours.

Preschools use the following programme:

- a) comprehensive development programme,
- b) specialized development programme,
- c) intervention, compensation and rehabilitation programme,
- g) programme to strengthen parental knowledge and competences in upbringing of children and
- d) programme for children before going to school if they are not covered by some form of preschool upbringing and education.

The comprehensive development programme is an open preschool upbringing and educational programme, adaptable to different conditions and time frames in all preschools in RS.

Preschool facilities can implement specialized development programme for gifted children, according to their interests, needs and abilities.

A compensation programme can be implemented exclusively in less incentive - underdeveloped communities. Activities and measures are determined according to the real needs of children and their families in their natural environment and cover a variety of activities from prevention to combating the factors that lead to disadvantage.

A rehabilitation program can be implemented in specialized institutions that implement preschool upbringing and education programme to support optimal functioning of children with disabilities in activities and everyday life.

The children in preschool institutions are classified in educational groups. Educational groups are formed according to children's age, type and duration of the programme, abilities, needs and interests of children and parents. They can be crèche groups of children from six months to three years and kindergarten groups of children from three years to school age. Educational groups may be created of children of the same or different ages, so-called combined groups. The combined educational groups are formed only in cases where a group of the same age cannot be formed.

Educational work, nursing, social and preventive health care in preschool upbringing and education facilities are carried out by educational workers: educators, professional associates and assistants for inclusion. Other activities in preschool facilities are carried out by other educational experts.

Educational work in the crèche or kindergarten groups are carried out by educators and special education teachers for children with disabilities that are included in regular age groups and children in development groups.

Educational experts are: pedagogue, psychologist, social worker, nutritionist - dietician and physician, paediatric specialist.

An educational group that a child with special needs attends has an assistant for inclusion.

For the purpose of vocational training and professional development, educators, professional associates and directors of preschool facilities are included in mandatory training, professional development and assessment.

Preschool upbringing and education in RS can be arranged for each child in the year before going to school for at least three months and they are carried out primarily in preschool facilities or facilities that implement programs for preschool education wherever it is not possible to establish and operate preschool facilities, on the basis of proposals agreed on by the RS Government.

This preschool programme is implemented as of the first Monday of the month of March and lasts three classes totalling to 180 minutes for three months every day.

Since 2011 the RS Government has been allocating funds for the implementation of this program, so BAM 100,000 has been earmarked for this program this year, BAM 300,000 and BAM 250,000 were earmarked in 2012 and in 2013, respectively. The number of children involved in this program has been increasing every year. In 2014, this program included about 40 per cent of children that start the first grade in September.

In 2014, the program is implemented through:

- Program activities funded by the RS Government in the period 3 March to 31 May 2014 (1647 children in 25 preschool facilities)
- UNICEF-funded 'Increasing Early Learning Opportunities for Children in BiH' project implemented in co-operation of the Ministry in the period 20 January to 06 June 2014 (for 2,132 children in 32 primary schools and eight preschool facilities) and

- Program activities funded by UNICEF in the period 3 March to 31 May 2014 (for 429 children in six preschool facilities).

BD

The Law on Preschool Upbringing and Education of BD („BD Official Gazette 13/07, 19/07, 39/08, 21/10) governs preschool upbringing and education, i.e. clearly defines objectives, duties, structure and operation of childcare facilities.

Article 25 of the Law on Amendments to the Law on Preschool Upbringing and Education of BD defines the time when children start preschool education and reads:

(1) In the year prior to enrolment in primary school, preschool education is compulsory for all children of preschool age.

(2) Preschool education is a planned activity that lasts for at least 150 hours and can be organized once or several times a week to last three classes at the longest in accordance with the needs and interests of the family and the child.

(3) Preschool upbringing and education under paragraph 2 of this Article are carried out in schools and preschool facilities.

(4) Preschool upbringing and education under paragraph 2 of this Article are funded by the Department of Education.

(5) Any preschool facility is obliged to issue a certificate to any child who has attended preschool education.

All children were admitted to kindergarten until school year 2011/12 because there was enough physical space and human resource. Eighty three applications were rejected in school year 2011/12 due to staff shortage. At the time of this report a competition for school year 2012/13 was underway and a larger number of children was expected because conditions for it had been created (full-time staff and interns had been hired).

Measures taken in order to monitor the quality of services are:

- Active work with the Parents' Council that give their suggestions and comments as beneficiaries for improving services
- Regular analysis of services by the Facility's Steering Board
- Professional pedagogical supervision of the Facility by Pedagogical Institute
- Training of staff

Family counselling services

FBiH

FBiH has not amended the provision of the Law on Social Protection, Protection of Civilian War Victims and Families with Children, listed in the First Report, which affords social services and other professional services (Article 19, para. 1, point 5) as one of the social protection rights. These services shall be considered, inter alia, consultative services by institutions in solving family problems.

The provision of FBiH Family Law providing that the guardianship authority will provide assistance to parents in settling their social, material and personal circumstances and relations

and if the child's interest so requires, the parents will be referred to counselling service (Article 151 para. 2) has not been amended, either.

In addition to the centres for social work as the guardianship authority, support to family in by taking care of their family situation and providing family counselling, as provided in the Law on Social Protection, Protection of Civilian War Victims and Families with Children, can be provided by nongovernmental organizations (Article 4).

In FBiH has 79 centres for social work.

Number of beneficiaries of social and other professional work in the Federation for the period 2010-2013.

I	SOCIAL PROTECTION – RIGHTS	2010	2011	2012	2013
	SERVICES OF SOCIAL WELFARE AND OTHER PROFESSIONALS	250.220	190.250	230.004	228.421

Source: 10 Cantonal ministries in charge of social welfare and child protection in FBiH

RS

The Law on Social Protection provides *inter alia* for competence of centre for social work to provide social work services in the process of deciding on the rights under the Law on Social Protection and provides diagnostic services, carries out appropriate treatment, provides counselling and therapeutic services and expertise to beneficiaries and works to establish a family counselling centre to provide services to families and individuals.

The Law on Social Protection defines the right of citizens to counselling. Counselling is a systematic and programmed expert help provided by professionals using methods of social work and other social sciences and humanities with a view to helping individuals, family members or family as a whole to develop, supplement, maintain and improve their own social opportunities and in case of illness, old age, disability, unemployment, death of close persons, problems in the upbringing of children and the relationship between parents and children, the problem of risky behaviour among children and youth, the problem of marital and non-marital relationships, entering into marriages, domestic violence, involvement in everyday life after a long stay in institutions, the exercise of individual social rights and other adverse social circumstances and emergencies.

Further, the Family Law prescribes that the guardianship authority provides assistance to parents in settling their social, material and personal circumstances and relations or refers them to appropriate counselling service if the interests of children require so (Article 95). The guardianship authority may determine constant control over the exercise of parental rights, during which advice and other appropriate methods of social work helps parents in exercising parental rights, urges parents to discuss the exercise of parental rights, visits parents and children, invites parents and children on a regular periodic meetings at the premises of the guardianship authority and the like (Articles 96 and 97, para. 2).

In fulfilling the state's obligation under Article 16 of the Charter to allow families access to adequate social services and to provide for family counselling and psychological help in raising the child, RS has taken the following measures: Action Plan for the implementation of the Strategy for improving the social protection of children without parental care, RS provided for activities aimed at the legal protection of the family and they are: holding

educational workshops and psycho-social counselling to young couples; holding periodic joint meetings with institutions that are working to develop children who grow up in the risk of losing parental care; drafting protocols of action; establishing and operating family counselling services and support teams.

The new Law on Social Protection affords a right to counselling as systemic professional activity aimed at supporting families in need.

BD

There are no new provisions in comparison to the First Report of BiH.

Participation of associations representing families

FBiH

When making public policies relating to social protection and protection of families with children, the Federation Ministry of Labour and Social Policy seeks to include representatives of civil society (NGOs, citizens' associations etc.) by appointing their members in working groups.

RS

In accordance with the 2012 Rulebook on the Criteria and Conditions for Funding and Co-funding of Projects and Activities in Support of Family, the Ministry of Family, Youth and Sports announces invitations to tender for support to be provided in projects of associations and organizations in their work to improve the position of family in RS.

After completion of the competition announced in 2012, they supported 40 programs and projects of organizations and associations, of which 20 ones were implemented by governmental and 20 ones were implemented by non-governmental organizations, with BAM 78,620.06. The project proposals were assessed against the following criteria in particular: orientation of the project and activities for the benefit of children and families, contribution to the promotion of the development of the family and family values, improvement of the quality of family life, contribution to the creation of conditions for raising the birth rate, contribution to health, social, educational and educational components, contribution to protection from domestic violence, contribution to caring for the elderly, territorial representation, orientation toward solving problems that are of interest to a number of citizens/families/young people, own funding or co-financing by international and other donors or local governments and the quality of program and project proposals.

During the competition announced in 2013, we received 86 project and activity proposals from organizations and associations, of which 21 ones from governmental and 65 ones from nongovernmental sector. After assessment of the proposals, 9 projects / activities of governmental organizations and 26 projects / activities of the NGO sector were approved for funding. In this way, a total amount of BAM 78,884.05 was allocated. Further, in 2013 they announced a competition to support projects of associations and organizations from rural areas, which resulted in supporting five governmental and two non-governmental organizations' projects for which BAM 20,990.00 were allocated.

BD

Associations representing families are citizens' associations engaged in addressing the needs of its members with a view to improving their situation. The associations attach great importance to the issue of improving the attitude of authorities and institutions towards the problem for which they were founded. NVO organizations tie authorities and citizens. In order to improve the overall relationships they work for legislation amending.

In the structure of the Government of BD there is the Department of Administrative Affairs, which has the Sub-department for Support to Local Communities and Non-governmental Organizations. The Department of Administrative Affairs announces a public call for project proposals of associations of citizens of Brcko District dealing with *inter alia* issues of children and youth, women's position, position and rights of minorities, addiction public awareness raising, protection of the environment.

Mediation services

FBiH

In FBiH there are 112 individuals and legal entities selected and authorized to mediate between marital partners before initiating divorce proceedings, which operate in the territory of ten Cantons, but there is no available data on the number of performed mediation sessions and their success.

The Family Law of FBiH ("FBiH Official Gazette" 35/05, 41/05, 31/14) does not contain provisions regulating the method of payment for mediation, which is why there is inconsistency in collecting fees for these services.

RS

Mediation services for families are free. In RS there are 45 centres for social work, while centres have not been established in 17 municipalities, so social welfare services within the administrative offices of the local government operate.

Centres for social work in developed municipalities provide counselling sessions.

BD

There are no changes in comparison with the First Report of BiH.

Domestic violence against women

BiH

BiH has a high quality legal, international and national framework that creates the preconditions for preventing and combating violence against women and domestic violence. In addition to the international legal documents, which are contained in the Constitution and make its inherent part and thereby directly applicable, including human rights instruments in particular and, in this context, the very important Convention on the Elimination of All Forms

of Discrimination against Women (CEDAW), BiH signed and ratified other international instruments, which create a legal basis as a kind of general prevention of violence against women and domestic violence.

The national legal framework is comprehensive. The Constitutions of BiH, RS and FBiH guarantee the prohibition of discrimination on grounds of sex, among other grounds, as a prerequisite for the prevention of violence against women and domestic violence, which is one of the key causes and consequences of these types of violence. In addition, BiH, FBiH and RS have adopted a series of pieces of legislation that prohibit discrimination based on sex, criminalize various forms of violence against women and domestic violence and specifically regulate protection from discrimination and violence. In this sense, it is especially important to consider the Law on Gender Equality of BiH and the Law Against Discrimination of BiH. In addition, family laws of FBiH and RS prohibit domestic violence, and criminal laws of BiH, RS, FBiH and BD criminalize domestic violence, as well as a host of other crimes, which are defined in a gender-neutral manner, except for those acts that by their nature, can only refer to women as victims, but they provide the basis for the prosecution of perpetrators and protect victims gender-based violence. This creates a framework for general prevention of violence against women besides other crimes. The Law on Protection from Domestic Violence of FBiH and the Law on Protection from Domestic Violence of RS define measures and mechanisms of protection in cases of domestic violence.

In addition to the constitutional and legal framework, BiH institutions and entities have adopted a series of policies in the form of strategic documents which are focused exclusively or indirectly on the prevention of violence against women. Here it is especially important to mention the implementation of the Strategy for the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in Bosnia and Herzegovina (adoption pending) and the Entity Strategy for the Prevention and Combating of Domestic Violence of FBiH and the Strategy for Combating Domestic Violence of RS, which define the course of action to prevent violence and protect victims and prosecute perpetrators. In addition to these specific documents, they adopted a series of policy documents that are in whole or in individual parts aimed at promoting gender equality and empowering women as a prerequisite for the prevention of violence, through development, employment and social inclusion. Some of these policies cover some multiply vulnerable groups, such as women belonging to ethnic minorities or to a group of people with special needs.

In terms of training as a preventive activity, the Judicial and Prosecutorial Training Centres of FBiH and RS included training in gender equality, non-discrimination and combating violence against women and domestic violence for judges and prosecutors of FBiH and RS as part topics related to criminal law, family rights and human rights. Further, specific modules related to preventing and combating gender-based violence are taught in institutions for police education in FBiH and RS. Programs of continuing professional development of health workers and social workers have been made or are being made to prevent and combat domestic violence and so have training programs for teaching staff.

Institutional mechanisms for gender equality and non-governmental organizations continuously conduct violence awareness-raising campaigns and zero-tolerance policies. In this regard, "16 Days of Activism against Gender-Based Violence" in particular stands out, but there is also a variety of other media and civic campaigns to raise awareness about violence as a human rights violation and protection mechanisms promotion. "Family Without

Violence" and "The White Ribbon - Male NO to Violence against Women" campaigns are continuously carried out in the territory of RS and the strongest pace of implementation was in the period 25 November to 10 December throughout the world known as the 16 days of activism. "The White Ribbon" campaign is carried out in FBiH every year and the campaign is joined by the legislative and executive authorities, all levels of government and men that carry white ribbon during this campaign and thus provide support for non-violent behaviour a campaign.

In terms of prevention of violence against women and domestic violence it is important to mention working with perpetrators of violence. In November 2010, in Modrica, the first male centre within the Future NGO was established to work on prevention and awareness-raising of men on non-violent conflict resolution. Currently, UNFPA is cooperating with the Future NGO of Modriča and the United Women NGO of Banja Luka in a process of setting the minimum standards for the implementation of psychosocial treatment of perpetrators of domestic violence that will be used in RS.

BiH is working intensively on the establishment of referral mechanisms for providing protection to victims of domestic violence. The multidisciplinary approach involves joint interventions of different institutions and professions in solving the problem of domestic violence and general coordination of multidisciplinary work is regulated in cooperation protocols.

In the territory of BiH there are nine safe houses with 173 available places. In the territory of FBiH there are six shelters with 126 places available to accommodate victims of domestic violence operated by non-governmental organizations.

Another type of specialized support services for victims of violence in BiH are SOS phones - 1264 in RS and 1265 in FBiH. Calls to the SOS line 1264 are put through to landline numbers listed non-governmental organizations, depending on the geographic area from which they come.

The statistics submitted to the Agency for Gender Equality indicate that domestic violence is the most common offense of all criminal acts of violence against women prosecuted by courts in BiH in 2012. Although almost half the number of domestic violence cases, the second number following the domestic violence number is the number of acts of endangering safety, while rape cases are in the third place with more than three times smaller numbers of cases. Then, numbers of criminal indecent acts, sexual violence against a child / sexual intercourse with a child and incitement to prostitution follow. Although not as numerous, the following crimes were also recorded: acts of sexual intercourse with a helpless person, exploitation of children or minors for pornography, human trafficking and trafficking for prostitution, sexual intercourse by abuse of position, incest and unlawful termination of pregnancy.

The 2011 statistics of competent courts in the Federation show that the total number of suspects - perpetrators of acts of domestic violence consisted of: men - 96% and women - 4%, victims of these crimes were: women - 86% and men - 14%, children victims of domestic violence: 53, of which 55% were girls and 45% were boys.

In 2011, suspended sentences - 75%, then prison sentences - 16%, fines - 6% and other - 3% were imposed in most cases involving crimes under Article 222 of FBiH CC (Domestic Violence). The number of prison sentences increased compared to 2010, when this

punishment was imposed in 11% of cases, while the imposition of fines decreased from 12% to 6% of cases.

In RS, according to 2011 available data of the police, municipal and district courts and district prosecutors about the criminal offense under Article 208 of the Criminal Code of RS (Violence in the family or household) and the offense under Article 6 of the Law on Protection from Domestic Violence, the number of reported and the number of prosecuted cases in 2011 were at the same rate as compared to the same period in 2010.

The Manual for the Review of Domestic Violence Cases in BiH was made in 2014 by a judicial panel of nine judges. The recommendations of the panel of judges were later revised by legal experts and practitioners, as well as the institutions responsible for providing continuing training for judges and prosecutors in BiH. The Manual on domestic violence was developed by judges for judges.

A review of the legal framework has established that in BiH and Entities there are provisions enabling: reporting of acts of violence against women and domestic violence, implementation of emergency protection orders for victims of violence, conducting of effective investigations and prosecutions and, even partially, protecting witnesses and providing of legal assistance to victims.

FBiH

In FBiH the new Law on Protection from Domestic Violence ("FBiH Official Gazette" 20/13) was passed to bring some novelties that are reflected in: precise definition of domestic violence, prescribing emergency procedure in the imposition of protection orders in view of their purpose to protect victims of violence, prescribing other forms of protection of victims of violence such as: determining sources of funding of shelters, adoption of measures taken at the Federation level and Cantonal level for prevention, protection and combating against domestic violence, obligation to establish referral mechanisms in the process of protecting victims of violence in every local community and obligation of a multidisciplinary approach in providing protection for victims of violence, including an obligation to keep statistics on reported cases of violence. Article 222 of the Criminal Code of FBiH criminalizes any act of domestic violence and the purpose of the Law on Protection from Domestic Violence is the protection of victims of violence through the imposition and enforcement of protection orders.

The Federation Ministry of Labour and Social Policy has taken a series of activities aimed at improving and enhancing the social and child protection, i.e. the protection of victims of domestic violence in the Federation, as well as activities related to the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and Strategies for Prevention and Combating Domestic Violence 2013-2017 ("FBiH Official Gazette" 20/13), whose objectives are continuously implemented.

With the entry into force of the new Law on Protection from Domestic Violence, this Ministry started drafting bylaws under its jurisdiction. Thus, the Rulebook on the content and manner of keeping records of protection orders, persons who are protected by a protection order and violent persons against whom protection orders are issued ("FBiH Official Gazette" 95/13) was enacted in 2013. This enhanced the records management system of protection orders that guardianship authorities in FBiH are required to keep, while other activities are in progress.

Furthermore, in order to improve the knowledge and skills of the staff in the centres for social work / social welfare services in the field of protection against domestic violence, the Federation Ministry of Labour and Social Policy is working on the text of the Manual for the treatment of beneficiaries in centres for social work / social welfare services in case of violence in the family. In 2014 there is a plan to conduct courses of "Training of trainers for awareness raising and training of employees in the centres for social work / social welfare services in the Federation in handling domestic violence cases" through which the employees of centres for social work will get familiar with *inter alia* the contents of the Manual.

Further, the Federation Ministry of Labour and Social Policy provides intervention funds for the care and accommodation of victims of domestic violence and grants them to shelters (NGOs) that provide accommodation to victims referred to the shelters by the competent guardianship authorities.

There are six safe houses operating in the territory of the Federation and they are: Foundation of Local Democracy of Sarajevo, Medica (Zenica), Viva žene (Tuzla), Žene s Une (Bihać), Žena BiH (Mostar) and Caritas-Mostar.

Data on the number of victims of domestic violence placed in the six Safe Houses which are operating in the territory of FBiH in the period 2010-2013

2010	2011	2012	2013
316	317	395	323

Source of data: Federation Ministry of Labour and Social Policy

In the territory of FBiH, nine Protocols on the Procedure in Domestic Violence Cases at the Cantonal level were signed, an exception is Middle Bosnia Canton. The Protocols established mutual rights and obligations of the competent institutions in the process of reporting domestic violence cases, providing protection to victims of domestic violence, as well as procedures with violent persons. The Protocols clarify the roles and responsibilities of all relevant bodies and their employees in order to ensure adequate and timely protection of victims of domestic violence and make an efficient mechanism of implementing the valid legislation in practice. Currently at the municipal level or Cantonal level, 85% of the local communities are included in the Protocols on the Procedure in Domestic Violence Cases in FBiH.

Further, comprehensive strategic activities are carried out in order to reduce domestic violence, improve and standardize the system of operation and protection, as well as to establish a unique system of management of domestic violence statistics.

RS

The legal framework governing the matter of domestic violence has significantly improved in RS in recent years. In addition to its criminalization in the Criminal Code and the passage the special Law on Protection against Domestic Violence („RS Official Gazette “ 102/12,108/13), by-laws have been enacted, too.

In addition, as domestic violence requires an interdisciplinary approach and cross-sectorial cooperation in order to improve and strengthen mutual cooperation in the protection, assistance and support to victims of domestic violence and to coordinate responses with a

view to combating and preventing the recurrence of violence, a General Protocol for Procedures in Domestic Violence Cases in RS („RS Official Gazette“ 104/13) was signed.

The laws that apply in domestic violence cases are:

- Law on Protection from Domestic Violence affords more efficient, faster and more complete protection of victims of domestic violence in accordance with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, ratified by BiH in 2013 („BiH Official Gazette“ 19/13).

The Law provides that legal proceedings are instituted in case of a misdemeanour of domestic violence in accordance with the Law on Misdemeanours of RS and punishments are imposed in the form of fines, suspended sentences and restraining orders. This is without prejudice to the statutory protection that is provided in the Criminal Code of RS. Moreover, the Law prescribes an obligation of the protected person to comply with the Law, regardless of whether criminal or misdemeanour proceedings have been instituted against the perpetrator.

The Court may impose on a perpetrator of domestic violence a protection order in summary proceedings before starting or during the proceedings. The purpose of the protection orders is elimination of imminent danger to the physical and psychological integrity, preventing the recurrence of violence and guaranteeing safety of the victim.

The Law also provides for the placement of victim in a safe house in order to provide physical protection, support and assistance in exercising the rights and interests of victims of domestic violence. A centre for social work or social welfare service places the victim in a safe house, with the assistance of the police and prior consent of the victim.

The Law prescribes the following punishments for a misdemeanour of domestic violence: 1. fines, 2. suspended sentences and 3. protection orders. The protection orders may be imposed independently and without the imposition of fines or other punishments, which are subject to direct enforcement by authorities responsible for their implementation, in accordance with the provisions of this Law.

-The provisions of Criminal Code of RS ("RS Official Gazette" 49/03, 108/04, 37/06, 70/06, 73/10, 1/12, 67/13) respecting the basic form of the crime of domestic violence have been amended so that a clear distinction between domestic violence as a crime and domestic violence as a misdemeanour can be made. The definition of family member and household, for the purpose of this crime, has been modified and adapted to international standards, as well as to provisions of the Law on Protection from Domestic Violence. New security measures have also been introduced that enable more effective protection of victims of domestic violence while punishments for perpetrators of this crime have been tightened.

The Law has also included three new provisions in protection orders to be imposed on perpetrators of criminal acts involving violence and they are: stay away and no contact provisions, mandatory counselling provision and move out provision. These provisions in protection orders have been proposed in order to better and more efficiently protect against all forms of gender-based violence, especially domestic violence.

- The Criminal Procedure Code of RS („RS Official Gazette“ 53/12) introduces stay away and no contact provisions in protection orders, which may be imposed in domestic violence cases upon motion of a party or of counsel. The protection orders measures may be imposed at the investigation stage (preliminary proceedings judge), after the indictment (preliminary hearing judge) and when the case is before the judge (judge/ presiding judge). The Law also provides for restrictions on the content of protection orders: a protection order may not restrict the right of a suspect or accused to live in his home in BiH, to meet with his family members and close relatives, but only in BiH or only in the place specified in a ban on going away from his place of residence, except when the proceedings involve the criminal offense committed against family members or close relatives.

- The new Law on Social Protection („RS Official Gazette“ 37/12 identifies victims of domestic violence (minors and adults) as a separate group of beneficiaries of social welfare scheme.

-The Family Law („RS Official Gazette“ 54/02 i 41/08) provides that RS shall provide special protection of the family, mother and child in situations of domestic violence, in accordance with internationally recognized human rights and fundamental freedoms, by regulating the matter.

The Rulebook on Standards for a Safe House („RS Official Gazette“ 25/13) prescribe standards that a safe house must meet in terms of space, equipment and personnel.

The Rulebook on the Content and Manner of Keeping the Register of Safe Houses („RS Official Gazette“ 25/13) provides for the content, manner of keeping, the procedure for entering and striking off of safe houses in/from the Register of Safe Houses and the content of application forms for registration of safe houses and application forms for registration of changes in the Register of Safe Houses.

The Rulebook on the Method of Allocating Funds to Safe Houses („RS Official Gazette“ 62/13) regulates the allocation of funds to safe houses in order to implement special measures to support victims of domestic violence.

The Rulebook on the Content of Records and Reports on Domestic Violence („RS Official Gazette“ 71/13) prescribes the content of records and reports on domestic violence.

The Rulebook on the Enforcement of Emergency and Protection Orders That Are the Responsibility of the Ministry of the Interior („RS Official Gazette“ 73/14) regulate the manner of preparation, planning and implementation of emergency and protection orders that are the responsibility of the Ministry of the Interior.

The Rulebook on the Manner and Place of Enforcement of Protection Order of Mandatory Psychosocial Treatment („RS Official Gazette“ 97/06) governs the place and manner of enforcement of protection orders to ensure protection of victims of domestic violence, to

physically protect and secure them for the purpose of exercising the rights and interests, without fear or danger to their lives.

The Rulebook on the Manner and Place of Enforcement of Protection Order of Mandatory Treatment of Alcohol and Drug Addiction („RS Official Gazette“ 97/06) prescribes purpose, goal, place and manner of enforcement of protection order of mandatory psychosocial treatment.

In 2012, for the first time in BiH and RS, a survey of the prevalence of violence against women, with particular emphasis on domestic violence, was carried out and it was coordinated in RS by the Gender Centre of RS and the Republican Institute of Statistics. The survey was carried out in cooperation with the Gender Agency of BiH, the Gender Centre of FBiH and Statistical Institutes in BiH (Entity Statistical Institutes and the Agency for Statistics of BiH). The survey was carried out on a representative sample in accordance with the indicators of the United Nations to monitor the prevalence and incidence of violence against women and family. The aim of the research was to investigate the prevalence of all forms of violence against women, examine factors that influence the prevalence of violence and review access to services for the protection and support.

In the RS, there are three legal entities that implement so-called „special measure of support“, i.e. a safe house and they are in Banja Luka, Modriča and Bijeljina.²

In the period between 1 January 2010 and 31 December 2013 the safe houses housed 380 women and 467 children. The data by NGOs testifies to the fact that the number of reported domestic violence cases increases each year, which indicates that the awareness of the importance of reporting domestic violence cases of raised to a higher level and that the victims were empowered in this regard.

Data on the total number of victims placed in the safe houses

Banja Luka Safe House

	2010	2011	2012	2013	Total
Women	33	25	26	30	114
Children	36	30	36	36	138
Total	66	55	62	66	249

Source: Nongovernmental organizations

Modriča Safe House

	2010	2011	2012	2013	Total
Women	79	64	62	68	273
Children	109	71	79	73	332
Total	188	135	141	141	605

Source: Nongovernmental organizations

² Nongovernmental organizations manage safe houses in Republika Srpska and they are: „Lara „ Women's Association“ of Bijeljina (since 2012), „Bućnost“ (Future) Citizens' Association of Modriča (since 2000) and „Udružene žene“ (Associated Women) of Banja Luka (since 2007). In the period between 2008 to October 2012, a safe house was operated in Prijedor by Fondacija za razvoj, saradnju i zaštitu djece (“Foundation for Education, Development and Welfare of Children”) - (FORSZD) but it has been closed due to financial difficulties.

Bijeljina Safe House

	2010	2011	2012	2013	Total
Women	-	7	5	13	25
Children	-	4	4	6	14
Total	-	11	9	19	39

Source: RS Nongovernmental organizations

In the reporting period the amount of BAM 1,570,000.00 was planned and spent from the budget of the RS Government for the protection of victims of domestic violence. Until 2013, the Ministry of Health and Social Welfare announced competitions for and distribution of these funds. Since 2013, in accordance with the Law on Protection from Domestic Violence and the Rulebook on the Allocation of Funds to Safe Houses, the Ministry of Family, Youth and Sports has been announcing competitions for the allocation of funds for the implementation of so-called „special measures to support victims of domestic violence“ from account 416300 - Remittances for the care of victims of domestic violence.

A single telephone line 1264 is available for legal support and counselling throughout Republika Srpska. The phone is answered by volunteers from the following nongovernmental organizations: „Associated Women“ of Banjaluka, „Future“ of Modriča, „Lara“ of Bijeljina and „Women's Centre“ of Trebinje.³

In the reporting period, the single telephone line 1264 recording a total of 16,765 calls out of which 98% came from women.

In RS, upon reporting a domestic violence case, in accordance with their subject-matter and territorial jurisdiction, it is mostly the police officers who are the first responders.

Emergency protection orders are issued by judges of misdemeanour departments within basic courts in summary proceedings in order to eliminate an immediate threat to the physical or mental integrity, to prevent the recurrence of violence and to guarantee safety of the victim. These orders may be imposed before starting the proceedings and at any stage of the proceedings and a motion to impose such an order may be filed by the police, social welfare centre, health institution or victim.

The emergency protection orders are issued for a term which may not be longer than 30 days and, according to the Law on Protection from Domestic Violence, the court may impose the following emergency protection orders:

1. stay away order: the abuser must stay away from the apartment, house or other dwelling and / or
2. no contact order: the abuser is prohibited from contacting the victim of domestic violence.

³Until the closure of the safe house in Prijedor in October 2012, FORSZD managed the SOS line for victims of domestic violence.

Good practices show that better effects have been brought about through the co-operation of authorities from the Ministry of the Interior, judiciary, social welfare and health institutions, educational institutions and non-governmental organizations and other relevant institutions and social partners.

By the end of 2013, with the generous support of the Gender Centre of the RS Government, as well as a number of women's NGOs, protocol for procedures in domestic violence cases and multisectoral cooperation at the local level were signed in 36 municipalities in RS.

It is important to emphasize the importance of providing free legal aid to victims of domestic violence, which is primarily the obligation of the Legal Aid Centre of RS, but this assistance is provided by non-governmental organizations in the territory of RS, too. Further, the Gender Centre of RS and the RS Ombudsman for Children provide legal advice in domestic violence cases within their competences.

The RS has continued and expanded work on licensing experts to work with perpetrators of violence. The Law on Protection from Domestic Violence confirms the possibility of imposing these kinds of orders in misdemeanour and criminal proceedings, which is in accordance with the standards under the Council of Europe Convention.

In the reporting period a number of courses of training for employees of the authorities providing protection to victims in the application of legislation in order to prevent and combat domestic violence and in multisectoral collaboration.

The Ministry of Health and Social Welfare, with the support of FIGAP⁴ funds, implemented a comprehensive program of training of health and social workers throughout RS in procedures in domestic violence cases. Nine courses of training (training of trainers) were held in 2012, covering a total of 170 professionals employed in health care institutions and centres for social work. The program of continuous professional development of health and social workers to prevent and combat domestic violence was developed as one of the main results of this program.

The Police Training Administration of the RS MoI held regular courses of training based on modules for training of police officers in preventing gender-based violence and domestic violence and in the application of binding standards in this field in policing.

The 2011, 2012 and 2013 regular programmes of the Judicial and Prosecutorial Training Centre of RS were implemented to train judges and prosecutors in the application of national

⁴ The Financial Instrument for the Implementation of the Gender Action Plan. The Programme for the Implementation of the Gender Action Plan of Bosnia and Herzegovina (FIGAP Program 2009-2014) is the result of cooperation between the Agency for Gender Equality of BiH – the Ministry for Human Rights and Refugees, Gender Centre of the Federation of Bosnia and Herzegovina and the Gender Centre of the Republika Srpska and its aim is to ensure sustainable implementation of Gender Action Plan of Bosnia and Herzegovina („Bosnia and Herzegovina“ 41/09). The Programme is supported by a group of international donors consisting of the following governments: Kingdom of Sweden represented by the Swedish Embassy in Bosnia and Herzegovina, through the International Development Agency - SIDA, the Republic of Austria represented by the Austrian Embassy in Bosnia and Herzegovina, through the Austrian Development Agency -ADA and Swiss Confederation represented by the Swiss Embassy in Bosnia and Herzegovina, through the Agency for Development and Co-operation - SCD. The Republika Srpska approved the implementation of this programme in the Republika Srpska.

and international standards on gender equality and preventing and combating violence against women and domestic violence and the partners were the Gender Centre and JPTC of RS.
BD

Article 3 of the BD Family Law determines that violent behaviour of a spouse or any other family member is not allowed.

The violent behaviour means any conduct which has elements of the crime of domestic violence prescribed by the Criminal Code of BD.

Article 22 of the Law on Social Protection of BD determines that an abused person is considered to be any adult person who has suffered an intentional act for the purpose of inflicting pain, physical or psychological damage which has caused an impairment of health, physical or mental integrity of the person.

Based on Article 288 of the Family Law of BD, the right to protection from domestic violence is afforded to spouses, common-law partners and all family members.

The police of BD and the guardianship authority are required to provide protection against violence.

Upon learning of violent behaviour all natural and legal persons shall immediately report on it to the police or the prosecutor of BD.

Article 218 of the BD Criminal Code determines the following:

- (1) A person who endangers tranquillity, physical or mental health of a member of his family by applying violence, impudent or remorseless behaviour shall be fined or sentenced to prison to up to one year.
- (2) A person who commits the offence referred to in Paragraph 1 of this Article against a family member with whom he lives in a household shall be fined or sentenced to prison to up to three years.
- (3) If the person who committed the offence referred to in Paragraphs 1 and 2 of this Article used weapons, dangerous tools or other objects that can cause serious bodily injuries or health impairments, he shall be sentenced to prison from three months to three years.
- (4) If the family member suffered from serious bodily injuries or serious health impairments as a result of the offence referred to in Paragraphs 1 through 3 of this Article, or if the offence referred to in Paragraphs 1 through 3 of this Article was committed against a child or a juvenile, the perpetrator shall be sentenced to prison from one to five years.
- (5) If the offence referred to in Paragraphs 1 through 4 of this Article caused death of the family member, the perpetrator shall be sentenced to prison from two to fifteen years.
- (6) A person who causes death of the family member whom he had previously abused shall be sentenced to minimum ten years or long-term imprisonment.

Protection from violent behaviour in family takes place through counselling and social protection.

Professionals of the Sub-department for Social Protection of BD (social workers, educator and psychologist) are on stand-by around the clock to respond to any call by the police of BD in case of domestic violence and the need for taking statements from minors. They, together with the police, visit families where violence happened (was reported) and usually provide counselling to the victim and the abuser and relocate the victim if needed. If necessary, they, together with the victim of violence, try to find an adequate solution for temporary

accommodation, with extended families, friends or in a shelter. If the safe house is the only solution then the victim is placed in any accommodation for such purposes in BiH, with which the Sub-department for Social Protection of BD cooperates, but most often they are safe houses in the surrounding municipalities. So far the safe houses have been free of charge and if the payment is the only option, the Sub-department will accept charges for the services of accommodation and professional work with victims.

The Sub-department for Social Protection of BD provides women victims of domestic violence and their relatives with assistance in the form of accommodation in humanitarian settlements in BD and, where appropriate, grants financial aid.

In particular, we emphasize the following in BD:

- The Law on Protection from Domestic Violence is before the Parliament!
- BD has passed the Law on Protection of Threatened and Endangered Witnesses of BD.

Protection orders are not issued against abusers due to the current lack of the law on protection against domestic violence to prescribe them.

The Police of BD carry out actions within their competences, giving particular attention to the protection of minors as victims or witnesses of violence and, of course, following clear particular legal procedures and in the presence of professionals of the Centre for Social Work. The police officers, as well as professionals of the Sub-department for Social Protection of BD have undergone the necessary training in working with victims and perpetrators of domestic violence.

DOMESTIC VIOLENCE	2010	2011	2012	2013
	73	69	58	52

Source: Sub-department for Social Protection of BD BiH

In BD, the draft Law on Protection from Domestic Violence is before the Parliament.

Family benefits

FBiH

Children's allowance is one of entitlements afforded to families with children in the FBiH Law on the Principles of Social Protection, the Protection of War Victims and Families with Children („FBiH Official Gazette“ 36/99, 54/04, 39/06, 14/09).

Cantonal legislation closely regulates the conditions, manner, procedure, authorities and funding of aforesaid rights (Article 90, para. 2).

A family that is entitled to the children's allowance is a family whose a total of monthly income from all sources, excluding the income from social protection and protection of families with children schemes, per member of the household do not exceed the amount determined by the cantonal legislation as the lowest income sufficient for sustenance (Article 91).

As the children's allowance is funded from cantonal budgets, there is an identical problem in practice to the problem of exercising the rights of families with children that is conditional upon financial resources of the respective Canton. The children's allowance was paid in the

period 2010-2013 in four Cantons (Tuzla Canton, Bosnia-Podrinje Canton, Middle Bosnia Canton and Sarajevo Canton). Amounts of the children's allowance are different and range from BAM 10.85 to 50.00 per month.

Children's allowance in monthly amounts in BAM by Cantons in FBiH for the period 2010-2013

Canton	2010	2011	2012	2013
Una-Sana Canton	Funds have not been appropriated in the Canton's Budget	Funds have not been appropriated in the Canton's Budget	Funds have not been appropriated in the Canton's Budget	Funds have not been appropriated in the Canton's Budget
Posavina Canton	Law has not been enacted	Law has not been enacted	Law has not been enacted	Law has not been enacted
Tuzla Canton	20/40 and 50.00	20/40 and 50.00	20/40 and 50.00	20/40 and 50.00
Zenica-Doboj Canton	9.75 and 14.65	11.75 and 17.75	11.75 and 17.75	11.75 and 17.75
Bosnia-Drina Canton	29.00 and 43.50	29.00 and 43.50	29.00 and 43.50	29.00 and 43.50
Middle Bosnia Canton	29.00	30.00	30.00	32.00
Herzegovina-Neretva Canton	Law has not been enacted	Law has not been enacted	Law has not been enacted	Law has not been enacted
Western Herzegovina Canton	Funds have not been appropriated in the Canton's Budget	Funds have not been appropriated in the Canton's Budget	Funds have not been appropriated in the Canton's Budget	Funds have not been appropriated in the Canton's Budget
Sarajevo Canton	33.00 and 49.50	33.00 and 49.50	33.00 and 49.50	33.00 and 49.50
Canton 10	Funds have not been appropriated in the Canton's Budget	Funds have not been appropriated in the Canton's Budget	Funds have not been appropriated in the Canton's Budget	Funds have not been appropriated in the Canton's Budget

Source: Federation Ministry of Labour and Social Policy

Number of beneficiaries of children's allowance by Cantons in FBiH for the period 2010-2013

Canton	2010	2011	2012	2013
Una-Sana Canton	Funds have not been appropriated in the Canton's Budget	Funds have not been appropriated in the Canton's Budget	Funds have not been appropriated in the Canton's Budget	Funds have not been appropriated in the Canton's Budget

Posavina Canton	Law has not been enacted	Law has not been enacted	Law has not been enacted	Law has not been enacted
Tuzla Canton	19,475	20,859	21,657	21,814
Zenica-Doboj Canton	19,962	21,905	24,072	23,625
Bosnia-Drina Canton	1,768	1,590	1,524	1,485
Middle Bosnia Canton	1,727	1,754	1,805	1,895
Herzegovina-Neretva Canton	Law has not been enacted	Law has not been enacted	Law has not been enacted	Law has not been enacted
Western Herzegovina Canton	Funds have not been appropriated in the Canton's Budget	Funds have not been appropriated in the Canton's Budget	Funds have not been appropriated in the Canton's Budget	Funds have not been appropriated in the Canton's Budget
Sarajevo Canton	25,866	25,354	25,120	24,763
Canton 10	Funds have not been appropriated in the Canton's Budget	Funds have not been appropriated in the Canton's Budget	Funds have not been appropriated in the Canton's Budget	Funds have not been appropriated in the Canton's Budget
Total	68,798	71,462	74,178	73,582

Source: Federation Ministry of Labour and Social Policy

RS

The right to social welfare, legal and economic protection of families is exercised by enforcement of the following laws: the Law on Social Welfare („RS Official Gazette“ 37/12), the Law on Child Protection ("RS Official Gazette" 4/02, 17/08, 1/09), the Family Law („RS Official Gazette“ 54/02, 41/08, 63/14), the Law on Protection from Domestic Violence („RS Official Gazette“ 102/12) and a number of pieces of delegated legislation.

In May 2012, the National Assembly passed a new law on social protection which significantly improved social protection and support to the family and its members in need.

Pursuant to the Law on Child Protection, the Child Protection Public Fund enables and funds the exercise of the rights of general interest while the Republika Srpska takes care of their provision and the rights are:

- maternity allowance;
- layette;
- child allowance;
- meeting the developmental needs of children.

With a view to implementing rights under the Law on Social Protection, the Minister of Health and Social Welfare issued the following by-laws:

- Rulebook on ability-to-work assessment in the procedure of exercising the right to social protection and assessment of bodily functions of beneficiary,
- Rulebook of foster care,
- Rulebook on the exercise of the right to home care aides,
- Rulebook on the exercise of the right to day care,
- Rulebook on the needs assessment and guidance of children and youth with disabilities,
- Rulebook on the cost-sharing of placement in an institution and foster family,
- Rulebook on conditions for establishment of social welfare institutions,
- Rulebook on fixing the prices of institutional care,
- Instructions on the manner of payment to local governments.

Expert commissions of first instance were established in social work centres while an appellate expert committee for ability-to-work assessment regarding eligibility for social welfare services/entitlements was established at the level of the Ministry.

Every year the Minister determines the cost of accommodation in social welfare institutions, which are regarded as being protective. The decision of the Minister of Health and Social Welfare determines prices of accommodation in social welfare institutions to range from BAM 625 to BAM 680. The Minister issues a decision to establish the co-funding rates for accommodation in public social welfare institutions founded by the RS Government.

Every year the RS Government appropriate funds in the budget for the construction, refurbishing, repairing and equipping of social welfare institutions, for subsidizing part of the costs of care for children in institutions, as well as for vocational training of children and youth with physical and mental disabilities.

The Government adopted the Strategy for improving the social protection of children without parental care with a plan of action for the period 2009-2014. The adoption of the Strategy for improving the social protection of children without parental care in the RS with a plan of action for the period 2009-2014 and creation of conditions for its consistent implementation in practice, the RS Government demonstrates determination in fulfilling the obligations undertaken by ratification of international instruments such as the UN Convention on the Rights of the Child and other relevant UN documents: the Millennium Development Goals and A World Fit for Children. This document is a response to the obligations arising from the "2002-2010 Action Plan for Children" in BiH, which was adopted by the Council of Ministers, and the 2006-2016 Policy for the protection of children without parental care and families at risk of being separated, which advocate strengthening the position of children, through the engagement of all available resources of governmental and non-governmental sector, families and individuals, all in order to improve living conditions in the interest of children in BiH.

The Action plan for institutional care for children without parental care provides for the following activities: refurbishment, renovation, repairing and equipping of premises where children reside; introduction of standards, norms and procedures of professional work; creation of new classification; additional training of existing staff in institutions; research in a need for additional services in the community; provision of material support and expert resources in the institutions with a view to introducing new services.

Children's allowance

The right to children's allowance is afforded for the second, third and fourth child in the family depending on the financial situation of the family, the birth order and age of children, based on a claim submitted until a maximum of 15 years of age if they are full-time students. Regardless of the means testing, this right can be exercised by children of fallen soldiers, children of civilian war victims and children of I and II group of veterans disabled in wartime, children civilian victims of war, children without parental care, children to whom the competent authority issued a decision on classification due to disability, if not placed in social care, children whose family is entitled to financial assistance under the Law on Social Protection and children suffering from celiac disease and chronic diseases, which in the opinion of the committee have caused or have resulted in bodily impairment.

An overview of average number of beneficiaries of children's allowance by years

Description of type of entitlement	2010		2011		2012		2013	
	Average number of beneficiaries	in BAM	Average number of beneficiarie	in BAM	Average number of beneficiaries	in BAM	Average number of beneficiaries.	in BAM
Children's allowance (number of children)	37,050	29,303,075	36,558	22,924.625	33,800	21,582,835	33,061	21,183,185
Children's allowance (number of parents)	26,695		26,286		24,205		23,702	

Source: Child Protection Public Fund of RS

An overview of nominal amounts and income threshold for children's allowance

Year	Nominal amounts by child				Income threshold for children's allowance					
	Second child	Third child	Fourth child	Vulnerable groups of children	Total monthly income per family member does not exceed the amount of				Total land income per family member does not exceed the amount of	Catalogue value of estimated movable property does not exceed the amount of
					Second child	Third child	Fourth child	Vulnerable groups of children		
2010.	45.00	100.00	45.00	100.00	95.00	100.00	100.00	Not depending on income level	10% (3%)	6,000.00
	40.00	90.00	40.00	90.00						
2011.	35.00	70.00	35.00	90.00	75.00	80.00	80.00	Not depending on income level	10% (3%)	5,000.00
	35.00	70.00	35.00	90.00	75.00	80.00	90.00*			
2012.	35.00	70.00	35.00	90.00	75.00	80.00	90.00	Not depending on income level	10% (3%)	5,000.00
2013.	35.00	70.00	35.00	90.00	75.00	80.00	90.00		10% (3%)	5,000.00

Source: Public Fund of Child Protection of RS

* Due to a lack of funds, the children's allowance in the period October - December 2010 was paid bam 40.00 and BAM 90.00 instead of BAM 45.00 and BAM 100.00 respectively (Article 72, para. 2 of the Law on Child Protection).

** The income threshold for entitlement of a family with four children was increased from BAM 80.00 to BAM 90.00 in the period from October to December 2010.

Third and Fourth Child Fund

In accordance with the Decision on Approving the Placement of Funds ("RS Official Gazette" 41/10, 53/11, 14/12, 9/13) and the Law on Child Protection, a one-time cash payment is granted to mothers residing in the RS, regardless of place of birth, for every third child and every fourth child. The funds are paid through the Child Protection Public Fund, according to the procedure regulated by the Instruction on the Procedure of Payment of Monetary Compensation to the Mother ("RS Official Gazette" 40/12).

An overview of beneficiaries of the Third and Fourth Child Fund by years

Year	Third child		Fourth child	
	Number of new-borns	in BAM	Number of new-borns	in BAM
2010	1,476	500	266	400
2011	1,303	500	231	400
2012	1,336	500	254	400
2013	1,330	600	220	400

Meeting the developmental needs of children

Children under 15 years of age have the right to assistance in order to meet the development needs, under the conditions and in the manner prescribed in the program of competent authority of the Fund of Child Protection, which was approved by the competent ministry. The program determines the type of assistance, the program implementors, the scope of the beneficiary's rights and participation of the Fund of Child Protection in the funding.

In accordance with the UN Convention on the Rights of the Child and respecting the principle of "meeting the best interests of the child", since 2002 the Child Protection Public Fund has enabled the exercise of the right under Article 27 by providing children beneficiaries with services through the "Socialization of Children of RS" project, which covers children from the following groups: children who were classified in accordance with the Rulebook on Classification of Persons with Physical and Mental Developmental Disabilities; children with chronic illnesses (frequent and long hospitalizations and frequent chronicity); children without parental care; children from structurally and functionally disturbed families; children from families beneficiaries of permanent financial assistance under the Law on Social Protection and children beneficiaries of child allowance; children of civilian victims of war and camp inmates; children whose one parent (or both) is disabled and classified from I to IV group - regardless of the cause of disability (disabled veterans, civilians with disabilities, disabled workers etc.) and chronic patients whose condition significantly affects the quality of family life and meeting the developmental needs of children (mentally ill, suffering from cancer...); children civilian war victims (wounded children and children with psychotrauma suffered in wartime); children from poor large families; children who are placed in collective refugee centres; Roma children; children, brothers and sisters of children with special needs;

particularly gifted children (winners of regional, national, and international competitions, especially prominent sportsmen).

Number of children and accompanying staff taking part in "Socialization of Children of RS"

Year	Children		Adults		Total	
	no.	%	no.	%	no.	%
2010	1476	82,27%	318	17,73%	1794	100%
2011	1559	81,84%	346	18,16%	1905	100%
2012	1589	82,24%	343	17,75%	1932	100%
2013	1605	81,10%	374	18,90%	1979	100%
TOTAL	6229	81,86%	1381	18,13%	7610	100%

Source: Child Protection Public Fund of RS

For the exercise this right on an annual basis, approximately BAM 900,000.00 was earmarked.

The right of the family to social, legal and economic protection is achieved through the application of the following laws: the Law on Social Protection ("RS Official Gazette" 37/12), the Law on Child Protection (" RS Official Gazetter " 4/02, 17 / 08, 1/09) Family Law ("RS Official Gazette" 54/02, 41/08, 63/14), the Law on Protection from Domestic Violence ("RS Official Gazette" 102/12) and a number of pieces of delegated legislation.

In May 2012, the National Assembly passed a new law on social protection which significantly improved social protection and support to the family and its members in need.

In the reporting period, in order to support parents in children's schooling and raising the quality of family life, the Ministry of Family, Youth and Sports implemented the "Providing textbooks for outstanding primary school students in grades 3 to 9 from families with four or more children" project. In this project, textbooks were provided to 4,480 children from families with four or more children, BAM 566,000 being earmarked in the budget.

BD

In BD, family benefits are given to parents no matter where their children, minors under 18 years of age and adults not above 26 years, attend school.

Vulnerable families

Equal treatment of foreign nationals and stateless persons with regard to family benefits

The Law on Movement and Stay of Aliens and Asylum ("BiH Official Gazette 36/08, 87/12) prescribes that the Ministry of Security of BiH considers applications for international protection and makes a decision and the Ministry for Human Rights and Refugees provides the persons with the recognized refugee status or subsidiary protection status with access to housing, work, education, health and social care.

The Law on Amendments to the Law on Movement and Stay of Foreigners ("Official Gazette 87/12) determines that the Ministry of Human Rights and Refugees has an addition responsibility and that is to enable persons with recognized refugee status or subsidiary

protection status to have access to the right to housing, in addition to the earlier defined rights to work, education, health and social care, and the responsibility for issuing identity documents to persons under international protection was transferred to the Ministry of Security.

Currently, the Ministry of Human Rights and Refugees enables 98 persons with recognized refugee status in BiH and 33 persons with subsidiary protection status to enjoy this right.

The majority of persons granted international protection in BiH is from Serbia and Syria, but there are a number of persons from other countries (Montenegro, Palestine, Macedonia, Algeria, Cameroon, Moldova, Saudi Arabia, Iraq etc.).

The Ministry of Human Rights and Refugees is in charge of the "Salakovac" Reception and Refugee Centre in Mostar. Currently, collective housing (the "Salakovac" Reception and Refugee Centre) is provided to 44 persons granted international protection, while others are located in private accommodation.

In accordance with the Law on Movement and Stay of Aliens and Asylum, the Ministry of Human Rights and Refugees has enacted a series of bylaws which enable persons granted international protection to enjoy their rights and they are:

1. Rulebook on the procedure for persons with recognized refugee status or other form of international legal protection in Bosnia and Herzegovina to achieve health insurance and health care ("BiH Official Gazette" 54/10).
2. Rulebook on vital records and entering of births, marriages and deaths of refugees and persons granted international protection in Bosnia and Herzegovina ("BiH Official Gazette" 51/07).
3. Rulebook on the manner of exercising the right to work for persons granted international protection in Bosnia and Herzegovina ("BiH Official Gazette" 83/08).
4. Rulebook on the manner of exercising the right to education for persons granted international protection in Bosnia and Herzegovina ("BiH Official Gazette" 67/08).
5. Rulebook on the manner of exercising the right to social protection for persons granted international protection in Bosnia and Herzegovina ("BiH Official Gazette" 3/09, 5/10) and
6. Rulebook on the operation and functioning of and home rules in the "Salakovac" Reception and Refugee Centre in Mostar ("BiH Official Gazette" 6/14).

In accordance with these rulebooks, the Ministry of Human Rights and Refugees directly pays health insurance for 81 persons granted international protection in Bosnia and Herzegovina as insurees, which covers 155 persons (persons granted international protection in BiH and their family members).

The Ministry of Human Rights and Refugees of BiH pays funds through the social welfare centres to ensure the right to social welfare for 37 families. The persons have the right to social welfare provided that they do not make money at job but that all persons who exercise their rights to social welfare are registered at the Employment Office.

The Employment Services in RS and FBiH registered a total of 49 persons granted international protection. Two persons granted international protection have job.

Further, regarding the exercise of the right to travel documents and access to integration facilitation (facilitated naturalization) of recognized refugees, the Ministry of Civil Affairs has adopted the Rulebook on travel documents for refugees ("BiH Official Gazette" 80/09), the Rulebook on issuing guarantees in the process of acquiring citizenship of BiH ("BiH Official Gazette" 7/14) and the Rulebook on specifying evidence of fulfilment of conditions for acquiring the citizenship of BiH by naturalization and facilitated naturalization ("BiH Official Gazette" 7/14).

Question 3. Please provide pertinent figures, statistics or any other relevant information.

Domestic violence

RS

The Law on Protection from Domestic Violence and the Rulebook on the contents of the records and reports of domestic violence provide for an obligation of registering cases of domestic violence by the authorities providing protection to victims. For the first time in RS, the Rulebook provides that the authorities shall collect information obtained while providing protection, assistance and support to victims of domestic violence and to report them to the Ministry of Family, Youth and Sports. In addition, for the first time, the Rulebook above prescribes a unique form for keeping records according to specific characteristics of each authority providing protection to victims. As the Rulebook came into force in August 2013, the Ministry of Family, Youth and Sports collected the first aggregated statistics for the period January-June 2014 (prescribed collection is twice a year), so they could not be used in this reporting period.

Previously available statistics possessed by different authorities providing protection to victims show that the number of reports of domestic violence in the RS on the rise. The statistics of the RS Ministry of the Interior RS, which has records of criminal acts and violations of domestic violence⁵.

In 2013, according to the RS police statistics, 1,088 domestic violence cases (misdemeanours and criminal offences), 999 reports of violence and 1,143 perpetrators of violence (1,047 men and 96 women) were recorded in RS. They recorded 1,362 victims of violence, of which: 67 children under 14 years old, 65 children between 14 and 18 years old, 892 women above 18 years of age and 338 men above 18 years of age. 453 cases involved criminal offences of which criminal charges were filed in 442 cases against 463 perpetrators. The number of these criminal offences was higher by 70% compared to 2012. 28 emergency protection orders were issued: 7 orders for abuser's stay away from the apartment, house or other dwelling and 21 orders banning contact of the perpetrators with victims. In the same period 30 protection orders were issued: three orders for abuser's stay away from the apartment, house or other

⁵ The Ministry of the Interior has been keeping records of the crime of domestic violence since 2000 and records of the misdemeanor of domestic violence since 2006, as of the entry into force of the relevant laws.

dwelling, seven orders banning contact of the perpetrators with victims and 20 orders banning harassment or stalking.

2010, 2011, 2012 domestic violence statistics in RS

Year	MoI		Basic Court		District Court	Prosecutor's Office	Social Welfare Centres	Health Care Facilities	Safe Houses	SOS tel.
	Art.208 RSCC	Art.6 LoPf DV ⁶	Art.208 RSCC	Art.6 LoPf DV	Art.208 RSCC	Art.208 RSCC				
2010	254	987	190	523	-	268	1185	474	328	3960
2011	219	1190	170	546	1	219	1200	394	210	4520
2012	253	1360	237	1301	1	252	1095	-	215	4303

* Domestic violence statistics for the period 2010-2012 collected and processed by the RS Gender Centre in charge of keeping any given data under the old Law on Protection from Domestic Violence (until 2013)

2013 domestic violence statistics in RS

Year	Number of domestic violence cases (criminal offences & misdemeanours)	Number of domestic violence charges	Number of perpetrators		Number of victims of domestic violence	Number of emergency protection orders	Number of emergency protection orders
			M	F			
2013	1,088	999	1,047	96	1,362	28	30

Statistics on age and sex of victims of domestic violence in RS in 2013

Year	Number of domestic violence victims			
	Children under 14 years old	Children between 14 and 18 years old	Women above 18 years old	Men above 18 years old
2013	67	65	892	338
Total	1,362			

EDUCATION

Preschool education

Preschool education in BiH in academic year 2010/2011

⁶ Law on Protection from Domestic Violence

	Vrsta svojine	Broj ustanova	Broj djece				Djeca koja nisu primljena zbog popunjenog kapaciteta	Zaposleni			
			Ukupno		od toga, djeca sa posebnim potrebama			Ukupno		Vaspitači	
			svega	ženski	svega	ženski		svega	ženski	svega	ženski
BIH	UKUPNO	219	17,028	8,066	484	188	1,418	2,482	2,302	1,208	1,188
	Javne	172	14,531	6,896	433	161	1,360	2,174	2,009	1,032	1,013
	Privatne	47	2,497	1,170	51	27	58	308	293	176	175
Republika Srpska	UKUPNO	78	6,394	3,036	64	23	1,261	991	912	444	438
	Javne	65	5,857	2,799	57	19	1,251	912	835	406	401
	Privatne	13	537	237	7	4	10	79	77	38	37
Federacija BiH	UKUPNO	139	10,179	4,820	390	149	157	1,441	1,345	737	723
	Javne	106	8,267	3,913	346	126	109	1,217	1,134	601	587
	Privatne	33	1,912	907	44	23	48	224	211	136	136
Brčko Distrikt BiH	UKUPNO	2	455	210	30	16	0	50	45	27	27
	Javne	1	407	184	30	16	0	45	40	25	25
	Privatne	1	48	26	0	0	0	5	5	2	2

Source: Agency for Statistics of BiH

Preschool education in BiH in academic year 2011/2012

	Vrsta svojine	Broj ustanova	Broj djece				Djeca koja nisu primljena zbog popunjenog kapaciteta	Zaposleni			
			Ukupno		od toga, djeca sa posebnim potrebama			Ukupno		Vaspitači	
			svega	ženski	svega	ženski		svega	ženski	svega	ženski
BIH	UKUPNO	219	17,028	8,066	484	188	1,418	2,482	2,302	1,208	1,188
	Javne	172	14,531	6,896	433	161	1,360	2,174	2,009	1,032	1,013
	Privatne	47	2,497	1,170	51	27	58	308	293	176	175
Republika Srpska	UKUPNO	78	6,394	3,036	64	23	1,261	991	912	444	438
	Javne	65	5,857	2,799	57	19	1,251	912	835	406	401
	Privatne	13	537	237	7	4	10	79	77	38	37
Federacija BiH	UKUPNO	139	10,179	4,820	390	149	157	1,441	1,345	737	723
	Javne	106	8,267	3,913	346	126	109	1,217	1,134	601	587
	Privatne	33	1,912	907	44	23	48	224	211	136	136
Brčko Distrikt BiH	UKUPNO	2	455	210	30	16	0	50	45	27	27
	Javne	1	407	184	30	16	0	45	40	25	25
	Privatne	1	48	26	0	0	0	5	5	2	2

Source: Agency for Statistics of BiH

Preschool education in BiH in academic year 2011/2012

	Vrsta svojine	Broj ustanova	Broj djece				Djeca koja nisu primljena zbog popunjenog kapaciteta	Zaposleni			
			Ukupno		od toga, djeca sa posebnim potrebama			Ukupno		Vaspitači	
			svega	ženski	svega	ženski		svega	ženski	svega	ženski
BIH	UKUPNO	223	17,293	8,211	463	168	1,753	2,513	2,324	1,238	1,216
	Javne	173	14,716	6,994	410	144	1,685	2,200	2,028	1,062	1,041
	Privatne	50	2,577	1,217	53	24	68	313	296	176	175
Republika Srpska	UKUPNO	82	6,732	3,227	73	19	1,596	1,018	930	470	463
	Javne	66	6,098	2,929	64	18	1,576	936	852	433	427
	Privatne	16	634	298	9	1	20	82	78	37	36
Federacija BiH	UKUPNO	139	10,179	4,820	390	149	157	1,441	1,345	737	723
	Javne	106	8,267	3,913	346	126	109	1,217	1,134	601	587
	Privatne	33	1,912	907	44	23	48	224	211	136	136
Brčko distrikt	UKUPNO	2	382	164	0	0	0	54	49	31	30
	Javne	1	351	152	0	0	0	47	42	28	27
	Privatne	1	31	12	0	0	0	7	7	3	3

Source: Agency for Statistics of BiH

Preschool education in BiH in academic year 2012/2013

	Vrsta svojine	Broj ustanova	Broj djece				Djeca koja nisu primljena zbog popunjenog kapaciteta	Zaposleni			
			Ukupno		od toga, djeca sa posebnim potrebama			Ukupno		Vaspitači	
			svega	ženski	svega	ženski female		svega	ženski	svega	ženski
BIH	UKUPNO	243	18,817	8,958	477	167	2,403	2,622	2,442	1,301	1,284
	Javne	177	15,728	7,419	436	153	2,215	2,213	2,058	1,086	1,070
	Privatne	66	3,089	1,539	41	14	188	409	384	215	214
Republika Srpska	UKUPNO	95	7,369	3,473	102	45	1,981	1,110	1,021	538	531
	Javne	70	6,493	3,063	87	41	1,951	1,001	917	482	476
	Privatne	25	876	410	15	4	30	109	104	56	55
Federacija BiH	UKUPNO	145	10,969	5,269	355	114	352	1,450	1,365	729	720
	Javne	106	8,824	4,171	329	104	194	1,162	1,096	574	565
	Privatne	39	2,145	1,098	26	10	158	288	269	155	155
Brčko distrikt	UKUPNO	3	479	216	20	8	70	62	56	34	33
	Javne	1	411	185	20	8	70	50	45	30	29
	Privatne	2	68	31	0	0	0	12	11	4	4

Source: Agency for Statistics of BiH

Preschool education in BiH in academic year 2013/2014

	Vrsta svojine	Broj ustanova	Broj djece				Djeca koja nisu primljena zbog popunjenog kapaciteta	Zaposleni			
			Ukupno		od toga, djeca sa posebnim potrebama			Ukupno		Vaspitači	
			svega	ženski	svega	ženski		svega	ženski	svega	ženski
BIH	UKUPNO	258	19,880	9,383	469	164	3,019	2,759	2,562	1,388	1,366
	Javne	177	15,713	7,383	403	137	2,899	2,246	2,082	1,120	1,101
	Privatne	81	4,167	2,000	66	27	120	513	480	268	265
Republika Srpska	UKUPNO	99	7,599	3,610	138	56	2,643	1,156	1,061	574	561
	Javne	70	6,448	3,047	123	50	2,600	1,027	938	503	493
	Privatne	29	1,151	563	15	6	43	129	123	71	68
Federacija BiH	UKUPNO	156	11,808	5,579	325	107	246	1,537	1,442	776	768
	Javne	106	8,900	4,186	275	86	169	1,169	1,099	587	579
	Privatne	50	2,908	1,393	50	21	77	368	343	189	189
Brčko distrikt	UKUPNO	3	473	194	6	1	130	66	59	38	37
	Javne	1	365	150	5	1	130	50	45	30	29
	Privatne	2	108	44	1	0	0	16	14	8	8

Source: Agency for Statistics of BiH

FBiH

Percentage and estimates of children included in preschool upbringing and education in the year prior to starting school in FBiH and Cantons

R. br.	FBiH and Cantons in FBiH	Percentage of children included in preschool upbringing and education in the year prior to starting school ⁷	Academic year when the statistics were collected
1.	FBiH	18.4% ⁸	2011/12
2.	Una-Sana Canton	Data is not available	-
3.	Posavina Canton	11.61%	2011/12
4.	Tuzla Canton	27%	2011/12
5.	Zenica-Doboj Canton	100%	2012/13
6.	Bosnia-Drina Canton	100%	2012/13

⁷ These are estimates based on available information.

⁸ Agency for Statistics, Federation Ministry of Health, Ministry of Health and Social Welfare and the Department of Public Health (2013). Multiple Indicator Cluster Survey (MICS) for Bosnia and Herzegovina from 2011 to 2012: Final report Sarajevo: UNICEF). *Istraživanje višestrukih pokazatelja (MICS) za Bosnu i Hercegovinu 2011.–2012: završni izvještaj*, Sarajevo: UNICEF.

7.	Middle Bosnia Canton	5% ⁹	2010/11
8.	Herzegovina-Neretva Canton	9.3%	2012/13
9.	Western Herzegovina Canton	Data is not available	-
10.	Sarajevo Canton	80%	2012/13
11.	Canton 10	Data is not available	-

Source: Agency for Statistics of BiH

Percentage and estimates of children included in preschool upbringing and education in the year prior to starting school in FBiH and Cantons

R. br.	FBiH and Cantons in FBiH	Percentage of children included in preschool upbringing and education in the year prior to starting school ¹⁰	Academic year when the statistics were collected
1.	FBiH	18.4% ¹¹	2011/12
2.	Una-Sana Canton	Data is not available	-
3.	Posavina Canton	11.61%	2011/12
4.	Tuzla Canton	27%	2011/12
5.	Zenica-Doboj Canton	100%	2012/13
6.	Bosnia-Drina Canton	100%	2012/13
7.	Middle Bosnia Canton	5% ¹²	2010/11
8.	Herzegovina-Neretva Canton	9.3%	2012/13
9.	Western Herzegovina Canton	Data is not available	-
10.	Sarajevo Canton	80%	2012/13
11.	Canton 10	Data is not available	-

Source: Agency for Statistics of BiH

⁹ This is an estimate based on data from 2011.

¹⁰ These are estimates based on available information.

¹¹ Agency for Statistics, Federation Ministry of Health, Ministry of Health and Social Welfare and the Department of Public Health (2013). Multiple Indicator Cluster Survey (MICS) for Bosnia and Herzegovina from 2011 to 2012: Final report Sarajevo: UNICEF). Istraživanje višestrukih pokazatelja (MICS) za Bosnu i Hercegovinu 2011.–2012: završni izvještaj, Sarajevo: UNICEF.

¹² This is an estimate based on data from 2011.

Social welfare

RS

Number of beneficiaries in RS under the Law on Social Protection in 2013 (basic and extended entitlements)

Total number of beneficiaries under the Law on Social Protection	basic	extended
		45,457
Number of basic entitlement claims filed	24,456	5,943
Number of basic entitlement claims granted	20,991	5,436

Number of beneficiaries under the Law on Social Protection and their share in the total number of beneficiaries in RS in 2013

ENTITLEMENT	Number of beneficiaries	%
ALLOWANCE	5,156	13%
ATTENDANCE ALLOWANCE	17,219	42%
SUPPORT OF THE EQUALIZATION OF OPPORTUNITIES OF CHILDREN AND YOUTH WITH DISABILITIES	333	1%
PLACEMENT IN A SOCIAL CARE INSTITUTION	1,048	3%
PLACEMENT IN A FOSTER FAMILY	389	1%
HOME CARE AIDES	285	1%
COUNSELLING	70	0%
ONE-TIME CASH ASSISTANCE	11,586	28%
COUNSELLING	5,071	12%
TOTAL	41,157	100%

Numerical indicators of various groups of beneficiaries of services provided by centres of social welfare in RS in 2013

NUMERICAL INDICATORS	2013	
	MINORS	ADULTS

	TOT AL	M	F	TOT AL	M	F
Total number of persons placed in social care institutions or other institutions in RS	229	122	107	785	397	408
	175	91	84	737	371	386
Number of persons placed with non-relatives	112	50	62	109 34		75
Number of persons placed with relatives	194	97	97	93	35	58
Total number of persons classified according to disability	2984	1685	1299	7204	3602	3602
Total number of beneficiaries of attendance allowance, classified according to disability	971	543	428	5288	2628	2660
Number of persons with sight impairments	90	49	41	775	404	371
Number of persons with hearing impairments	72	41	31	501	264	237
Number of persons with voice, speech and tongue impairments	78	43	35	159	94	65
Number of persons with bodily impairments	405	204	201	4520	2141	2379
Number of persons with intellectual development disorder	661	376	285	2603	1415	1188
Number of persons with multiple disabilities	1074	599	475	2720	1564	1156
Number of persons with autism	82	68	14	45	24	21
Number of persons with other disabilities under ICD-10, 1990	218	114	104	769	298	471
Number of persons with intellectual development disorder, classified according to disability in 2013	1511	825	686	26	16	10
Number of persons whose ability-to-work was assessed in the proceedings for the exercise of entitlements under the Law on Social Protection in 2013	726	391	335	10.60 0	4932	5668
Number of persons placed under the custody	285	157	128	656	351	305

Number of beneficiaries in 2013

NUMERICAL INDICATORS		2013
NUMERICAL INDICATORS – 2013	number	
Number of children without parental care	550	
Number of foster families	284	
Number of persons placed in the custody in special cases	1082	
Number of custodians	943	
Number of custodians employed in the centre	259	
Number of applications for regulation of personal relations with children	482	
Number of applications disposed of amicably	253	
Number of applications disposed of in a decision issued	155	
Number of applications for child custody	303	
Number of decisions on child custody	200	
Number of parents who have lost the parental responsibility	5	
Number of reconciliation proceedings in the year	1328	
Total number of families with troubled family relationships recorded by Centres/Services	3339	
Number of measures of increased supervision imposed (parent, adoptive parent, guardian ...)	60	
Number of measures of increased supervision by guardianship authority imposed	69	
Number of proceedings for termination of parental rights instituted by guardianship authority	11	
Number of parents who lost their legal capacity	9	
Number of applications submitted for an opinion on the justification of the issuance of travel documents to a minor	701	
Number of approvals issued in respect of disposal of property of a minor	160	
Number of applications for adoption of a child	225	
Number of full adoptions	9	
Number of simple adoptions	7	
Total number of adoption with an international element	1	
Number of Roma families / members beneficiaries of SWCs / Services	FAMILIES	MEMBERS
	444	1495

Total number of domestic violence victims reported to SWCs	1777
- Children	436
- Women	998
- Men	223
- Elderly people (+ 65)	120
Total number of victims of trafficking in human beings	19
- Children	19
- Women	0
- Men	0
Number of juveniles having received a correctional recommendation	46
Number of juveniles having received a correctional measure	298
Number of juveniles having engaged in anti-social behaviour, recorded in Social Welfare Centres (SWC)	829

Numerical indicators of beneficiaries in social care institutions founded by RS, in 2013

Institution	1	2	3	4
"RADA VRANJESEVIC" HOME FOR CHILDREN WITHOUT PARENTAL CARE, BANJA LUKA	150	63	51	28
HOME FOR PEOPLE WITH DISABILITIES PI, PRIJEDOR	225	199	68	53
HOME FOR PEOPLE WITH DISABILITIES PI, VIŠEGRAD	200	177	64	43
NURSING HOME PI, PRIJEDOR	198	183	77	28
NURSING HOME PI, ISTOČNO SARAJEVO	135	133	38	32
NURSING HOME PI, BANJA LUKA	310	267	79	44
"BUDUCNOST" HOME FOR CHILDREN WITH PHYSICAL AND MENTAL DEVELOPMENTAL DISABILITIES, DERVENTA	54	51	41	16
TOTAL	1,272	1,073	418	244

1. Total accommodation capacity of the institution (1.number of places for beneficiaries in the facility; 2. number of beneficiaries in the institution as of 31 December 2013; 3. Total number of employees in the institution; 4. Number of professional workers and workers who attend beneficiaries (without managerial, administrative or technical services)

There are centres for services and day care and care for children and youth within the centres for social work in developed municipalities. In 2009, 95 children used day care centres' services.

Article 17. The right of children and youth to social, legal and economic protection

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

1.
 - a. to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;
 - b. to protect children and young persons against negligence, violence or exploitation;
 - c. to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;
2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

GENERAL LEGISLATIVE FRAMEWORK

- The Framework Law on Primary and Secondary Education in BiH ('Official Gazette of BiH', number 18/03),
- The Framework Law on Higher Education in BiH ('Official Gazette of BiH', number 59/07),
- The Framework Law on Pre-school Upbringing and Education in BiH ('Official Gazette of BiH', number 88/07),
- The Law on the Agency for Pre-school, Primary and Secondary Education ('Official Gazette of BiH', number 88/07),
- The Framework Law on Vocational Education and Training in BiH ('Official Gazette of BiH', no.63/08),
- The Criminal Procedure Code of BiH ('Official Gazette of BiH' 3/03, 32/03, 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 58/08, 12/09, 16/09, 93/09, 72/13),
- The Law on the Execution of Criminal Sanctions, Detention and Other Measures in BiH, consolidated version ('Official Gazette of BiH', no. 12/10, 100/13),
- The Criminal Code of FBiH ('Official Gazette of FBiH', no. 36/03, 37/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14 and 76/14),
- The Law on the Protection and Treatment of Children and Juveniles of FBiH ('Official Gazette of FBiH', number 7/14),
- The Law on Inheritance ('Official Gazette of FBiH', number 80/14),
- The Law on the Protection against Domestic Violence ('Official Gazette of FBiH', number 20/13),

- The Law on Social Welfare, Protection of Civilian Victims of War and Protection of Families with Children ('Official Gazette of Una-Sana Canton,' no. 5/00, 7/01 and 11/14),
- The Law on Social Welfare ('Official Gazette of Posavina Canton', no. 5/04 and 7/09),
- The Law on Social Welfare, Protection of Civilian Victims of War and Protection of Families with Children (consolidated version) ('Official Gazette of Tuzla Canton', number: 5/12),
- The Law on Social Welfare, Protection of Civilian Victims of War and Protection of Families with Children ('Official Gazette of Zenica-Doboj Canton', no. 13/07 and 13/11),
- The Law on Social Welfare, Protection of Civilian Victims of War and Protection of Families with Children of Sarajevo Canton (consolidated version) ('Official Gazette of Sarajevo Canton', number: 38/14),
- The Law on Public Revenue Belonging in FBiH ('Official Gazette of FBiH', no. 22/06, 43/08, 22/09 and 35/14),
- The Family Law of FBiH ('Official Gazette of FBiH', no. 35/05, 41/05 and 31/14)
- The Law against Domestic Violence ('Official Gazette of FBiH', number: 20/13),
- The Rulebook on the Content and Manner of Keeping the Register of Declared Protective Measures, Persons Secured with Protective Measure and Violent Persons Subject to Protective Measures ('Official Gazette of FBiH', number: 95/13),
- The Law on Social Welfare ('Official Gazette of RS', number 37/12),
- The Law on Child Protection ('Official Gazette of RS', number 4/02, 17/08, 1/09),
- The Family Law ('Official Gazette of RS', number 54/02, 41/08, 63/14),
- The Law on the Protection against Domestic Violence ('Official Gazette of RS', number 102/12),
- The Law on the Ombudsman for Children ('Official Gazette of RS' number 103/08),
- The Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings ('Official Gazette of RS', number 13/10),
- The Law on Inspections in RS ('Official Gazette of RS', number 113/05, 1/08),
- The Law on General Administrative Proceeding ('Official Gazette of RS', number 13/02),
- The Law on Administrative Disputes ('Official Gazette of RS', number 109/05),
- The Law on Inheritance ('Official Gazette of RS', number 1/09),
- The Law on Pre-school Care and Education ('Official Gazette of RS', no. 119/08 and 1/12),
- The Law on Social Welfare of BD ('Official Gazette of BD', numbers 1/03, 4/04, 19/07, 2/08),
- The Law on Child Protection of BD – consolidated version ('Official Gazette of BD', number 51/11),
- The Family Law of BD ('Official Gazette of BD', number 66/07),
- The Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings in BD ('Official Gazette of BD', number 44/11),
- The Law on Primary and Secondary Education of BD ('Official Gazette of BD', no. 10/08, 25/08, 04/13),
- The Law on Pre-school Care and Education in BD ('Official Gazette of BD', no. 13/07, 19/07, 39/08, 21/10).

The European Committee of Social Rights in its Conclusions (2011) *concludes that the situation in Bosnia and Herzegovina is not in accordance with Article 17, paragraph 1, of the Charter, because corporal punishment is not prohibited in the home, in schools and in institutions, as well as because there is no explicit prohibition of corporal punishment in the Federation of Bosnia and Herzegovina and Brcko District.*

The Committee recalls that under Article 17 there must be a right for an adopted child to know his/ her origins. The Committee therefore asks under what circumstances would this right be restricted.

It further recalls that under Article 17 of the Charter there should be no discrimination between children born within marriage and outside marriage, for example in matters relating to inheritance rights and maintenance obligations. The Committee wishes to be informed about the applicable legislation in this regard.

Article 17, Paragraph 1: Assistance, Education and Training

Question 1: Describe the general legislative framework. Specify the nature, reasons and scope of reforms, if any.

Status of the Child

FBiH

The Family Law of FBiH ('Official Gazette of FBiH', no. 35/05, 41/05 and 31/14), precisely in its Article 92, provides that a child has the right to know that he/she was adopted and that the adoptive parents must inform the adopted child of his/her adoption until he/she is seven, or immediately after the adoption, if an older child is adopted. In addition to this, the Law provides that an adult adopted child shall be allowed to review the adoption file, while the guardianship authority shall allow a minor adopted child to review the adoption file if it determines it is in his/her interest.

The Family Law of FBiH does not contain any provisions that restrict an adult adopted child's access to the adoption file.

The Family Law of FBiH does not contain provisions that treat differently children born within marriage and outside marriage in any given issue, and so is the case when it comes to maintenance of a minor child. Thus, the Law has several provisions determining that parents are obliged to support their minor children and that in fulfilling this obligation they must use all their abilities and capabilities.

The inheritance rights of children born outside marriage are made equal to the rights of children born within marriage. In FBiH, a new Law on Inheritance entered into force ('Official Gazette of FBiH', number 80/14), and its Article 9 defines that ' (1) Pursuant to law, the testator is inherited also by his or her out-marriage partner, who enjoys equal inheritance rights as marriage partner. (2) An out-marriage partnership, as per this Law, is a partnership between a man and a woman pursuant to the provisions of the law regulating family relationships, which ceased to exist after decedent's death'.

Article 10 defines that '(1) the decedent is inherited before all by his or her children and his or her spouse. (2) Heirs of the first order inherit in equal parts.'

RS

The right of children and youth to social, legal and economic protection is exercised through the implementation of following laws: the Law on Social Welfare ('Official Gazette of RS', number 37/12), the Law on Child Protection ('Official Gazette of RS', 4/02, 17/08, 1/09), the Family Law ('Official Gazette of RS', number 54/02, 41/08, 63/14), the Law on the Protection against Domestic Violence ('Official Gazette of RS', number 102/12), the Law on the Ombudsman for Children ('Official Gazette of RS', number 103/08), the Law on Inspections in RS ('Official Gazette of RS', number 113/05, 1/08), the Law on General Administrative Procedure ('Official Gazette of RS', number 13/02), the Law on Administrative Disputes ('Official Gazette of RS', number 109/05), as well as a series of by-laws.

The current RS Family Law does not specifically provide for the child's right to know his/her origin, so the cases when it can be restricted are not provided for either.

Article 8 of the RS Family Law provides that the rights and obligations of the parents and other relatives towards their children, as well as the rights and obligations of children towards their parents and relatives, are equal regardless of whether children are born within marriage or outside marriage.

Article 237 of the RS Family Law provides that the stepfather and stepmother shall support their minor stepchildren, if they do not have relatives who are obliged to support them under provisions of this Law. Stepfather and stepmother's obligation to support their minor stepchildren remains even after the death of the child's parent, if at the time of his/her death a family union between the stepfather or stepmother and stepchild existed.

Article 4 of the Inheritance Law ('Official Gazette of RS', number 1/09) provides that illegitimate kinship is equalised with legitimate kinship in terms of inheritance and full adoptive kinship with blood kinship. In the case of full adoption, inheritance rights of the adoptee and his descendants are severed from his relatives by blood.

Pursuant to the Law on Child Protection, a child is every person until the age of seven, while the system of child protection covers also persons until the age of 19, even after the age of 19 (as long as they are included in the education programme) in cases of children with developmental disabilities, children without parental care and children from families exercising the right to financial support.

In accordance with Article 17 of the Charter, which does not allow any discrimination between children born outside marriage and children born within marriage, the Family Law provides that the illegitimate union between a woman and a man (cohabitation) is equalized with marriage union in terms of the right to mutual maintenance and other property issues. In this manner, RS guarantees equal protection for both children born within marriage and children born outside marriage.

BD

Article 76 of the BD Family Law provides that: ‘Adoption is a special form of family-legal protection of children without parents or without adequate parental care, which establishes parental relationship, i.e. kinship. Adoption may be established as incomplete and complete.’

Article 77 provides that a child has the right to know that he/she was adopted and Article 94 provides that in pronouncing an adoption the Guardianship authority states the following: personal name of the adopted child, date and place of birth, citizenship of the adoptee, the personal name of one parent, national identification number and nationality of adoptive parents, the type of adoption and the new name of the adoptee.

Adoption may be established only if it is in the interest of the adoptee.

Article 96 of the Law provides that, with complete adoption, unbreakable kinship, the same as blood kinship, is established between the adoptive parents and their relatives on the one hand and the adoptee and his descendants on the other hand. The adoptive parents are registered in the birth register as parents.

The same article provides that incomplete adoption creates rights and obligations under the law that exist between parents and children, between the adoptive parents, on the one hand, and the adoptee and his descendants on the other hand. Incomplete adoption does not affect rights and duties of the adoptee toward his parents and other relatives.

Article 102 of the Family Law provides that, in incomplete adoption, the adoptive parent may limit or exclude the adoptee from the right of inheritance, under the conditions provided for in the law on inheritance. In BD, there is no law on inheritance and the old Law of Inheritance ("Official Gazette of SR BiH" 7/80, 15/80) applies.

Cohabitation in terms of the Family Law (Article 5, paragraph 1) is considered to be a union of a man and woman who are not married to or a common-law partner with other party, which lasts at least three years if they do not have children or less if a common child is born.

Bearing in mind that the Family Law of BD considers cohabitation to be equal with marriage as regards rights to mutual maintenance and other property issues, a conclusion is that the positions of children born within marriage and outside marriage are fully equal (Article 5, paragraph 2).

Protection of children against ill treatment and abuse

FBiH

The FBiH Family Law ('Official Gazette FBiH', no. 35/05, 41/05 and 31/14) regulates the rights and obligations of parents and children, and in particular the protection of the rights and interests of children from all form of violence, abuse, ill treatment or neglect within the family.

Article 4, Paragraph 1, of the FBiH Family Law provides that any form of violent behaviour by a spouse or any other family member shall be forbidden. Paragraph 2 of the same article provides that violent behaviour is any damage caused to physical or psychological integrity within the meaning of Article 4 of the Law on Gender Equality in BiH.

The notification on the violation of the child's rights, and in particular violence, ill treatment, sexual abuse or neglect of the child, must be submitted with no delay to the guardianship authority by all bodies, organizations and natural persons. With the aim to ensure greater child's protection, there are provisions which oblige the guardianship authority to, *ex officio*, undertake necessary measures to protect the child's right and his/her best interest based on direct knowledge or notification (Article 150).

Apart from that, Article 154, Paragraph 2, of the FBiH Family Law provides that abuse of the parental right particularly exists in cases of physical and psychological violence against children, sexual abuse of children, leading children into socially unacceptable behaviour, or any other severe violation of the child's rights, any of which may create ground for termination of parental rights.

The FBiH Criminal Code contains the most important framework for children's protection from violence ('Official Gazette FBiH', no. 36/03, 37/03, 21/04, 69/04 and 18/05, 42/10) which provides for prohibition of violence against children, including sexual maltreatment and exploitation, corporal punishment and other degrading punishments at any place where violence against children may occur, particularly in the family environment.

The above mentioned legal framework is in force and leads to a conclusion that there is explicit prohibition of corporal punishment of children in FBiH.

Although the FBiH Family Law does not contain any provision which explicitly prohibits corporal punishment in the manner acceptable to the Committee, we are of the opinion that the prohibition of violent behaviour, as provided in Article 4, Paragraph 1, of the Law, includes, in its broad meaning also the prohibition of corporal punishment, bearing in mind Article 154, Paragraph 2, of the Law (which is cited on page 109 of the Report), according to which corporal punishment may be the reason for termination of parental right.

Specifically, the new FBiH Law on Protection from Domestic Violence ('Official Gazette FBiH', number: 20/13), which encompasses also the protection of children from domestic violence, regulates protection from violence in the family, the notions of the family and domestic violence, types and purpose of protective measures for perpetrators of domestic violence, the manner and procedures for prescribing protective measures, protection of victims of domestic violence, correlation of all subjects involved in protection of domestic violence and other issues relevant to protection from domestic violence. All cases of family violence shall be solved under an expedited procedure. Healthcare providers and social workers, educators, medical institutions, educational institutions, other institutions and bodies, as well as non-governmental organizations that, during the course of carrying out their duties learn of occurrences of domestic violence, shall have the responsibility to immediately report such cases to the police. Family member or any individual who learns of occurrences of domestic violence shall have the same responsibility to report it, particularly if a minor is a victim of domestic violence. The police must remove the violent person and inform accordingly the guardianship authority.

As described above, the FBiH legislation provides for the obligation of public authorities, institutions and citizens to report to the police and the welfare centre – as the guardianship authority – all cases of ill treatment and neglect of children. Namely, all authorities, organisations and natural persons are obliged to immediately notify the police and welfare centre about the violation of child's rights, particularly if it concerns violence, ill treatment, sexual abuse and neglect of the child. Upon the receipt of such notification, the police and

social welfare centre are obliged to immediately examine the case and undertake measures for protection of child's rights.

Within its competencies in suppressing children's abuse and domestic violence, the Federation of BiH Ministry of Labour and Social Policy regularly participates in drafting of laws, by-laws and strategic documents relating to family and child protection either at BiH or FBiH level. In past four years, a series of documents were adopted aimed at the prevention and fight against domestic violence, protection of children from ill treatment and neglect, prevention and fight against psychoactive substances addiction and others, as well as at ensuring adequate response by all employees at welfare centres/services in the territory of FBiH, which implementation is ongoing.

Namely, on 28 November 2012, the BiH Council of Ministers adopted a Strategy for Fighting Violence against Children (2012-2015) at BiH level ('Official Gazette BiH', number: 38/13). In conformity with this Strategy, the BiH Ministry for Human Rights and Refugees, with participation of relevant entity ministries and with technical support by UNICEF, developed a document titled 'Guidelines To Address Cases of Violence against Children', which give a clear overview of actions and obligations of social welfare centres, police stations, medical institutions, and primary and secondary schools which interact with children suffering from some type of violence. Additionally, the FBiH Strategy for Prevention and Fight against Domestic Violence 2013-2017 was adopted ('Official Gazette FBiH', number: 22/13), and representatives from the Federation of BiH Ministry of Labour and Social Policy participated in its development.

The European Convention on Human Rights and Fundamental Freedoms, which is an integral part of the Constitution of Bosnia and Herzegovina, in its Article 3 provides that 'No one shall be subjected to torture or to inhuman or degrading treatment or punishment', thus this provision is integral part of the legislation in FBiH and as such is binding.

RS

The Law on Protection against Domestic Violence provides the child will be considered a victim also in cases when he/she was present during a violent act against other family member, even though the violent act was not committed against him/her (Article 8, Paragraph 3). Violence against children is a severe social problem and one of the most frequent forms of violating the fundamental right of the child to life and development. Violence against children appears in different forms – physical violence, emotional or psychological violence, social violence, sexual violence and abuse, electronic violence, neglect and negligent treatment, child's exploitation and similar. It is common to all these forms of violence that they have multiple, deep and long-lasting consequences to physical and mental health of children, their psychosocial development and future life.

Bearing in mind that prevention of violence against children is the best way to protect them, as well as the consequences that violence causes to the child's growth and development, the ministers from the Ministry of Health and Social Welfare, the Ministry of Education and Culture, the Ministry of Interior and the Ministry of Family, Youth and Sport signed a Protocol for Actions in Cases of Violence, Ill Treatment or Neglect of Children ('Official Gazette RS', number 82/13), which was enacted on 1 January 2013. The main purpose of the Protocol is to advance social care for children and their protection and to secure necessary support in all situations by adequate and due response by relevant institutions and services.

According to the Protocol for Actions in Cases of Violence, Ill Treatment or Neglect of Children, the institutions within the competencies of the Ministry of Education and Culture, the Ministry of Health and Social Welfare and the Ministry of Interior were tasked to, *inter alia*, keep records on cases of violence, ill treatment or neglect of children. In order to advance the quality of record keeping and create conditions for a comprehensive and quality protection of children from violence, the Ministry of Family, Youth and Sport, in cooperation with the Republic Institute for Statistics, developed a template titled 'Records as per the Protocol for Action in Cases of Violence, Ill Treatment or Neglect of Children'. The Protocol provides that, based on the data collected, the Ministry of Family, Youth and Sport shall be tasked to develop a report on number of children victims of violence, ill treatment or neglect per gender, age and form of violence, including the measures that have been undertaken in those cases. This was for the first time in RS that all data from relevant ministries were collected in one place and a report was written for 2013.

According to records kept by relevant ministries, in 2013, there were 650 child victims of different forms of violence registered in RS.

Most of child victims of violence were between 15 and 18 years of age, in total 246 or 37.8%. Between 10 and 14 years of age, there were 207 children or 31.8% out of the total number of child victims of violence, while the number of child victims of violence, ill treatment or neglect at the age from 5 to 9 amounted to 131 children or 20.2%. In 2013, 66 child victims of violence or 10.2% were under the age of six.

According to records, both girls and boys were equally exposed to violence, ill treatment or neglect. Out of the total number of child victims, 326 or 50.2% of the victims were boys, and 324 or 49.8% of the victims were girls.

In 2013, 956 cases of violence against children were registered in total, manifested through different forms of violence.

The most common form of violation of fundamental child's rights is emotional/psychological violence. Out of total 956 cases of violence against children, emotional/psychological violence was registered as the most common form, namely in 322 cases (33.7%). In 158 cases, the victims of emotional/psychological violence were boys, while in 147 cases the victims were girls¹³.

Neglect and negligent treatment represents failure to provide to the child the conditions for normal development in all areas, which leads to jeopardizing his/her health, physical, mental, spiritual, moral and social development.

294 cases of neglect or negligent treatment were registered or 30.8% of total number of cases of violence against children. According to records, 151 boys (51%) and 143 girls (49%) were victims of neglect and negligent treatment.

According to records, the third most common form of violence is physical violence. Physical violence is behaviour involving physical force intended to cause certain, even smallest, pain

¹³ The Ministry of Education and Culture provided figures per forms of violence for the age from 15 to 18 with no indication of gender. For this reason, the total number of registered forms of violence is different from the total number of child victims per gender.

and/or discomfort, which leads to real or potential harm to the child. In 2013, relevant institutions registered 208 cases of physical violence against children, which is 21.8% of the total number of violent acts against children. In most cases, victims of physical violence were boys, namely there were 205 cases of physical violence against boys. Girls were victims of physical violence in 67 cases.

Social violence is exclusion from groups and discrimination. Social violence was registered in 45 cases (4.7%), namely in 19 cases against boys and in 26 cases against girls.

Sexual violence and abuse of children is their inclusion in a sexual activity which they do not understand fully and for which they have not grown up enough (do not accept it, they are not able to agree with it) and which aims to offer enjoyment or meet the needs of other person. Victims of sexual violence in most cases are girls. In 2013, 31 cases of sexual violence and abuse (3.2%) were registered in Republika Srpska. Out of total number, girls were victims in 27 cases, while in four cases the victims of sexual violence were boys.

The child abuse is any action or lack of action by individuals and/or institution, which makes direct or indirect harm to children or decreases their chances for safe and healthy development and/or brings them into weak, unequal and subordinated position toward those individual and institution. In 2013, 28 or 2.9% of cases of child abuse were reported and registered by relevant institutions in RS. According to records, both genders (14 boys and 14 girls) were equally exposed to this form of violence.

Child exploitation is the use of children for labour or other activities for the needs and benefit of other persons and/or institution. Child exploitation was registered 15 times (1.6%), i.e. 15 children were victims of this form of violence, namely 5 boys and 10 girls.

According to records of relevant institutions, the rarest reported form of violence in RS is violence caused by the use information technologies/electronic violence. It includes any type of sending messages via electronic mail, SMS, MMS, through websites or chats, which aim to harm, disrupt or cause any other damage to the child. Thirteen children (1.3%), three boys and eight girls were victims of this form of violence.

Data on violence, ill treatment or neglect of children in RS for 2013

TYPE OF VIOLENCE	TOTAL	BOYS	GIRLS
Emotional violence	322	158	147
Neglect and negligent treatment	294	151	143
Physical violence	208	105	67
Social violence	45	19	26
Sexual violence and abuse	31	4	27
Child abuse	28	14	14
Child exploitation	15	5	10
Electronic violence	13	3	8
TOTAL	956	459	442

Source: Ministry of Family, Youth and Sport of RS

The Protocol for Actions in Cases of Violence, Ill Treatment or Neglect of Children provides that responsible institutions shall take measures to protect the rights of child victims in the manner to protect the best interest of the child and his/her integrity in all situations.

Relevant institutions provide data on the measures that they have undertaken within their competencies to the Ministry of Interior and the Institute for Public Health of RS.

According to data of the Ministry of Interior for 2013, 184 child victims of violence, ill treatment or abuse were registered, out of which 132 child victims of domestic violence.

BD

Article 110 of the BD Family Law ('BD Official Gazette', number 23/07) implies that a child is entitled to protection from all forms of violence, abuse, a lack of care and neglect in the family.

Guardianship authorities, police, prosecutor's offices and courts are in charge of protection of personal rights and interests of the child, taking measures and advisory work, including protection from domestic violence and taking actions.

Term „an abused person“ is recognized in the Law on Social Welfare of BD where Article 16 defines that abused children are minors who suffer physical or mental pain or injury, which caused damage to their health, physical and psychological integrity of persons or prevent normal development of the child.

Abused children are beneficiaries of social welfare scheme, too.

Neglecting or maltreating a child or a juvenile – Article 216 of the Criminal Code of BD / consolidated version/, provides that:

(1) A parent, adoptive parent, guardian or other person who seriously disregards his duties of taking care or raising a child or a juvenile, shall be sentenced to prison from three months to three years.

(2) A parent, adoptive parent, guardian or other person who maltreats the child or the juvenile, forces him to excessive work or work inadequate for his age, or forces the juvenile to beg or, out of self-interest persuades him to perform other actions harmful to his development, shall be sentenced as referred to in Paragraph 1 of this Article.

(3) If the offence referred to in Paragraphs 1 and 2 of this Article resulted in a serious damage of health of the juvenile, or if the child or juvenile indulged in begging, prostitution or other types of asocial behaviour or delinquency due to offences referred to in Paragraphs 1 or 2 of this Article, the perpetrator shall be sentenced to prison from three months to five years.

Article 218 of the Criminal Code of BD defines domestic violence as follows:

(1) A person who endangers tranquillity, physical or mental health of a member of his family by applying violence, impudent or remorseless behaviour shall be fined or sentenced to prison to up to one year.

(2) A person who commits the offence referred to in Paragraph 1 of this Article against a family member with whom he lives in a household shall be fined or sentenced to prison to up to three years. (3) If the person who committed the offence referred to in Paragraphs 1 and 2 of this Article used weapons, dangerous tools or other objects that can cause serious bodily injuries or health impairments, he shall be sentenced to prison from three months to three years.

(3) If the family member suffered from serious bodily injuries or serious health impairments as a result of the offence referred to in Paragraphs 1 through 3 of this Article, or if the offence

referred to in Paragraphs 1 through 3 of this Article was committed against a child or a juvenile, the perpetrator shall be sentenced to prison from one to five years.

(4) If the offence referred to in Paragraphs 1 through 4 of this Article caused death of the family member, the perpetrator shall be sentenced to prison from two to fifteen years.

(5) A person who causes death of the family member whom he had previously abused shall be sentenced to minimum ten years or long-term imprisonment.

The Criminal Code of BD – consolidated version, Articles 216 and 218 sanction lack of care or maltreatment of children or juveniles, as well as domestic violence, depending on the crime severity.

The Law on Social Welfare of BD, Article 16 and Article 27, Paragraph 1, Item 5, recognize abused children and children in social need as the beneficiaries of the social welfare rights.

The Family Law of BD, Article 110, provides that a child is entitled to protection from all forms of violence, abuse, a lack of care and neglect in the family.

Children in public care

FBiH

The Family Law of FBiH ('FBiH Official Gazette', 35/05, 41/05 and 31/14) stipulates that at the request of one or both parents, or *ex officio*, the guardianship authority may decide on the placement of the child with and giving custody over him to another person or institution, if it is necessary to protect the best interests of a child. Such decision of the guardianship authority shall be adopted without the consent of parents if they are absent, detained or unable to take care of a child while failing to entrust the custody to a person who meets the requirements for guardianship. In case of issuing the decision without the parental consent, the placement, care and upbringing of a child shall last up to two months (Article 147, paragraphs 1, 2, and 3).

If the circumstances which led to entrusting a child to another person or an institution without the consent of parents still exist, the guardianship authority shall immediately issue a decision on appointing a legal guardian to the child (Article 147, paragraph 5).

If parents file a request on issuing a decision on the cessation of fostering and surrendering a child, and the guardianship authority establishes that this request is not in the interest of the child, it shall undertake measures to protect the rights and the best interest of the child (Article 147, paragraph 6).

If the guardianship authority does not undertake measures to protect the rights and the best interest of the child within 15 days from the day the parents submitted the request, the parents may initiate a lawsuit in order to decide on the further care of the child (Article 147, paragraph 7).

While issuing the decisions above, a guardianship authority acts in pursuance of the Law on Administrative Procedure ('FBiH Official Gazette', 2/98 and 48/99) and pursuant to provisions of this Law a party may lodge an appeal against a decision taken by the guardianship authority as the authority of first instance. The Federation of BiH Ministry of Labour and Social Policy, as an appellate authority, shall take a decision on the appeal and an administrative dispute may be instituted against this decision before the Cantonal Court.

In addition, the Family Law of FBiH provides for the circumstances in which a parent can be deprived of the right to live with a child, i.e. of parental care.

The court shall deprive a parent of a right to live with a child in a non-contentious proceedings, and entrust the care and upbringing of the child to another person or an institution if the parents, i.e. the parent with whom the child lives, endangers the interest of the child and seriously neglects the raising, upbringing and education of the child or fails to prevent the other parent or family member to treat the child in such a manner, or the child's upbringing has been seriously disrupted (Article 153, paragraph 1).

The Court shall restore the right of a parent to live with the child when it is in the interest of the child (Article 153, paragraph 4).

The parent who abuses his rights, profoundly neglects his duties, abandons the child, or neglects the child who does not reside with him and by acting so obviously puts at risk the safety, health or morals of the child, or who fails to protect the child from such behaviour of the other parent or another person, shall be deprived of his parental rights by the court in non-contentious proceedings (Article 154, paragraph 1).

The abuse of rights exists especially in cases of physical and mental violence against children, sexual exploitation of children, enticement of a child to socially unacceptable behaviour, and gross violations of child rights in any other way (Article 154, paragraph 2).

Gross neglect of duty exists especially in cases when a parent fails to fulfil the obligation of supporting the child for more than three months, fails to comply with the previously defined measures to protect the rights and interests of the child, fails to prevent child to drink alcohol, use drugs or other intoxicants, and prevents minor below the age of 16 to late night outings (Article 154, paragraph 3).

Parental custody can be revoked also to a parent who was revoked the right to live with the child, if in the course of one year s/he fails to fulfil the obligations and rights that did not cease by imposing this measure and fails to create conditions to restore these rights (Article 154, paragraph 4).

Parental custody can be revoked also to a parent who fails to create conditions for keeping personal relations and direct contacts of child with the second parent, or impedes, or prevents these contacts/relations (Article 154, paragraph 5).

Parental custody will be reinstated by the court decision when reasons for revocation cease to exist (Article 154, paragraph 8).

An appeal may be filed against a court decision revoking the right to a parent to live with an underage child and/or revoking the parental custody (Article 354 in conjunction with Article 337, paragraph 1). The first instance court is required to forward the appeal and the case file without delay to the second instance court (competent cantonal court), which shall issue decision within 15 days of receipt of the appeal.

The FBiH Family Law stipulates that child has the right to live with his/her parents. If not living with both or with one parent, the child has the right to keep regular personal relations and direct contact with a parent with whom s/he does not live. The child has the right to keep personal relations and direct contact with his/her grandparents (Article 124, paragraph 2). Personal relations and direct contact with a parent may be restricted or prohibited only to protect the interest of the child (Article 145, paragraph 3).

Accordingly, a child that was placed with foster family or an institution has the right to keep personal relationship with parents and grandparents, if this is not contrary to his/her interest, and pursuant to the court decision issued in accordance with the provisions of the FBiH Family Law.

The social welfare centre shall decide about the placement into an institution and follow up the treatment therein in order to protect the interest of the child (Article 42 of the Law on Social Welfare, Protection of Civilian War Victims and Families with Children).

Provisions of the Law on Administrative Procedure ('FBiH Official Gazette' 2/98 and 48/99) are applied to proceedings for the exercise of entitlements under the Social Welfare Law, including making decisions about placement of a child in an institution or foster family, so a party may lodge an appeal against these decisions in pursuance of the Law. The cantonal ministry in charge of social policy, as an appellate authority, shall take a decision on the appeal.

An administrative dispute may be instituted against the decision of the appellate authority before the competent cantonal court in the Federation of BiH having personal jurisdiction in the case. The court proceedings are governed by the Law on Administrative Disputes ('FBiH Official Gazette' number 9/05). The court proceedings are instituted after the administrative proceedings were completed solely on the basis of a final decision – that is a decision against which there is no regular legal remedy in the administrative procedure. Further, a party may institute court proceedings (an administrative dispute) when the appellate authority in the administrative procedure fails to issue a decision on an appeal against the decision of the authority of first instance within 30 days and then within further 7 days after a written request. In this case the party institutes court proceedings as if his/her appeal had been rejected.

The below data (table) show that the number of children in foster families is still greater than the number of children accommodated in institutions.

Data on the number of children in institutions for children without parental care for period 2010-2013

No.	Name and place of the institution	Number of children in institutions			
		2010	2011	2012	2013
1.	Public Institution Children's Home 'Bjelave', Sarajevo	106	100	100	99
2.	Public Institution 'Home Family', Zenica	121	128	132	128
3.	Home for Children without Parental Care, Tuzla	91	87	88	87
4.	Children's Home 'Mostar', Mostar	44	47	44	44
5.	Children's Home 'Rainbow', Gradačac	7	10	7	7
	Total	369	372	371	365

Source of the data: Federation of BiH Ministry of Labour and Social Policy

Data on the number of children in institutions for children without parental care (NGO) for period 2010-2013

No.	Name and place of the institution	Number of children in institutions			
		2010	2011	2012	2013
1.	Kinderdorf Internacional SOS Children's Village, Sarajevo	83	83	148	148
2.	Kinderdorf Internacional SOS Children's Village, Gračanica	65	65	109	109
3.	Fondation Rudolf Walther Children's Village of Peace, Turije Lukavac	126	116	110	110
4.	Children's Centre 'Duga', Kulen Vakuf	25	23	21	14
5.	Social Pedagogical life communities, Bihać	132	77	68	68
6.	Children's Home 'Mother's Village', Međugorje	47	47	56	56
	Total	478	411	512	505

Source of the data: Federation of BiH Ministry of Labour and Social Policy

Number of children accommodated with foster families per cantons for period 2010-2013

Canton	2010	2011	2012	2013
Una-Sana Canton	28	24	67	19
Posavina Canton	-	12	7	12
Tuzla Canton	242	207	165	172
Zenica-Doboj Canton	104	102	106	106
Bosnia-Podrinje Canton	3	3	9	7
Central Bosnia Canton	33	32	27	18
Herzegovina-Neretva Canton	49	35	21	21
West-Herzegovina Canton	11	14	14	13
Canton Sarajevo	57	53	103	48

Canton 10	-	2	4	1
Total	527	484	523	417

Source of the data: Federation of BiH Ministry of Labour and Social Policy

The Rulebook on general, technical and professional requirements for the establishment and operation of social care institutions in FBiH ('Official Gazette', number 15/13) defines the minimum standards of services in social care institutions which may be further expanded by cantonal regulations. This Rulebook defines that the capacity of an institution for children without parental care shall be up to 40 children. We remind that this Rulebook was enacted in 2013, nevertheless it provides that the existing social care institutions may continue to operate, with the obligation to ensure minimum conditions as prescribed by this Rulebook within three years from the day of its entry into force. The effects of the implementation of the Rulebook, as well as the whole process of transformation of institutions and results of promotion of alternative forms of care, will be visible upon the expiry of the above deadline.

In line with reforms in the field of social welfare in period 2010-2013, we have worked on the harmonisation of legislation with international standards to promote the protection of children without parental care and families at risk of being separated.

In addition to this, with a view to developing the social welfare system that will have the capacity to respond optimally to the need of child to live in his/her biological family, as well as to the needs of children already separated from their parents to get the protection which will be in the best interests of each child individually, a Policy Document on the protection of children without parental care and families at risk of being separated in FBiH 2006-2016 was drafted and subsequently adopted by the FBiH Government on 31 January 2008. The adoption of this document launched a common policy on children without parental care and families at risk of separation in the Federation in all aspects of protection of children's human rights, as set forth in the Convention on the Rights of the Child. In September 2012, the Government of FBiH approved the Action Plan for Implementation of the Policy Document on the protection of children without parental care and families at risk of being separated in FBiH 2006-2016 for period 2013-2014 ('Official Gazette FBiH', number: 86/12). According to data of the Federation of BiH Ministry of Labour and Social Policy, the action plans at cantonal level for the implementation of the Policy Document on the protection of children without parental care and families at risk of being separated in FBiH 2006-2016 have so far been adopted in four cantons (Una-Sana Canton, Central Bosnia Canton, Bosnia-Podrinje Canton and Tuzla Canton), while other cantons drafted cantonal action plans and sent them to cantonal governments for adoption.

The Federation Action Plan clearly defines objectives, activities, stakeholders, indicators, funding sources and budget projection of necessary funds for period 2013-2014, through promotion of protection of children without parental care and families at risk as general part and four priority areas:

1. Monitoring of children and families at risk from being separated;
2. Support services to families;
3. Development and strengthening of the forms of placement in family environment /guardianship, adoption and foster families /;
4. Transformation of public care institutions for children.

Further on, by its conclusion, number: 1395/2014 dated 10 July 2014, the FBiH Government adopted a Strategy on De-Institutionalization and Transformation of Social Care Institutions in FBiH (2014-2020). By the same conclusion, the Federation Ministry of Labour and Social Policy was tasked to develop an action plan for implementation of de-institutionalization and transformation of social care institutions.

The Strategy represents the commitment by the FBiH Government to continue, with the support of cantonal governments, its engagement to improve quality of the life of children, invalid and elderly persons, and create conditions for support services in communities to persons in need through implementation of the process of de-institutionalization and transformation. At the same time, it is the foundation for planning network of institutions and social care activities, as well as defining priority financial investments in development of welfare services within communities.

The purpose of the Strategy is to decrease beneficiaries' entry in institutions and increase their exit from institutions into other forms of care, particularly stimulating family reintegration with provision of necessary support to the family in local community, which should be harmonised with priorities of services network development at local level.

The above stated activities implemented by the Federation Ministry of Labour and Social Policy and referred to the Policy Document for Protection of Children without Parental Care and Families at Risk of Being Separated in FBiH 2006-2016, imply also the promotion of foster families in FBiH. In the following tables, which show number of children placed in institutions and number of children in foster families, it is evident that more children are still placed in social care institutions as compared with number of children placed in family environment.

RS

RS ensures that any limitation or restriction upon the rights of parents to have custody of child is based on the criteria set forth in legislation and does not go beyond the limits necessary to protect the best interests of the child and family rehabilitation.

The Law on Social Welfare of RS provides conditions under which a child is entitled to be placed in an institution or foster family. Namely, the right to foster family placement is enjoyed by children without parental care and children whose development is hindered by family circumstances until the completion of training for independent life, return to their own family or placement with adoptive parents or another family, until the completion of formal education, i.e. training for independent life and work; children with moderate, severe and profound mental retardation, with multiple developmental disabilities, diagnosed with autism and children with physical developmental disabilities if the conditions do not allow him/her to remain in his/her family, while there is a need for this form of care and as long as the reasons for placement exist for neglected children (Article 37).

The Law on Changes and Amendments to the Family Law ('Official Gazette RS', number 63/14) prescribes in Article 3 to add, after Article 81, new articles 81a, 81b and 81c, which read:

Article 81a

(1) The child has the right to live with his/her parents and have the parents take care after

him/her before others.

(2) The right of the child to live with his/her parents shall be restricted only if determined it is in the best interest of the child through an appropriate procedure.

(3) The child has the right to maintain personal and direct contacts with a parent he or she is not living with.

(4) The child has the right to maintain personal and direct contacts with relatives and other persons close to him/her, if it is in the best interest of the child.

(5) The request for maintaining contacts between the child and close relative shall be submitted by close relatives and the child.

Article 81b

(1) The child has the right to express his/her own opinion in accordance with his/her age and level of maturity.

(2) The child has the right to get timely information and notifications necessary to form his/her own opinion.

(3) The child's opinion shall be paid due attention in all issues of his/her concern and in all procedures deciding on his/her rights, in accordance with his/her age and level of maturity.

Article 81c

(1) Through its relevant authorities, the RS shall be obliged to undertake all necessary measures to protect the child from any form of neglect, violence, ill treatment or exploitation.

(2) The best interest of the child shall be priority in all activities concerning children.

Article 4 prescribes that after Article 268, a new Article 268a shall be added, which reads:

‘The child shall be entitled to free legal aid in all proceedings for exercising the right to maintenance regardless of his/her social status.’

Also, the RS Family Law prescribes requirements under which the guardianship authority may revoke custody and entrust a child to other parent, another person or a relevant institution. Namely, this measure of the guardianship may apply when no judicial decision on entrusting the child was issued, if parents or if one parent with whom the child lives, abuses or neglects child, fails to bring the child up or the child shows signs of lack of upbringing (Article 97, paragraph 1). If parents, adoptive parent or guardian are unable to implement the measure of intensified supervision of a child (ordered by the guardianship authority), the guardianship authority may decide to entrust a minor to foster family that has the ability and voluntarily accepts to conduct supervision (Article 101).

When selecting the appropriate measure of custody the guardianship authority is obliged to take into account the child's age, his/her psycho-physical development, psychological characteristics, preferences and habits, previous education and training, social circumstances of the family in which s/he lived, and other relevant circumstances. When selecting the appropriate measures, the guardianship authority is obliged to respect the principle of least intrusive (Article 103).

In accordance with Article 17 of the Charter, which prescribes that long-term care for children outside their home shall primarily be in foster families, which are appropriate for their

upbringing, and only if necessary in institutions, the RS Family Law defines the procedure and conditions for adoption, while the Law on Social Welfare defines the placement of children in foster families.

The validity of adoption depends on the consent given by both, the adoptive parents and biological parents and/or guardian before the competent guardianship authority (Article 145, paragraph 1). The consent of the adoptee to adoption is required for adoption of a minor over 10 years of age (Article 145, paragraph 2). The adoption shall be in the interest of the adoptee (Article 146). If there are particularly valid reasons the adoptive parent may be a foreign national. An adoption by foreign nationals cannot be completed without an approval issued by the Ministry of Health and Social Welfare (Article 147).

The adoption can be simple and full (Article 149). The simple adoption requires consent of both parents if adoptee has parents. The consent is not required if parents were revoked parental right, if parents were revoked legal capacity, if parents' residence is unknown for at least one year and if they fail to care for the child in that period (Article 152).

An adoptive parent may be only a person who is at least 18 years older than the adoptee. (Article 151, paragraph 2) Spouses may jointly adopt the same child. Or the child may be adopted only by one of them, with the consent of the adopter's spouse. (Article 153) The first line relative cannot be adopted, neither brother nor sister. The guardian cannot adopt his/her protégé, until he/she was dismissed of the guardianship by the guardianship authority. (Article 154) Adoption cannot be granted to: a person (or his/her spouse) who is deprived of parental rights; a person (or his/her spouse) who is deprived of legal capacity or whose legal capacity was limited; a person (or his/her spouse) who does not provide sufficient guarantees to raise an adoptee as a 'worthy member of society'; a person (or his/her spouse) who is mentally ill or suffers from some other illness that might endanger the health or life of the adoptee. (Article 155)

Only a child up to 5 years old which has no living parents, or whose parents are unknown, or who have abandoned the child and their whereabouts are unknown for more than one year, can be fully adopted, or a child whose parents consented before the competent guardianship authority to full adoption (Article 157). Full adoption shall be granted only to spouses if at least one of them is older at least 18 years than the adoptee. Full adoption shall also be granted to the spouse of the parent of the child to be adopted, and in that case the age difference between the adopter and the adoptee may be less than 18 years. (Article 158) Full adoption shall be granted only if there are no disturbances as per Articles 154 and 155 of the Law. (Article 159)

The right to placement in a foster family shall be afforded to a person who, in accordance with this Law, is eligible to a placement in an institution (Article 42 of the Law on Social Welfare). The placement agreement is concluded between a social welfare centre and a member of a family who thus becomes a foster parent. A foster parent is entitled to allowance for supporting the child and to reward payment, both payable from funds earmarked for social welfare. The Ministry of Health and Social Welfare establishes criteria for determining the amount of payment (Article 46).

Article 17 of the Charter provides that children placed in institutions shall be entitled to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, as well as ensures protection and assistance. These institutions must provide conditions which promote all aspects of child growth and development.

The social care institutions provide care (accommodation, food, clothing, nursing and support), upbringing and education, training for certain occupations and medical care in accordance with special regulations, and other occupational, cultural, entertaining, recreational and rehabilitation activities and social welfare service. The Law prescribes that a social care institution may be established if the premises, equipment and the required number of professional and other staff are provided, depending on the type and purpose of the institution. The Minister of Health and Social Welfare prescribes more detailed requirements in terms of space, equipment, and required professional and other staff at social care institutions. An institution established by RS shall become operational only when the Ministry of Health and Social Welfare has determined that the requirements have been met.

Article 17 of the Charter prescribes that domestic legislation must stipulate the possibility of appeal against the decision on restriction of parental rights, that children are given in public care.

The RS law define the fulfilment of this right in the following way: the Social Welfare Centre, i.e. social welfare service, shall decide on the fulfilment of social welfare rights, *inter alia*, the rights to placement with an institution or foster family.

The Law on Social Welfare stipulates that the Law on Administrative Procedure shall apply in the process of exercising rights under this Law, and that the appeal against a decision of the first instance authority shall be resolved by the ministry competent for social welfare. Article 12 of the Law on General Administrative Procedure prescribes that a party shall have the right to appeal against a decision taken in the first instance. Only the law may provide that in certain administrative matters an appeal shall not be allowed, and this only if the protection of rights and rule of law are otherwise ensured.

Moreover, the Family Law stipulates that a person who wants to adopt a child may file an appeal against a decision rejecting the application for adoption with the second instance body competent for social policy issues. The appeal against a decision granting adoption may be filed only in case of error, fraud or coercion and in such cases no deadline shall apply.

An administrative dispute may be instituted against the decision of the appellate authority. The right to initiate an administrative dispute shall be vested in a natural or legal person if the final administrative act violated his/her right or direct personal interest based on law (Article 2, paragraph 1 of the Law on Administrative Disputes). Administrative disputes shall be decided by the District Court having territorial jurisdiction over the authority of first instance, being either the head office or an organizational unit, unless otherwise provided by law (Article 5). A party to the proceedings may lodge a request for extraordinary review of a final judgement of the District Court with the Supreme Court of Republika Srpska through the competent court (Article 35, paragraph 1). A citizen whose rights or fundamental freedoms enshrined in the Constitution of Republika Srpska have been violated by a final administrative individual act of an authority shall be entitled to request the protection of the rights or freedoms from the Court, in accordance with this Law, unless a different judicial protection is provided (Article 53.) The request shall be decided by the District Court (Article 54, paragraph 1). Protection of freedoms and rights of citizens enshrined in the Constitution shall also be protected if those rights or freedoms are violated by an action of an official in a RS administrative body, local self-government body or responsible person in a public agency or public corporation or any public body, which directly prevents or restricts, contrary to law, a certain individual in exercising such freedom or right (Article 55).

Article 17 of the Charter prescribes that adequate supervision in the children social care system must exist, in particular at the institutions.

RS ensured implementation of this provision by prescribing that the Ministry of Health and Social Care shall supervise the expert work in social welfare protection by verifying if it is conducted in accordance with modern methods and professional achievements in specific forms of social welfare protection and if the protection of beneficiaries is organised in the most comprehensive and efficient manner. In addition, RS adopted the Law on Ombudsman for Children, as an independent institution which protects, monitors and promotes the rights of the child. The jurisdiction of the Ombudsman for Children is: follows compliance of legal acts and other regulations in RS which are related to rights of children with paragraphs of the RS Constitution, the UN Convention on the rights of children and other international documents which are related to protection of rights and interests of children; follows implementation of obligations of RS which come from the Convention of United Nations about children rights and other international documents which are related to protection of rights and interests of children; follows implementation of all acts related to rights and interests of children; follows violation of rights and interests of children; advocates for protection and promotion of rights and interests of children; suggests undertaking of measures for protection and promotion of rights of children, as well as prevention of harmful acts which endanger rights and interests of children; informs public on children rights state; undertakes other activities adopted by this legal act.

The RS Law on Inspection prescribes that the Republic Health and Sanitary Inspection shall oversee the implementation of laws, other regulations and general acts in social, family and child protection institutions, as well as the implementation of measures related to: exercise of rights, fulfilment of requirements in terms of qualification structure of employees, space and equipment necessary for conducting social and child protection, keeping records and documentation as per regulations, submission of reports on their work and beneficiaries, and other tasks (Article 81, Paragraph 16). While conducting supervision, the inspector in the area of social, family and child protection shall be authorised and obliged to take the following measures: forbid the work of social, family and child protection institutions if these are not registered in accordance with law; forbid the work of social, family and child protection institutions, or their sectors, if these operate without work permission, i.e. do not meet requirements in terms of experts, space and equipment, regardless of the work permission; forbid implementation of other measures which are in contradiction with the legislation governing this field (Article 81, paragraph 17).

The Law on Social Protection provides that social protection institutions shall be obliged to implement supervisory procedure with the aim to ensure organised and continued expert support, quality and professional performance of tasks and provision of services to beneficiaries. This Law also defines persons who shall carry supervision, as well as requirements and manner of conducting supervision.

With the aim of enabling the exercise of the child's right to have long-term care outside his/her home conducted primarily in adoptive and foster families, the Minister issued the Guidance on Child Adoption Procedure ('Official Gazette RS', number 27/04) and the Guidance on Keeping Records and Documentation on Adopted Children ('Official Gazette RS', number 27/04), the RS government adopted a strategy of improving the social welfare of children without parental care with a plan of action for the period 2009-2014. The Action Plan for the area of foster care and the Action Plan for the area of adoption envisage the following activities: the ratification of international instruments on adoption; establishment of a central

registry of adoption and foster care database, creation of unique forms of adoption, introduction of procedures for monitoring the adoption and foster care and regular reporting to the competent institutions; training of professionals in the field of adoption and foster care, training of potential adopters, adoption and foster care standardization, promotion of activities in public in order to promote adoption as the most complete social care for children without parental care and public awareness raising about the benefits of being a foster family.

With the aim of ensuring conditions which promote all aspects of child upbringing in institutions, the Minister issued the Book of Rules on detailed conditions regarding space, equipment, necessary professional and other workers as requirements for the establishment of a social care institution ('Official Gazette RS', number 24/13). With the same goal, the Action Plan for implementation of the Strategy of improving the social welfare of children without parental care foresees the following activities: renovation, adaptation, rehabilitation and equipment of premises which accommodate children; introduction of standards, normative and procedures of expert works; creation of new systematizations; additional education of the existing staff at institutions; supervision of professional workers; introduction of the youth independence support programme; survey of needs for additional services in the community; provision of material and human resources in institutions for introduction of new activities.

Every year, the RS Government earmarks certain funds in its Budget for construction, adaptation, rehabilitation and equipping of social care institutions co-funding costs of children accommodation in institutions, and training of children and juveniles with special needs.

The Ministry of Health and Social Welfare has initiated the process of standardization of social care services. The ultimate goal of standards for social care services is to improve the quality of life of those who depend on these services and to ensure their effectiveness and efficiency. The first five standards that have been piloted relate to social care services that are intended for children (day care centres for children with special needs, institutional housing, early identification of children with special needs, children's village and foster care).

(SPIS) Project – 'Enhancing the Social Welfare and Inclusion System for Children in Bosnia and Herzegovina' - is currently being implemented. The overall objective of the Project is to contribute to development of integrative model of social welfare of children and families with children at all levels. The Project will also contribute to the development of close cooperation between relevant social and financial sectors. The integrated, inter-sector approach to policy development, based on best practices, planning, implementation, monitoring and evaluation, will serve to define and enhance the function, role and strategic goals in the field of education, health, social welfare and other similar sectors which deal with specific forms of the exclusion of children and their families.

In order to provide adequate supervision of the social welfare the Minister has issued a Book of Rules on the Supervision over Professional Work and Providing Professional Assistance to Social Welfare Institutions of RS ('RS Official Gazette', number 67/02).

One of the recommendations from the Strategy for improving the social welfare of children without parental care with a plan of action for the period 2009-2014 is to enable conduct of supervision of teachers for as better development of professional identity as possible. The Action Plan for implementation of the Strategy foresees supervision of professional workers as one of the activities.

BD

The restriction and deprivation of parental custody may be ordered by the competent authority for the reason and in the manner as prescribed by the BD Family Law.

Notification of a child's rights violation, particularly of violence, abuse, sexual abuse and child neglect, shall be promptly submitted to the guardianship authority by any authority, organization or individual.

Before taking actions, the Guardianship Authority shall hear the minor child about the circumstances relevant to the decision, if he/she is able to understand what it is all about. The opinion of the minor child shall be respected and appreciated especially in the case of taking the measures separating the child from the parents.

The Guardianship Authority shall warn parents about their failure to take proper care of the child and help them in the elimination of shortcomings. The Guardianship Authority shall also assist the parents in arranging their social, financial and personal circumstances and relationships, and if best interests of the child require so, it shall refer parents to appropriate counselling.

The Court shall, in non-contentious proceedings, deprive parents of their right to live with the child and entrust the care and custody over the child to another person or authority, if the parents or the parent with whom the child lives have violated the interests of the child by grossly neglecting his/her raising, upbringing and education or by failing to prevent the other parent or a family member to treat the child in the above-mentioned manner, or if the child has had a largely disturbed upbringing.

The imposition of this measure shall not stop other parental duties, responsibilities and rights. Deprivation of a parent of the right to live with a child shall be imposed for one year. While this measure in effect, if the court finds that it is in the interest of the child, it shall impose other measures to protect the child or re-impose the same measure.

At request of the parent who was deprived of this right or *ex officio* and according to a prior opinion of the guardianship authority, the court shall decide whether to reinstate the right of parents to live with the child. The procedure shall be urgent. An appeal against the decision shall not stay the execution. A parent cannot waive the parental custody.

In the reporting period (and the previous period) there has not been any proceeding as per above described measures in BD.

The verdict by the Basic Court of BD dated 21 March 2011 and the Appellate Court of BD dated 20 June 2011, a parent was deprived of the parental right due to the abuse of his rights, gross neglect of his duties and abandoning and not taking care of the child he did not live with, who endangered the health and moral of the child and did not protect the child from his behaviour.

A person whose family is not able to provide him/her with adequate protection and a person without family care shall be entitled to accommodation in social care institution if the adequate care cannot be provided in other way. The accommodation is provided by addressing the beneficiary to appropriate institution which will provide him/her with care,

upbringing and education, training in certain occupations and medical care, in accordance with relevant regulations, occupational, cultural and entertaining, recreational, rehabilitation and social welfare services.

BD has no public institutions for the accommodation of juvenile inmates. On the basis of their needs the Sub-Department places them in existing public institutions in BiH after the completion of statutory proceedings.

PLACEMENT OF JUVENILES IN INSTITUTIONS	2010	2011	2012	2013
Public institutions outside BD	11	15	10	10

Source: BD of BiH Sub-Department for Social Welfare

Persons, who have the right to placement in a foster family as per this Law, have the right to placement to a social care institution.

When choosing a family for a beneficiary to be put into, the service conducting the placement shall especially take into account personal characteristics of the beneficiary and family members, housing, other capabilities of the family and beneficiary's needs.

A beneficiary shall not be placed into a family in which a family member is deprived of parental custody or working ability; in which family relations are disturbed; in which a family member has deviant behaviour; in which, due to illness of a family member, the beneficiary's health would be endangered and the purpose of placement lost.

Minors are usually placed in families of their relatives (if any) and other families – foster families, on the basis of decision on placement.

The agreement is made between the BD Mayor and a family member, who thus becomes a foster parent.

The foster parent has an obligation to care about the person, especially about health, education and training for independent life and work. The foster parent is required to report to the Sub-Department for Social Welfare on all important issues for beneficiary. The family where the child is placed cannot make, without the consent of parents, adoptive or guardianship authority, any important decisions related to the child and especially cannot give him/her away to another person to take care of him/her, make him/her drop out of school, change school, choose a future occupation or job or conclude an employment contract.

For the sake of care, protection, treatment of physical or mental health of such a person, the Sub- Department is required to monitor his/her treatment in a foster family.

The foster parent has the right to financial support for maintaining the beneficiary that is paid from funds designated for exercising rights in the field of social care.

FOSTER FAMILY	2010	2011	2012	2013

MINORS	26	25	27	24
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Source: BD of BiH Sub-Department for Social Welfare

There has not been any child taken from the parents and accommodated in institution or foster family.

In previous years, a trend of decrease of number of children placed in institutions compared with the number of children placed in foster families is evident, thus promoting the best interest of the child.

The adoption is a special form of family and legal protection of children without parents or adequate parental care which establishes parental relationship or kinship. The adoption may be established as incomplete or complete.

Adoption may be established only if it is in the interest of the adoptee. A child may not be adopted unless three months have passed after his/her birth. A child may not be adopted if his/her parents are minor. Exceptionally, such child may be adopted after one year from his/her birth, if there is no prospect that the child will be raised by either parent's family or other close relatives.

The child whose parents are unknown may be adopted after three months from his/her abandonment. Adoption cannot be granted to: a person (or his/her spouse) who is deprived of parental rights; a person (or his/her spouse) who is deprived of legal capacity or whose legal capacity was limited; a person (or his/her spouse) who does not provide sufficient guarantees to provide adequate parental care.

Only a child up to 10 years of age can be fully adopted. A child up to 18 years of age can be incompletely adopted. The child has the right to know that he/she has been adopted. The data on adoption are confidential.

ADOPTION	2010.	2011.	2012.	2013.
	1	2	-	2

Source: Sub-department for Social Welfare of BD BiH

The child has the right to live with his/her parents. If not living with both or with one parent, the child has the right to keep regular personal relations and direct contact with a parent with whom s/he does not live. At the request by relatives or other persons close to the child, the Guardianship Authority shall determine the way of keeping personal relations and direct contacts between them and the child in the best interest of the child. Personal relations and direct contact with a parent may be restricted or prohibited only to protect the interest of the child. If in the interest of the child, the Court shall, in non-contentious procedure and upon request by a parent or the Guardianship Authority, forbid the parent not living with the child unauthorised approach to the child and upsetting him/her.

Right of Appeal

The rights under social welfare legislation are exercised through the Sub-Department for Social Welfare of BD. At request of a party or his/her legal representative or *ex officio*, the authorized officers of the Sub-Department for Social Welfare of BD institute proceedings for exercising rights according to the Law on Social Welfare of BD.

The proceedings for exercising the rights under social welfare legislation follow provisions of the Law on Administrative Procedure of BD - consolidated text. A party dissatisfied with a decision of the authority of first instance lodges an appeal against the decision with the Appellate Commission of BD within 15 days.

Effective Appeal

Persons dissatisfied with a decision of the authority of second instance may initiate an administrative dispute lodging a complaint with the Basic Court of BD. The procedure before the Court is regulated by the Law on Administrative Disputes of BD.

The court proceedings are instituted after the administrative proceedings were completed solely on the basis of a final decision. Further, a party may institute an administrative dispute when the appellate authority in the administrative procedure fails to issue a decision on an appeal against the decision of the authority of first instance within 30 days and then within further 7 days after a written request. In this case the party is entitled to lodge an appeal with the Appellate Commission of BD as if his/her appeal had been rejected.

Juvenile Perpetrators

BiH

According to the Law on Execution of Criminal Sanctions, Pre-trial Detention and Other Measures of BiH, the execution of juvenile prison and correctional measures is within the jurisdiction of entities, bearing in mind that the above measures are executed as per the place of residence of the juvenile. In relation to this, BiH legislation does not contain detailed provisions about juveniles, but only several general norms which refer to legislation and institutions in the entity jurisdiction when it comes to execution of sanctions.

With the aim to improve prison conditions for juveniles, the Law on Execution of Criminal Sanctions, Pre-trial Detention and Other Measures, in addition to provisions on education, in Article 193 provides for sport activities for juveniles in prisons, while the Minister of Justice has issued the Rulebook on Physical Culture for Juveniles.

The Rulebook on Physical Culture for Juveniles in Prisons or Correctional Establishments in BiH was adopted in 2005 ('Official Gazette BiH', no. 44/05).

Article 195 prescribes that person serving sentence of juvenile prison, who behaves well and provides efforts in learning and work, can be allowed by warden to have vacation to visit parents and other close relatives. Vacation can be allowed twice a year, none of which can be longer than 20 days, and may be granted to persons younger than 23 years of age.

According to Article 197 of this Law, person serving juvenile prison who is younger than 23 years of age cannot be exposed to measure of isolation.

According to general findings of the Ministry of Justice of BiH, there is a Correctional Facility in RS with the capacity to receive 40 persons, as well as a newly built facility for persons serving sentence of juvenile prison within the Prison in Istočno Sarajevo, with the capacity to receive 40 persons, built in accordance with modern European standards.

In FBiH, an upbringing correctional centre is being built with the seat in Orašje which finalization is expected by the end of 2014, while serving sentence of juvenile prison will be in Tuzla prison, in special department for juveniles.

At entity level, rulebooks on the criteria for sending convicted persons to serving prison sentence were adopted.

The Law on Execution of Criminal Sanctions, Pre-trial Detention and Other Measures of BiH, consolidated text ('Official Gazette BiH', no. 12/10, 100/13) provides for the following:

Article 11 prescribes the duty to provide separate accommodation for juveniles from adults. This accommodation may be provided either as a separate Establishment or as a separate unit within an establishment.

Article 54 prescribes group and separate treatment of detainees and prisoners, while Paragraph 2 prescribes which groups of detainees and prisoners shall be treated separately.

Article 190 of the same Law (accommodation in separate unit or establishment) prescribes that serving sentence of juvenile prison will only be conducted in separate units for juveniles within the establishment or separate establishments in entities.

The BiH Criminal Procedure Code (Official Gazette BiH“ 3/03, 32/03, 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 58/08, 12/09, 16/09, 93/09, 72/13) in Article 359 prescribes the procedure toward a juvenile in detention who is detained separately from adults.

Since the execution of juvenile prison and upbringing and correctional measures is in entity jurisdiction, statistical data on numbers and age of juveniles in detention waiting for court process or in correctional institutions are provided by relevant entity institutions.

The Law on Execution of Criminal Sanctions, Pre-trial Detention and Other Measures of BiH, consolidated text ('Official Gazette of BiH', no. 12/10, 100/13), also provides for the juveniles' right to education:

Article 147 and Article 148 of the Law prescribe the organization of classes:

Article 147

(1) The Establishment shall organize educational classes and vocational training for juvenile prisoners and younger adults who have not completed primary school, so that they may achieve standards of general education that conform with regulations on primary and secondary education.

(2) When considered useful and necessary, the arrangements referred to in Paragraph 1 of this Article shall be made for other prisoners as well.

(3) If more convenient, the Establishment may conclude a special contract on cooperation with a local school in order to organize the instruction referred to in Paragraph 1.

(4) Subject to security considerations, and if, in the treatment program, it has been assessed necessary and useful for the purpose of achieving the objective of the execution of the sentence, prisoners may also become part-time correspondence students or participate in courses organized outside the Establishment.

(5) Prisoners who complete their schooling or acquire qualifications in the Establishment shall receive diplomas. Such diplomas shall not indicate that the general or any other educational qualification has been acquired in the Establishment.

Article 148

The primary and secondary education legislation of the entity or canton, where the establishment is located, shall apply in work of schools founded within the establishment.

Article 192 of the same Law prescribes schooling in separate unit for juveniles within the establishment or separate establishment in the entity where the prisoner is permanently residing.

Article 192

(1) In the Special Unit or Establishment referred to in Articles 190 of this Law, there shall be primary and secondary school in the Special unit or Establishment, in accordance with the regulations on primary and secondary schools, or there shall be established forms of primary or secondary school in the Special unit or Establishment established in co-operation with appropriate primary or secondary school to provide for the education of such persons.

(2) A juvenile prisoner may in exceptional cases and under supervision of the educator, attend school outside the Establishment in order to complete an educational programme they already started, if the security situation and the treatment programme allow.

FBiH

In FBiH, there are a number of acts regulating this area, namely:

- FBiH Criminal Code ('Official Gazette FBiH', no. 36/03, 37/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14 and 76/14),
- Law on Protection and Treatment of Children and Juveniles FBiH ('Official Gazette FBiH', number 7/14),
- Law on Protection from Domestic Violence ('Official Gazette FBiH', number 20/13).

The policy regarding treatment of juvenile perpetrators is a complex issue and there has always been a need to introduce some changes in the existing practise. Reforms of the institutional treatment of juveniles in conflict with law, application of a new conceptual framework, promotion of new forms and types, and in particular implementation of practices are rightfully the subject of experts' interest.

The issue of the establishment of legally prescribed institutions and failure to resolve the issue of transformation of existing institutions have been neglected for many years, which requires immediate and comprehensive action by relevant authorities. The issue of institutional treatment is manifested through legal ambiguities with regard to establishment, funding and supervision of professional performance of certain institutions, and implementation of adequate measures within institutional treatment of juveniles in conflict with law, which

significantly impacts the expected efficiency of the institutions and their programme orientation, as well as reflects different approaches in FBiH.

Following the latest trends and international legal standards in the field of juvenile justice, FBiH adopted the Law on Protection and Treatment of Children and Juveniles in Criminal Procedure in January 2014, which certainly represents a significant reform in the area of juvenile criminal law.

This Law implements the principles from:

- The United Nations Convention on the Rights of the Child (1989);
- Standard Minimum Rules of the United Nations Juvenile Justice (The Beijing Rules, 1985) ;
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty (JDL Rules, 1990);
- The United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines, 1990) and
- Standard Minimum Rules of the United Nations for Non-custodial Measures (The Tokyo Rules, 1990).

In contrast to the earlier period when the issue of juvenile delinquency was treated through more regulations, this Law incorporates the provisions of substantive and procedural criminal law, then the organization of juvenile courts, the execution of criminal sanctions for juvenile offenders, as well as provisions relating to crimes committed against children and minors.

The Federation Ministry of Justice, as the proponent of the Law, in the period after its adoption, initiated a number of other activities in this area. Among other things, performing obligations under Article 198 of the Law, a bylaw was enacted regarding the training programme. Also, preparations for the adoption of by-laws that are the responsibility of the Ministry were conducted, namely: the rulebook on the application of educational recommendations, the rulebook on the execution of a correctional measure of special obligations, the rulebook on disciplinary responsibility of minors serving institutional correctional measures and juvenile prison.

The system of criminal sanctions of juvenile or children in conflict with the law are:

- a) educational measures,
- b) juvenile prison, and
- c) security measures.

Basic criminal sanctions to be imposed on a regular basis and usually by rule for juvenile offenders are educational measures and those are the only type of criminal sanctions for younger juveniles. Older juveniles may be imposed corrective measures under the conditions stipulated by the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings, and only in exceptional cases the juvenile prison, as provided by law and when the court comes to the conclusion that the purpose of juvenile criminal sanctions cannot be achieved through applying corrective measures. In addition to these criminal sanctions, juveniles may be imposed security measures (one or more of them from Article 61 of the Law on Protection and Treatment of Children and Juveniles in Criminal Procedure), but solely in addition to the educational measure or juvenile imprisonment, while certainly a minor cannot impose a judicial reprimand and suspended sentence .

Gradual imposition of certain criminal sanctions is particularly emphasized in the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings. Specifically, the provisions of Article 29 of the law show the difference between certain corrective measures (which takes a foothold in legal theory under which you can find understanding according to which corrective measures can be divided into easier - softer and harder - more stringent measures). Thus, softer measures are, above all, measures of warning and guidance, then intensified supervision, while harder measures include institutional measures. This division of corrective measures requires gradual approach in their implementation, which means that a softer correctional measure will always be applied first if it can achieve the purpose (objective) of corrective measures, and only then a more severe educational measure, or juvenile prison, may be imposed.

Educational measures and juvenile prison, by their nature, are certainly coercive measures which do not depend on the will of the minor. However, the element of repression in these criminal sanctions is not represented in a stronger extent, thus, the purpose of educational measures and juvenile prison is set within the general purpose of criminal sanctions. Thus, through supervision, protection, care and assistance, as well as provision of general and vocational training, we affect the education of juveniles, proper development and strengthening of their personal responsibility thus ensuring his upbringing and proper development of his personality, and reintegration into the community. In addition, the purpose of juvenile imprisonment is certainly to increasingly influence the juvenile offender not to continue committing criminal offenses (special prevention), but also to influence on other juveniles not to commit criminal offenses (general prevention).

Pursuant to the obligation prescribed by Article 198 of the Law on Protection and Treatment of Children and Juveniles FBiH, professional training of officials engaged in activities with juvenile delinquency and criminal protection of children has been initiated, namely training of police officers, social workers, mediators, lawyers and workers employed in correctional institutions, in terms of their education, or specialization for dealing with juvenile offenders, as well as for the treatment of children and minors when these persons appear as injured parties in the criminal procedure.

The education program prescribes three thematic cycles, with the participants of specialization receiving a certificate of participation at the end of each cycle, which are a condition for obtaining the final certificate upon completion of training. The first two thematic cycles in terms of education were conducted in April-May 2014, and the third cycle of education is planned after the adoption of the above mentioned by-laws.

In order to prepare the basis for future education and training of all officials engaged in activities of youth delinquency and criminal protection of children and juveniles, the Federation Ministry of Justice has started to work on a publication that will be available to all future trainees.

RS

Following modern trends and international legal standards in the field of juvenile justice, as early as in January 2010 the RS passed the Law on the Protection and Treatment of Children and Juveniles in the Criminal Procedure (RS Official Gazette 13/10). This law includes provisions on substantive and procedural criminal law, then the organization of the courts for

juvenile offenders, execution of criminal sanctions for juvenile offenders, as well as provisions relating to crimes committed against children and minors.

The following by-laws were enacted, which was an obligation of the ministry prescribed by the Law, namely:

- Rulebook on the Implementation of Correctional Recommendations,
- Rulebook on the Execution of Correctional Measure of Particular Obligation,
- Rulebooks on Disciplinary Responsibility of Juveniles Serving Custodial Correctional Measures and Juvenile Imprisonment and Education Programs,
- Rulebook on the Application of Police Caution.

Further, the RS Ministry of Justice held the first cycle of training and professional development for officials who work in juvenile justice, which included over 1000 participants.

Answering the question whether juvenile offenders serving sentences have the legal right to education, we are informing you that Article 151, paragraph 1 e) of the Law on the Protection and Treatment of Children and Juveniles in the Criminal Procedure provides that a juvenile serving a custodial measure is entitled to attend school outside the establishment if the establishment does not organize certain type of school or courses and if justified by previous achievements and performance of the juvenile, provided that this does not harm the execution of correctional measure.

BD

Until 26 November 2012, the treatment of juvenile victims and perpetrators of criminal acts was conducted in accordance with the Criminal Code of BD, and after this date the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings in BD (' Official Gazette of BD' No. 44/11) was enacted.

The above Law defined the requirements governing the conditions, manner and duration of detention of juveniles as well as the execution of institutional correctional measures and juvenile imprisonment that are fully in line with European standards (UN Convention on the Rights of the Child - Article 37, 39 and 40 are provisions which are related to juvenile justice; Rules of the United Nations Convention on the Protection of Juveniles Deprived of their Liberty (Havana Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the Standard Minimum Rules of the United Nations Non-custodial Measures (Tokyo Rules) - these documents complement previously adopted Beijing Rules).

This law is the *lex specialis* and is fully compliant with the BiH criminal legislation relating to minors.

Article 2 of the Law on Protection and Treatment of Children and Juveniles in the Criminal Procedure Code of BD BiH provides:

1. The child is, in accordance with this law, any person who is under 18 years of age.
2. A child at the time of the offense under 14 (hereinafter: child) cannot be imposed criminal sanctions or other measures provided for in this Law cannot be applied against him/her.
3. A minor is a child who reached 14 but is under 18 years of age at the time of the offense, (hereinafter minor) and to whom criminal sanctions and other measures

provided for in this Law may be imposed.

This Law provides that a junior juvenile is the one who reached 14 years of age, but is under 16 at the time of the offense and older juvenile is a juvenile who at the time of the offense reached the age of 16 but not 18 years of age and provides that one may only punish criminally responsible older juvenile who has committed a criminal offense punishable by imprisonment for a term of five years, and because of the grave consequences of the act and the high degree of criminal responsibility would not be justifiable to apply an educational measure.

A juvenile in custody is separated from adults.

Article 94 (Temporary accommodation of the minor during the preparatory proceedings) provides

(1) The juvenile judge may order that the minor during the preliminary proceeding be placed in a juvenile home or similar institution if this is necessary to separate the minor from the environment in which he has been living or to provide the minor with aid, protection or a place to live, especially if it is necessary to eliminate the danger of repetition of the offense.

(2) The decision on temporary accommodation of juveniles may be filed within 24 hours by a minor, a parent, adoptive parent or guardian and defense counsel. The juvenile panel of the same court will decide on the complaint within 24 hours from receipt of the appeal, however the appeal does not stay the execution.

(3) Enforcement of the measure of temporary accommodation shall be carried out under the provisions applicable to the institution, and in terms of duration, control of justification of the duration of this accommodation and other rights, the provisions of this law pertaining to juveniles in detention shall be applied.

(4) Accommodation costs for minors are paid from the budget of the prosecution and form an integral part of the costs of the criminal proceedings.

Deprivation of liberty - Article 96

(1) The authorized official shall arrest a juvenile if there is a reasonable suspicion of having committed a criminal offense and if there are grounds provided for in Article 132, Paragraph 1, Item a), b) and c) of the Code of Criminal Procedure.

(2) At deprivation of liberty and during the stay of a juvenile in the organizational unit of the Police of the Brcko District of BiH all the contacts of the authorized official with a minor shall be carried out in a manner that fully respects the personality of the minor and supports his/her welfare. Any actions that impair physical and mental health of the minor are prohibited.

(3) The authorized official shall immediately notify the parents or guardian or adoptive parent of the minor, the defense counsel and relevant guardianship authority about the arrest. If parents or guardians of the minor are not available, they shall be informed as soon as possible.

(4) Examination of the minor shall be made by the prosecutor or, with the approval of the Prosecutor, an authorized official, who provided that a parent or guardian or adoptive parent is present.

(5) When a minor is first examined, before beginning the interview, Prosecutor or authorized official shall inform the minor - in writing and then orally in his/her mother tongue and in an understandable way - about the rights referred to in Article 78 paragraph 2 of the Criminal Procedure Code, and in particular the right to be examined by the prosecutor or authorized official in the presence of counsel, a parent or guardian or adoptive parent, or a representative of the guardianship.

(6) The authorized official shall bring a juvenile to the prosecutor without delay, and no later than 12 hours and inform him/her about the reasons and time of deprivation of liberty. If the minor who is arrested has not been brought to the prosecutor in this period, he/she shall be set free.

Special rules of procedure during the deprivation of liberty - Article 97

1. A juvenile, who has been deprived of liberty, shall be placed in the room so he/she is not in contact with adults while located in the organizational unit of the Police of the Brcko District of BiH and when held in the prosecutor's office.
2. Bringing minors is done in a way that protects their dignity and the presumption of innocence.
3. During the apprehension and detention, a juvenile is taken off objects related to the criminal offense and objects that should not have been in custody according to house rules, while he/she has the right to keep personal belongings and the right to adequate medical care, which includes medical examination after detention.

Decision by the prosecutor after bringing in the minor deprived of liberty - Article 98

After a minor was brought to him/her, the prosecutor shall, without delay, and at the latest within 24 hours of delivery, examine the minor if not already interviewed and decide if the judge should be given a proposal for the imposition of restrictive measures under Article 95 of this Law or temporary accommodation in accordance with Article 94 of this Law or a proposal for determination of custody or to release him/her. In making proposal, the prosecutor always gives priority to measures of prohibition, and then measures of temporary accommodation, while he/she proposes the detention as a last resort only if the previous measures cannot ensure the presence of the minor during the trial.

Determination of detention - Article 99

- (1) If there is reasonable suspicion that the minor committed a criminal offense, the judge may order custody when there are reasons provided for in Article 132 paragraph 1 items a), b) and c) of the Code of Criminal Procedure.
- (2) Before making a decision on custody, the juvenile judge shall immediately get acquainted with the proposal referred to in Article 98 of this law, hold hearing of these circumstances and at the latest within 24 hours of receipt of the proposal by the prosecutor, shall decide on custody or release of the juvenile.
- (3) If circumstances exist which cannot be handled by the juvenile judge, the custody shall be decided by a judge with special knowledge appointed by the president of the court, which shall be communicated to the juvenile judge.
- (4) A decision on a detention may be appealed to the Appellate Court within 24 hours from receipt of this decision. The appeal does not stay the execution of the decision.
- (5) If the judge does not accept the prosecutor's proposal for custody, he/she shall issue a decision refusing the proposal and the minor shall be immediately released. The prosecutor may appeal against this decision, but the appeal does not stay the execution of the decision.
- (6) In the cases referred to in paragraphs 4 and 5 of this Article, the council shall decide on appeal within 24 hours.

Duration of detention – Article 100

1. Following the decision of the judge custody may not exceed thirty (30) days from the day of arrest, with the obligation of Council to control the necessity of the custody

every ten (10) days, with a previous statement by the Prosecutor on the activities undertaken for the period preceding control. If the prosecutor does not act in this way the Chief Prosecutor of the District Prosecutor's Office shall be notified in order to take necessary measures to meet requirements of this paragraph.

2. Detention by the decision of the Council under Article 17, paragraph 3, following a substantiated proposal of the Prosecutor, may be extended up to two months. An appeal is allowed against the decision of the Council to the second instance court within twenty-four (24) hours after receipt of the complaint.
3. Judge shall immediately notify the parent, guardian or institution where the juvenile is entrusted to the care, as well as the guardianship authority about the detention of the juvenile.
4. During the preparatory proceedings, and before the expiry of the period of detention, a judge shall, on the proposal of the prosecutor, terminate custody of juvenile and releases him immediately.

The duration of detention after the completion of the preparatory proceedings – Article 101

Following the submission of proposals for the imposition of criminal sanctions, detention at the reasoned request of the plaintiff may be extended by the decision of the Council under Article 17 paragraph 3 of this law for ninety (90) days, with control of detention every thirty (30) days prior to the statement by the Prosecutor on undertaken actions for the period preceding control. An appeal is allowed against the decision to the second instance court within twenty-four (24) hours after receipt of the complaint. The appeal does not stay the execution of the decision.

Custody after pronouncement of criminal sanctions - Article 102

1. Custody shall be immediately revoked if the court issued a decision to discontinue proceedings against a juvenile for the reasons set forth in Article 132, item b), c) and d) and Article 284 of the Criminal Procedure Act. Custody shall be immediately revoked if the court finds that impose of corrective or punishment measure against juvenile is not purposeful in which case the court orders a juvenile educational measures referred to in Article 32 paragraph 1 a) and b) of this Law.
2. After pronouncing the institutional educational measure or juvenile imprisonment, detention may last no longer than two months. If during that time a second-instance decision was not rendered confirming or reversing the first instance decision, custody shall be terminated and the minor immediately released. If a second-instance decision would have been rendered within two months reversing the first instance decision, custody may last for another thirty (30) days from the date of the second instance decision pronouncement.
3. If the juvenile is placed in custody, a decision imposing a sentence of institutional educational measure or juvenile prison sentence became final, a minor can be released until he is committed to an institution for the execution of institutional educational measures or penalties.
4. Time spent in custody or institutions of temporary placement under Articles 94 and 112 of this Law, as well as any deprivation of freedom related to the criminal offense, shall be included in the duration of that institutional educational measure and juvenile imprisonment in accordance with Article 57 paragraph 1 of the Criminal Code.

Treatment of juvenile in custody - Article 103

1. A juvenile in custody is separated from adults.
2. While in custody the juvenile shall be enabled conditions useful for his education and profession.
3. Judge shall have the same powers to juveniles in custody conferred by the Law on Criminal Procedure to the judge for the preliminary proceeding or the preliminary hearing judge, and may at any time, visit detainees, talk to them and receive complaints from them.
4. Prosecutor may also visit juveniles in the custody.
5. By order of the judge and prosecutor, Court and Prosecutor's Office Expert Advisors may visit detained juveniles every twenty (20) days. A tour of detainees constitutes the report which forms part of the file.
6. Custody shall be executed in the institutions so designated by the Judicial Commission of Brcko District of Bosnia and Herzegovina, in cooperation with the competent bodies of the Entities. Persons who have the necessary knowledge and skills and professional qualifications as prescribed by legislation can work in detention units.

Article 112 (Temporary placement of a juvenile during the proceedings)

(1) During the proceedings, the judge may, on motion of the prosecutor, defense counsel, or if he himself deems it necessary, issue a decision on temporary placement of juvenile in accordance with Article 94 of this Law, and may also revoke a solution that is previously adopted.

(2) Accommodation costs of the juvenile shall be paid from the Court budget and form an integral part of the costs of criminal proceedings.

In accordance with Article 94, Article 96 – 103 and Article 112 of the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings in BD, Division for Social welfare is being currently implemented the project "Shelter for children and juveniles"

While in custody the juvenile is enabling conditions useful for his education and occupation.

Individual approach - Article 126

1. During the execution of criminal sanctions a juvenile should be treated in a manner appropriate to his age, level of maturity and other characteristics of personality, with respect for the dignity of the juvenile, encouraging his integral development and participation in his re-socialization, adhering to modern pedagogical, psychological and penological knowledge and experience.
2. A juvenile shall be provided conditions for the acquisition of primary and secondary vocational education and job training, as well as free creative expression and expression of religious feeling and perform religious ceremonies.

Treatment programs - Article 128

1. The execution of educational measures and juvenile imprisonment shall be based on an individual treatment program with a juvenile that is adapted to his personality and is in line with the modern achievements of science, teaching and practice of penology.
2. The individual programs are developed on the basis of overall review of maturity and other characteristics of the personality of the juvenile, his or her age, level of education, the earlier life of the minor and behavior in the social environment, forms

of behavioral disorders, types of criminal offense and the circumstances under which it was done.

3. The individual program specifically determines the following: the level of maturity, other personal characteristics, the possibility of involvement in the process of education and vocational training, the use and organization of leisure time, work with the parent, adoptive parent or guardian of minors and other members of his family, as well as other forms of psychosocial, pedagogic and penology impact on juveniles.

Separate corrective institutions – Article 175

1. Juvenile imprisonment shall be served in a special corrective institution for juveniles and they have no contact with the corrective institution where adult persons serve sentences.
2. Juvenile imprisonment imposed against female juveniles shall be executed in a separate corrective institution for juveniles or a special department of the corrective institution for juveniles referred to in paragraph 1 of this Article.
3. Minors who during the execution of juvenile imprisonment reach adulthood shall continue to reside in a juvenile institution or in a department for young adults, unless their social reintegration will have a greater effect if they are settled into the institution for adults.
4. Young adults against who juvenile imprisonment was pronounced shall be placed in the institution that has a similar regime as the institution for minors.

Meting juvenile imprisonment - Article 51

1. Juvenile imprisonment to be imposed against juvenile offender cannot be longer than five years, and shall be measured in full years or months. For a criminal offense for which a punishment of long term imprisonment or for concurrence of at least two offenses for which a punishment of imprisonment is longer than ten (10) years, juvenile imprisonment may last up to ten (10) years.
2. In meting out punishment for a senior juvenile for a criminal offense, the court cannot impose juvenile imprisonment for a term exceeding imprisonment prescribed for that offense, and is not bound by the minimal prescribed measure for that punishment.
3. In meting out juvenile imprisonment for a senior juvenile, the court shall take into account all circumstances that affect the sentence being longer or higher in accordance with Article 49 paragraphs 1 and 2 of the Criminal Code, particularly in view of the degree of maturity and the time needed for education and training.

BD has no jail.

Question 3. - Provide relevant figures, statistical data and other relevant information.

Guardianship and adoption of minor beneficiaries of social welfare in BiH

2010	2011	2012	2013
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Guardianship and adoption	2,344	2,799	2,728	2,555
Guardianship	1,587	1,868	1,601	1,647
Guardianship for special cases ¹⁴	699	843	1,060	858
Adoption	58	88	67	50

Data Source: BiH Statistics Agency

Minor beneficiaries of social welfare in institutions in BiH

	2010	2011	2012	2013
PLACEMENT IN INSTITUTIONS	1,924	1,714	1,914	1,670
In preschool institutions	157	17	50	4
In institution for children and adolescents	156	148	99	85
In institution for children without parental care	527	592	616	595
Accommodation in another family (foster families)	639	564	712	587
In student and pupil hostels	71	46	37	54
In center for rehabilitation and protection	175	188	198	144
In other social welfare facilities	199	159	202	201

Data Source: BiH Statistics Agency

Guardianship, adoption and placement in institutions of minor welfare beneficiaries in entities and Brcko District

FEDERATION BiH	2010	2011	2012	2013
GUARDIANSHIP AND ADOPTION	1,488	1,270	1,163	1,253
<i>Guardianship</i>	1,054	820	772	860
<i>Guardianship for special cases</i>	394	402	358	355
<i>Adoption</i>	40	48	33	38

¹⁴ Guardianship for special cases means that custody sets guardian to the person, over which the parents or adoptive parents exercise their parental rights, to conclude or conduct (disputes) of certain legal transactions between that person and his or her parents, when their interests are in conflict.

PLACEMENT IN INSTITUTIONS	1,289	1,120	1,132	1,004
<i>In pre-school institutions</i>	130	1	38	1
<i>In institution for children and adolescents</i>	94	76	36	43
<i>In institutions for children deprived of parental care</i>	417	477	520	448
<i>With foster family</i>	376	320	307	289
<i>In pupil or student hostel</i>	59	30	26	40
<i>In institution for rehabilitation and care</i>	75	76	51	57
<i>In other social welfare facilities</i>	138	140	154	126

Data Source: BiH Statistics Agency

REPUBLIKA SRPSKA	2010	2011	2012	2013
GUARDIANSHIP AND ADOPTION	786	1,462	1,504	1,245
<i>Guardianship</i>	495	1,014	800	763

<i>Guardianship for special cases</i>	274	409	671	471
<i>Adoption</i>	17	39	33	11
PLACEMENT IN INSTITUTIONS	624	587	780	663
<i>In pre-school institutions</i>	27	16	12	3
<i>In institution for children and adolescents</i>	61	69	63	42
<i>In institutions for children deprived of parental care</i>	109	111	96	147
<i>With foster family</i>	263	244	403	295
<i>In pupil or student hostel</i>	12	16	11	14
<i>In institution for rehabilitation and care</i>	100	112	147	87
<i>In other social welfare facilities</i>	52	19	48	75

Data Source: BiH Statistics Agency

BRČKO DISTRIKT	2010	2011	2012	2013
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GUARDIANSHIP AND ADOPTION	70	67	61	57
<i>Guardianship</i>	38	34	29	24
<i>Guardianship for special cases</i>	31	32	31	32
<i>Adoption</i>	1	1	1	1
PLACEMENT IN INSTITUTIONS	11	7	2	3
<i>In pre-school institutions</i>	0	0	0	0
<i>In institution for children and adolescents</i>	1	3	0	0
<i>In institutions for children deprived of parental care</i>	1	4	0	0
<i>With foster family</i>	0	0	2	3
<i>In pupil or student hostel</i>	0	0	0	0
<i>In institution for rehabilitation and care</i>	0	0	0	0

In other social welfare facilities

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Data Source: BiH Statistics Agency

Institutions for children and adolescents without parental care by sex and age in BiH¹⁵

		Total	Age of residents					
			under 3 years	3 - 6	7 - 10	11 - 14	15 - 18	over 18 years
2010	total	763	81	57	112	166	184	163
	boys	363	38	39	68	99	110	9
	girls	400	43	18	44	67	74	154
2011	total	746	77	47	103	159	173	187
	boys	313	40	27	55	93	80	18
	girls	433	37	20	48	66	93	169
2012	total	765	68	64	80	145	209	199
	boys	318	35	36	43	84	98	22
	girls	447	33	28	37	61	111	177
2013	total	678	49	62	71	166	264	66
	boys	363	24	33	39	95	148	24
	girls	315	25	29	32	71	116	42

Data Source: BiH Statistics Agency

Institutions for children and adolescents without parental care by sex and age in entities (BD HAS NO SUCH INSTITUTIONS)

FEDERATION BiH		Total	Age of residents					
			under 3 years	3 - 6	7 - 10	11 - 14	15 - 18	over 18 years
2010	total	525	74	53	95	137	151	15
	boys	311	34	37	60	86	91	3
	girls	214	40	16	35	51	60	12
2011	total	501	72	42	91	126	145	25
	boys	264	38	24	50	77	63	12
	girls	237	34	18	41	49	82	13

¹⁵ Brčko District has no institution for children without parental care

2012	total	522	62	60	67	122	180	31
	boys	272	31	33	39	76	78	15
	girls	250	31	27	28	46	102	16
2013	total	613	43	58	65	146	243	58
	boys	325	20	31	36	85	135	18
	girls	girls	23	27	29	61	108	40

REPUBLIKA SRPSKA		Total	Age of residents					over 18 years
			under 3 years	3 - 6	7 - 10	11 - 14	15 - 18	
2010	total	238	7	4	17	29	33	148
	boys	52	4	2	8	13	19	6
	girls	186	3	2	9	16	14	142
2011	total	245	5	5	12	33	28	162
	boys	49	2	3	5	16	17	6
	girls	196	3	2	7	17	11	156
2012	total	243	6	4	13	23	29	168
	boys	46	4	3	4	8	20	7
	girls	197	2	1	9	15	9	161
2013	total	65	6	4	6	20	21	8
	boys	38	4	2	3	10	13	6
	girls	27	2	2	3	10	8	2

Data Source: BiH Statistics Agency

Juvenile offenders

Convicted juvenile - criminal sanctions by groups of crime, 2011

	convicted	Juvenile prison	Educational measures			
	total		total	Warning and guidance	intensified supervision	institution measures

Federation	217	1	216	32	171	13
Rep. Srpska	51	1	50	22	24	4
Brčko	23	0	23	0	23	0
BiH	291	2	289	54	218	17

Data Source: BiH Statistics Agency

Convicted juvenile - criminal sanctions by groups of crime, 2012

	convicted	Juvenile prison	Educational measures			
	total		total	Warning and guidance	intensified supervision	institution measures
Federation	278	3	275	67	204	4
Rep. Srpska	51	1	50	17	29	4
Brčko	20	0	20	0	20	0
BiH	349	4	345	84	253	8

Data Source: BiH Statistics Agency

Convicted juvenile - criminal sanctions by groups of crime, 2013

	convicted	Juvenile prison	Educational measures			
	total		total	Warning and guidance	intensified supervision	institution measures
Federation	258	3	255	80	168	7
Rep. Srpska	54	0	54	28	24	2
Brčko	23	0	23	10	11	2
BiH	335	3	332	118	203	11

Data Source: BiH Statistics Agency

Article 1, Paragraph 2, free primary and secondary education – regular attendance at school

Question 1. Describe general legal framework. Accurately describe the nature of, reasons for and scope of reforms, if any

Article 6 of the Framework Law on Preschool Upbringing and Education of Bosnia and Herzegovina (Prohibition of Discrimination) provides that “(1) each child shall have equal right to access and equal opportunities to participate in appropriate care and education system without discrimination on any ground. (2) Equal access and equal opportunities shall mean providing equal conditions and opportunities for all, to begin and continue further care and education”.

Article 3 of the Framework Law on Primary and Secondary Education of Bosnia and Herzegovina defines general goals of education, including “promoting respect for human rights and fundamental liberties, and preparing each person for a life in a society which respects the principles of democracy and the rule of law” (Item c) and “ensuring equal possibilities for education and the possibility to choose in all levels of education, regardless of gender, race, nationality, social and cultural background and status, family status, religion, psycho-physical and other personal characteristics” (Item e).

Subject Law also defines the following:

“Children’s rights concerning education, and the proper care and welfare for their physical and mental health and safety in schools and other places where they receive education, have primacy over any other rights.

In the case of conflict of rights, the advantage is given to that right, interpretation or action, which will benefit the most to the child involved”.

The child's right to education is also regulated by Article 4, Paragraph 1 of the Framework Law, reading “Every child has a right of access and equal possibility to participate in appropriate educational process, without discrimination on whatever grounds”.

Integration of disabled children into regular education

The specific laws which protect persons with disabilities against discrimination in education do not exist in BiH but laws on education at all levels in BiH forbid discrimination at any ground including disability as well and those laws guarantee every child the right to equal access, equal opportunity to participate in appropriate upbringing and education and equal treatment without discrimination on any grounds.

Social inclusion in schools is improved by applying the inclusion index as a mean of self-evaluation.

Categories, identification procedures, planning and working methods, profile, training, professional development of personnel working with children and youth with special needs, as well as other issues, shall be regulated more closely by entities, cantons and Brcko District of Bosnia and Herzegovina legislation, in accordance with the principles and standards defined by this Law.

Article 21 of the Framework Law on Preschool Upbringing and education of BiH provides “With the aim of acquiring new knowledge, improvement and professional development, teaching personnel, pedagogues, teachers of special needs education, speech pathologists and school headmasters shall be included into obligatory programs of training, improvement and testing.

Such programs shall be established by educational authorities in the entities, cantons and BD, in accordance with the principles and standards defined by this law.

RS

Article 2 Paragraph 4 of the RS Law on Preschool Upbringing and Education ("RS Official Gazette no. 119/08 i 1712) prescribes that preschool upbringing and education should be performed in compliances with ratified international conventions. Article 3 foresees that

preschool institutions, social welfare institutions and other institutions which apply programs for upbringing and education of preschool children should ensure equal access to upbringing and education to every preschool child. Adjusted or special program shall be applied in education of the children with disability depending of a child need and capability. The Minister of Education enacts a Rule Book on modality and conditions for implementation of the curricula for students with special needs. The Law provides that children with special needs shall have an inclusion assistant. The Law prescribes that the following programs will be used at preschool institutions: integral development programs, specialized development programs, emergency, compensatory and rehabilitating programs, parent skill strengthening programs, programs for pre-primary school children unless they are included in some form of preschool care and education.

When enrolled in pre-school institution for children with special needs, individual programs adjusted to their abilities and capabilities shall be developed for each child respectively and each educational group attended by a child with special needs has an inclusive assistant. A deadline for development of the first individualized programs is three months from the enrolment the latest.

An optimal educational group cannot have more than a child with disability except in preschool institutions which have less number of upbringing groups in reference to number of enrolled children with disabilities when a group may have two children with disabilities but number of children in the group will be reduced to three.

An educational specialist shall work with children with special needs included into regular groups and children in development groups in nurseries and kindergartens.

An educational group attended by child with special needs shall have an assistant for inclusion. The Assistant provides technical assistance to the disabled child paying attention to specific problem told by parent or guardian. An Assistant for inclusion shall have appropriate four year medical secondary education. In an exceptional case, an inclusion assistant may be a parent of a child enrolled into preschool institution who has complete secondary medical education.

Children with special needs in the RS preschool institutions

RS	Total	Under three years	3-4 years	4-5 years	5-6 years	Mixed 3-6 years
2013/2014	102 (45 girls)	4 (1 girl)	12 (9 girls)	28 (8 girls)	33 (14girls)	25 (13girls)
2013/2014	138 (56 girls)	10 (8 girls)	23 (10 girls)	29 (9 girls)	43 (14girls)	33 (15 girls)

There is a preschool institution for children with special needs "Marija Mažar" within the Center for preschool upbringing and education Banja Luka.

Article 5 of the Law on Primary Education and Upbringing („ RS Official Gazette “ no.74/08, 71/09 i 104/11) defines that „inclusion implies a comprehensive integration of the handicapped persons, persons face obstacles to learning in general and persons with obstacles to social inclusion in the education system and daily life”.

Every child has a right of access and equal possibility to participate in appropriate educational process, without discrimination on whatever grounds.

A school may organize special classes for children with serious disorders and physical development when it is impossible to include such students into regular classes.

Two students maximum with serious disorders and difficulties in development may be included into regular classes. In case when a student with disorders and difficulties in development attends regular class then a number of regular students will be reduced for two in regards to optimal number of students in regular class. When two students with disorders and difficulties in development attend regular class number of regular students will be reduced for six in reference to optimal number of students attending regular class.

Combined class of two different grades attended by students with disorders and difficulties in development may have maximum 14 students.

Combined class of three different grades attended by students with disorders and difficulties in development may have ten students maximum.

A child with easier disorders and difficulties in development is to be enrolled in regular class and should have special professional assistance during observation period which cannot be less than six months.

Special assistance during observation period shall be provided by teachers of special needs education, speech pathologists, pedagogues and psychologists. School pedagogues and psychologists and, when possible, other qualified persons shall provide professional assistance to children with easier disorders and difficulties in development in schools which have no teachers of special needs education and speech pathologists.

Children with easier and serious mental retardation, autistic children and children with multiple disabilities receive descriptive marks.

Chapter V of the said Law defines education of children with serious disorders and difficulties in development in special classes and special schools.

Children with special needs shall be educated in regular schools and according to programs adapted to their possibilities, in compliances with Article 19 of the Framework Law.

Children with special needs are included in regular primary education (inclusion) in RS and teachers work with such students applying special, individual programs adapted to their possibilities. A school may contact Republic Pedagogical Institute of Republika Srpska, which is integral part of the RS Ministry of Education and Culture, for advice and training of teachers and expert associates to assist in education of children with special needs.

There are four centers in RS for education and upbringing children with disabilities. In the 2011/2012 school year 1332 students with disabilities were included in regular schooling. Out of this number, individual curricula and programs were developed for 744 students. In 2012/2013 school year, 2204 children with disabilities were included in regular schooling.

Children with serious and severe disorders receive primary education in special facilities or special classes based on findings determining type and degree of disability.

Students with special needs included in regular schooling – primary education in RS

RS	Total	I	II	III	IV	V	VI	VII	VIII	IX
2010/2011	1284 (528girls)	101 (38 g.)	111 (43 g.)	128 (51g.)	143 (64 g.)	145 (57 g.)	158 (68g.)	155 (65g.)	172 (69g.)	171 (73 g.)
2011/2012	1198 (478 g.)	64 (28 g.)	76 (38 g.)	129 (44 g.)	137 (57 g.)	167 (68 g.)	149 (58 g.)	157 (57 g.)	156 (65 g.)	163 (63g.)
2012/2013	1095 (471g.)	55 (20 g.)	79 (38 g.)	98 (44 g.)	121 (49 g.)	121 (48g.)	150 (72 g.)	167 (68 g.)	148 (59 g.)	156 (73 g.)
2013/2014	1057 (435 g.)	47 (18 g.)	83 (32 g.)	106 (46 g.)	120 (53 g.)	130 (50 g.)	118 (54 g.)	156 (71g.)	165 (68 g.)	132 (43 g.)

The Law on Secondary Education and Upbringing („RS Official Gazette“ no.74/08, 106/09 and 104/11) provides that school cannot discriminate children's access to education on the basis of race, color, gender, language, religion, political or other belief, national or social origin, on the basis of special needs status, or any other basis.

RS and its local self-government units, along with schools, are responsible for providing school premises, equipment and supporting infrastructure for unrestricted access and participation in the educational process of persons with special educational needs.

Upbringing-educational work in secondary education for students using sign language shall be performed in sign language and use of teaching materials for such language.

School for students with special needs apply special adapted programs for special education of students with special educational needs.

Students with special needs included in regular schooling – secondary education in RS

RS	Total	I	II	III	IV
2009/2010	296 (95 girls)	102 (30 g.)	61 (18 g.)	82 (32 g.)	51 (15 g.)
2010/2011	290 (114 g.)	93 (39 g.)	92 (37 g.)	63 (27 g.)	42 (11 g.)
2011/2012	483 (182 g.)	156 (49 g.)	144 (58 g.)	121 (51g.)	62 (24 g.)
2012/2013	497 (164 g.)	122 (38 g.)	168 (55 g.)	143 (51 g.)	64 (20 g.)
2013/2014	403 (192 g.)	98 (39 g.)	118 (49 g.)	130 (69 g.)	57 (35 g.)

Education of students in secondary schools in RS is performed in regular schools and special facilities.

Primary schools, gradually and pending of funds, eliminate architectural barriers, and secondary schools use local community budgets for those purposes.

RS has adopted 2010- 2015 Strategy for Improving the Social Position of Persons with Disabilities in RS. The Strategy also lists the following objectives:

- harmonization of existing laws and regulations in education with the principles of international documents dealing with disability,
- improvement of work in mainstream schools / kindergartens on the principle of inclusion and establishment of resource centers and service providers in support of the regular education system, all based on the principle of promotion of students' abilities and potentials and ongoing monitoring of developments through the whole process of education,
- provision of funds in support of educational institutions in order to realize high quality and affordable education and upbringing of children and students with defects and developmental disabilities,
- improvement of performance of teachers / educators, professional associates and others who work with children / students with disabilities and special needs,
- ensuring better physical access to upbringing and education and other institutions and equipping them better in accordance with standards and modern trends,
- wider offer of textbooks and related literature, with parts that are more specific and easier depicted, richly illustrated textbooks, better adapted to children and students with various disabilities and special needs,
- inclusion of the media with a view to developing positive attitudes when it comes to the education of children / students with disabilities,
- improving conditions of study for students with disabilities.

BD

The Law on Primary and Secondary Education of BD (“Official Gazette of BD” no. 10/08) regulates enrolment, identification procedure, education and rehabilitation of children with mental disabilities. This Law prohibits any form of discrimination in education and training of the students and ensures equal conditions for all applying principles and norms established by this Law.

Article 49 (Enrolment of students with special needs) defines:

- (1) Enrolment of students with special needs shall be carried out based on:
 - a) finding and opinion of the commission on detection of disease, assessment of ability, classification and records of children with special needs;
 - b) decision on child categorization issued by competent body;
- (2) Proposal for a new determination of the type and degree of disability can be required by parent, school, social care authority, medical institution.
- (3) The type and degree of disability of a pupil, appropriate rehabilitation and professional orientation shall be stated in the decision assessment of the type and degree of disability of a pupil
- (4) Enrolment under paragraph 1 of this Article shall be performed in the month of May.

Article 52 regulates that if (1) student due to disability or other serious disease cannot attend lessons education for such students can be organized at home.

- (2) Student who is, due to serious disease, accommodated at the health institution shall be educated in the hospital, and student located in the social institution shall attend school nearest to such institution.
- (3) Education of students under paragraphs 1 and 2 of this Article shall be defined by the Education Department based on proposal of the pedagogical institution.
- (4) If a student from medical reasons is not able to participate in a physical activity or perform physical exercises in a certain subject, or if such exercise could endanger his health, he/she shall be temporarily or permanently relieved of such activities.

(5) The decision to release students under paragraph 4 of this Article shall be adopted by teachers' council or on the recommendation of an authorized medical institution.

Article 45 regulates secondary education

((4) Secondary vocational school is obliged to create all necessary conditions for the education of students with reduced mental and physical abilities in simple or less simple occupations, first and second degree of complexity.)

(5) Secondary education of students with special needs, as well as the education of gifted students, may be performed in special classes of secondary schools of the District, formed for such purpose, with specially adapted curricula for each of these categories.

(6) The duration of secondary education of students with special needs as well as a way of gaining qualification levels shall be regulated by a special act passed by the District Government on the proposal of the Head of Department.).

Article 24 (The conditions for the formation of classes)

(1) Primary and secondary schools, as public institutions, place students in classes.

(2) Class may not have more than 29 students.

(3) Departments which include students in inclusive classes are limited to 18 students, and one class can be a maximum of two students with special needs.

(4) Minimum number of students in a class shall be determined in accordance with the pedagogical standards adopted by the Government of the District.

(5) With the prior approval of the Department, the work of classes may be organized with the number of students exceeding the number under paragraphs 2 and 3 of this Article in the event of an unplanned increase in the number of students.)

Article 50 (Categorization)

(1) The process of early identification of children with special needs begins at the stage of determining the ability of the child to enroll the first grade. Finding of the Commission under Article 49 paragraph 1 item a) of this Law determines the way of education and rehabilitation.

(2) A child with minor difficulties in physical development and child that according to the findings of the Commission under Article 49 paragraph 1 item a) of this Law should learn with increased supervision and operation of pedagogues, psychologists and special education teachers, attends regular classes or inclusive classes.

(3) Children with more pronounced difficulties in physical development attend special classes where adapted curriculum is applied and where, in addition to education, they need rehabilitation and re-socialization.

(4) Rule Book, issued by the Head of Unit, more specifically regulates the category, identification procedures, socialization, keeping records and documentation, planning and working methods, profile, training and professional development of personnel working with students with special needs.

Students with special needs are educated in primary and secondary schools in the area of BD. In two primary schools special classes are organized for students with moderate mental retardation, while students categorized as mild mental retardation are integrated into regular classes in inclusive education. Teaching for this group of students is performed according to adapted curricula which are aligned with their capabilities, interests and abilities.

Secondary vocational schools enroll students who completed primary education choosing some easy occupations for them, according to the abilities and interests of students.

Professional school team intensive observes this category, constantly communicate with teachers and propose new solutions by referring individually to each student with a learning

and disability and difficulties in participation. In order to ensure comprehensive support to students with learning disabilities and participation continues activities are undertaken to identify students with speech difficulties, partially sighted students, students with behavioral disorders, attention *deficit hyperactivity disorder* (ADHD) and other disabilities, so the extended professional team could determine the level and type of support. Professional team of primary and secondary schools has good cooperation when it comes to the flow of information about students with difficulties in learning and participation. In the area of BD in primary and secondary schools students with special needs are educated. In two primary schools special classes are organized for students with moderate mental retardation, while students categorized as mild mental retardation are integrated into regular classes in inclusive education. Teaching for this group of students is organized according to adapted curricula that are aligned with their capabilities, interests and abilities.

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Professional team of primary and secondary schools has good cooperation when it comes to the flow of information about students with difficulties in learning and participation

In order for school to be physically accessible to children with disabilities, the schools have adequate facilities tailored for such access. In one school an elevator is in operation so that rooms upstairs can be accessible for children with disabilities and in other schools, classroom arrangement is adapted to the needs of these children.

The educational system of BD employs teachers with different specialist who together with pedagogues, psychologists, social workers and social pedagogues make an expert teams working with these students and provide help and support to parents and teachers of these students.

Adapted curricula for children with disabilities are developed by teachers working in collaboration with professional teams consisting of appropriate professional associates.

FBiH

Individual and adapted curricula are in use for children with special needs. Those curricula are developed in cooperation between teachers and mobile teams composed of experts for certain areas (pedagogues, psychologists, special education teachers, therapists...)

New schools are built to comply with building standards and old schools are repaired to meet standards, where ever possible. A particular problem is branch schools in rural areas.

Pedagogical standards and norms envisage that schools with larger number of students must have a pedagogue and psychologist. Seminars, round tables and other forms of education are organized for educational staff.

Roma education

With regard to Roma children, we have to underline the Council of Ministers of Bosnia and Herzegovina adopted the Revised Action Plan on Educational Needs of Roma at its meeting held on 14 July 2010. This document defines four goals and 47 measures so that this marginalized group of children could have equal access to quality education and acquire necessary skills to latter be integrate into society.

Also it is necessary to emphasize that an expert team was appointed to monitor meeting of the educational needs of Roma, as a direct obligation that derives from it. The team collects all relevant statistical data on Roma education as of 2011/2012 school year.

In 2011 there was an increase in enrolment of Roma children in primary, secondary and higher schools.

Analysis of the indicators of Roma needs compiled by the Ministry for Human Rights and Refugees shows the following:

- 27 Roma children were included in the compulsory preschool upbringing and education,
- 49 Roma children were enrolled in compulsory preschool upbringing and education,
- 3024 Roma children attended primary school;
- 243 Roma children attended secondary school,
- 17 Roma children were included in higher education,
- 939 children were not covered by primary or secondary education.

Joining of BiH to Decade of Roma Inclusion (2005 – 2015) required revision of the Action Plan on Educational Needs of Roma and Other National Minorities in BiH (2004). In particular the part refers to Roma required revision aimed to ensure solving the problem relating to more responsible and quality access to education of Roma children as the most numerous national minority in BiH.

Revised Action Plan on Educational Needs of Roma was developed in compliances with recommendations and proposals agreed at the 16th meeting of the International Steering Committee of the Program of Decade of Roma Inclusion. This document defines four goals and 47 measures so that this marginalized group of children could have equal access to quality education and acquire necessary skills to latter be integrate into society. Equality becomes particularly important for Roma children and young people when it comes to the availability of quality education. An expert team was appointed at the national level to monitor meeting of the educational needs of Roma and the Report was developed for 2011.

When creating the first report the expert team faced the problem of the absence of the actual number of Roma living in the territory of the state and therefore the number of Roma children since the last census in BiH was held in 1991. Assessment of domestic and foreign NGOs differed in the tens of thousands of Roma.

Ministry for Human Rights and Refugees (MHRR), in order to initiate development of the Action Plan for Roma in BiH (at the end of 2009 and beginning of 2010) carried out recording of Roma needs.

Analysis of recorded Roma needs in BiH (MHRR 2011) showed that 16,771 Roma was registered in BiH out of which 42.2% were minors or numerically 7,077 (children under 18 years).

Using those data expert team calculated the number of children that should be included into mainstream education (children from 6 to 16 years) what means 56% out of 7,077 children what corresponds to the numerical indicator of 3,963.

It should be mentioned that census in BiH was held in October 2013 (1 – 15 October 2013) and exact number of Roma will be known after official announcement of the results.

According to the Report from 2011 there was an increase in enrolment of Roma children in primary, secondary and higher schools. It is evident that the number of Roma children dropping out of primary and secondary school significantly reduced. Competent ministries of education pay more attention to meetings with parents of Roma children in order to inform them that primary education is mandatory. Also meetings with Roma community representatives and activists aimed to inform them on importance of the programs on early childhood including info gatherings and thematic sessions for parents within Roma communities.

Also, according to data from the Report, 3024 or 76.30% of Roma children attended primary schools.

49 or 1.6% Roma students dropped out of primary school in the first term of the 2011/2012 school year.

According to incomplete data 1248 Roma students were included in the mainstream primary education in 2012/2013 school year. Objectively number of Roma children included in regular primary education in school year 2012/2013 is higher than the reported data.

(Data from this Report are incomplete for the school year 2012/2013 because three ministries of education didn't provide data (Sarajevo Canton, Una Sana Canton and Central Bosnia Canton) out of six cantonal ministries of education in FBiH were Roma reside.

267 Roma students dropped out compulsory primary education in the first term of 2012/2013 school year.

(225 Roma students were included in part-time system of primary education in six schools and those students were provided free examinations taking).

122 Roma students enrolled secondary education in 2011/2012 school year. 43 or 2.37% Roma students dropped out secondary education in 2011/2012 school year.

105 Roma students enrolled secondary school in 2012/2013 school year and 11 Roma students dropped out. Total number of 243 Roma students was included in the secondary education in 2012/2013 school year.

30 Roma students completed secondary education in 2012/2013 school year.

(34 Roma students dropped out from the first grade of secondary education what amount 28% is in relation to the number of enrolled student in the first grade. Material reasons, arbitrarily leaving school, change of place of residence, opposition from parents and marriage were mentioned as reasons for school leaving.)

Competent education authorities provided 6 scholarship for Roma higher education students in 2011/2012 school year (*17 students in total*), and 64 Roma students receive scholarship in primary and secondary schools.

49 scholarships were ensured for Roma higher, primary and secondary education students in 2012/2013 school year.

80% of Roma children received some form of assistance in primary schools like textbooks, school supplies, free transportation and free school meals in 2011.

95% of Roma children received some form of assistance in primary schools like textbooks, school supplies, free transportation and free school meals in 2012/2013 school year.

Development of the Report for 2013/2014 school year is in progress.

FBIH

According to the 2011-2012 Multiple Indicator Cluster Survey on Roma population in BiH¹⁶, the primary school net attendance ratio for Roma children was 69.3% in BiH while that statistics for FBiH was 68.9%.

Only 46.9% of primary school entry age (six years) of Roma children attends the first grade of primary school in BiH, what indicates the previously identified problem of delayed enrolment of Roma children in the first grade of primary school. Hence, statistics on ratio on inclusion of children of seven years is significantly higher and amounts to 65.9%. The highest percentage of children of primary school age attending school were age 10 (80 per cent)

According to the cantonal laws on primary education one of measures for increasing number of Roma children enrolment in schools is bringing charges against parents for non-compliances with obligations regarding enrolment and regular attendance the school and fulfilment of other school obligations. However, prevention measures are more effective in the long term then sanctioning such practices. One of the best means of prevention is education of parents and certain incentives such as free textbooks and rewarding of Roma students for excellent success.

For the second consecutive year, Federal Ministry of Education and Science in the school year 2012/2013 granted a one-time cash award to students of Roma primary and secondary schools who have achieved great success at the end of school year. Also, the Ministry of Education within the allocation of funds and support to the program titled: "Support Education of Roma Children and Other National Minorities and Socially Vulnerable Categories" provides support for projects aimed at improving the inclusion of Roma children in educational institutions. These are some examples of incentives for better inclusion of Roma children in primary

¹⁶ Ministry for Human Rights and Refugees BiH, BiH Statistics Agency. (2013.) *Multiple Indicator Cluster Survey (MICS) on Roma population in BiH 2011.-2012: final report*. Sarajevo: UNICEF BiH. Pages:80-81.

education and motivation for greater commitment and perseverance in the completion of primary education.

In addition to the percentage of Roma children attending primary education it is important to consider the data on the percentage of Roma children who complete their primary education. According to data from Multiple Indicator Cluster Survey on Roma Population in BiH 2011-2012, percentage of children who enter the first grade and reach last grade of primary school is 75% for BiH. This number includes children that repeat grades of primary school.¹⁷

However, if we look at the data on the percentage of Roma children who complete primary school within the prescribed age for primary completion i.e. students who enroll and complete their primary education on time (without repetition of grades) in a ratio to the total population of Roma children of that age we realize that it is much lower and amounts only 40% for BiH. The survey shows that the net primary school completion rate was 40 per cent and was higher amongst boys (46 per cent) than girls (34 per cent¹⁸).

Although school attendance and interruption of basic education can be seen as separate problems in this aspect they are often interconnected because irregular attendance in primary school, in a number of cases, is indication that the child is at risk of interruption of schooling.

Information collected from the cantonal ministries of education shows that majority of ministries have no data on number of students irregularly attending a school.

From the other side, as possible reasons for irregular attendance, the competent cantonal ministries identified the following factors: Roma children are at the greater risk of irregular attendance, socio-economics reasons, unemployment of parents, disease parents and other adverse family situation, work overload parents, irresponsible behavior of parents, low level of supervision of children.

According to the Multiple Indicator Cluster Survey on Roma Population in BiH¹⁹, primary school completion rate for BiH is 92%, and for FBiH 91,7%. This means that children enrolled the first grade of primary education, 92% of them, complete their primary education in primary school age (this excludes students who repeat the grade). Hence, if we use data from the research, we can conclude that around 8% of students do not complete primary education within prescribed age. This percentage refers to those students who repeat certain grades and the children who for whatever reason do not complete primary school at the age envisaged for it, which means that it does not apply to children who do not even finish primary school.

According to the latest available data relating to the end of the school year 2011/2012, 98 primary school students dropped out in FBiH and social reasons were mentioned as the most common reason for non- attendance.²⁰

The Study „Non-Enrolment And School Drop Out“ lists poor financial standing of the family, lack of parental support, distance from the school as the most mentioned reasons for the school dropout.²¹

¹⁷ Ibid. pages 82-84.

¹⁸ Ibid.

¹⁹ BiH Statistics Agency, Federal Ministry of Health, RS Ministry of Health and Social Care and Federation BiH Institute for Public Health (2013.). *Multiple Indicator Cluster Survey (MICS) on Roma population in BiH 2011.-2012: final report*. Sarajevo: UNICEF BiH. Pages:80-81.

²⁰ Federal Statistical Office. Statistics Bulletin no. 185/13. Sarajevo, 2013. p.101.

In addition, the following reasons have been reported as well: marriage or common-law marriage, dysfunctional family, bad company, conduct and poor academic achievement.²²

Information collected from the cantonal ministries of education, the most common reasons for non-completion of the primary education are social status of the family the child comes from and family relationships and Roma children were identified as the most vulnerable category when it comes to the dropout from the school. From this information it was possible to conclude that students generally interrupted schooling in the upper grades of elementary school, sixth grade and after and more after the transition to subject teaching. Data from the Multiple Indicator Cluster Survey on Roma Population in BiH (MICS 4), carried out in the course of 2011 and 2012 shows that primary schools completion rate in FBiH is 97,2%.

Observation of trends entering the first grade of primary schools in FBiH for the period 2008/09 – 2012/13 school year and according to available official statistics it can be determined that the number of students decreased by 2017 students in comparison to the school year 2008/09 and amounts 8.76%. If we look at the trends of decreasing or increasing the total number of students of primary schools we will find out that in the past five years, there was a decrease in the number of students in primary schools in FBiH. So, there were 39,513 students less in the 2012/13 school year than in the 2008/09 school year, as expressed in percentages it amounts to 16.53%.

According to information collected from the cantonal ministries of education, the falling birthrate as consequence of difficult economic situation in the society and high ratio of unemployment of young people was considered as the most common cause of the decrease in the number of students enrolled in the first grade of the primary school and decrease of the total number of students in primary schools in FBiH.

Universal access to primary education providing basic education for children all over the world is one of the most important goals of the Program „A World Fit for Children“ and Millennium Development Goals. Education is essential prerequisite to fight poverty, strengthening the position of women, protection of children against hazardous and exploitative labor and sexual exploitation, promotion of human rights and democracy, environment protection and significantly influence population growth.

Education program in early childhood

Readiness of children for primary school can be improved through participation in education programs in early childhood or through preschool education.

Some kind of organized programs of early childhood attend two percent of Roma children aged 36-59 months.

Some kind of organized programs of early childhood attend two percent of Roma children aged 36-59 months who live in the *poorest 60 percent of the population*.

	Children aged 36 - 59 months attending some type of organized education programs
Roma population	2%
Total BiH citizens	13%

²¹ MDG-F Program to employ young (YERP), implemented by: IOM, UNDP, UNFA, UNICEF i UNV. *Non-attendance and school leaving*. Study developed on research relating to children and youngs regarding non-attendance and leaving primary and secondary education . December, 2011. p. 19.

²² Ibid.

Data Source: BiH Ministry for Human Rights and Refugees - Multiple Indicator Cluster Survey on Roma Population in BiH /2011-2012/

4% of Roma children who attend first grade of primary school attended preschool institution in the previous year.

Roma population	4%
Total BiH citizens	16%

Data Source: BiH Ministry for Human Rights and Refugees - Multiple Indicator Cluster Survey on Roma Population in BiH /2011-2012/

Education: enrolment, attendance of primary and secondary school, completion of primary school, transfer to secondary school

Roma population.: 47% of Roma children in primary school age attend the first grade of primary school.

Roma girls: 55% of Roma girls in primary school age attend the first grade of primary education.

	Roma population	Total citizens (BiH)
Net primary school enrolment rate (6 years of age)	45%	83%
Net primary education attendance rate	69%	98%
Per cent who reach grade 8 of those who enter grade 1	75%	100% (99.5%)
Net primary school completion rate	40%	92%
Transition rate to secondary school	71%	97%
Net secondary school attendance rate	23%	92%
Secondary school age students attending primary education	9%	1%

Source: BiH Ministry for Human Rights and Refugees - Multiple Indicator Cluster Survey on Roma Population in BiH /2011-2012/

In order to create positive environment aimed to reduce social exclusion and improvement overall social status of Roma children the Minister for Human Rights and Refugees passed, by his decision, Guidelines for improving the position of Roma children – social inclusion (end of 2013). A reason for development of such document, which requires among departmental approach, is the fact that improvement of the social status of Roma children is conditioned through different protection systems like social protection, education, health care, employment, accommodation and etc.

RS

In regards to Roma inclusion, RS Ministry of Education and Culture regularly observes implementation of BiH Revised Action Plan on Educational Needs of Roma, as follows:

- school have meetings with parents of Roma children aimed to inform them that primary education is mandatory. NGOs take part in those activities. 21 meetings were held in the 2011/2012 school year in seven schools and four municipalities;
- meetings are held and activities are taken to inform parents on importance of programs on children development in early childhood;

- daily centers for youngest children are opened;
- information gatherings and thematic lectures are organized for Roma parents in Roma communities (NGOs participated as well);
- Bijeljina municipality allocated this year KM 3,700 for inclusion of Roma children in pre-school activities;
- The project Improvement of access to pre-school education for children coming from Roma communities was implemented in the following municipalities: Vukosavlje, Prijedor, Gradiška and Bijeljina;
- training organized aimed to strengthen capabilities and skills of teachers working with Roma children within the program Improvement of access for children coming from Roma communities - municipalities Vukosavlje, Prijedor, Gradiška and Bijeljina;
- 676 students enrolled primary schools in 2011/2012 school year;
- encouraging measures are undertaken in order to improve regular attendance of schools – permanent contacts with Roma Associations and Roma communities, Social Welfare Centers and Roma families, release of all payment in school/ free tickets to theatre, cinema..., parents meetings with class masters, visit to Roma families, providing of free textbooks and school accessories, assistance in providing clothes, shoes, free meals for Roma students (Banja Luka municipality), school bags providing, almost free transportation with minimum compensation (Vukosavlje municipality);
- Curricula adapted – in the last four years a project “Basic Right to Education” was implemented for children who did not attend school in school ages prescribed by law. 74 children in total took part in the project. Regular curricula are being applied to students who attend schooling regularly.
- all students who reside over 4 km away from school are provided with free transportation;
- Bijeljina municipality provides meals for Roma children in primary schools;
- the extramural system of primary education includes 76 Roma children;
- Bijeljina municipality provides taking free external examinations;
- Roma parents are involved in school bodies – Parent Council;
- activities are organized for the purpose of continuous training of teachers, parents and all children in primary schools in order to raise awareness on human rights and rights of children;
- non-violent communication workshops are organized by pedagogues for teaching staff, parents and all children in primary schools about stereotypes and discrimination against Roma and how to overcome them;
- 104 children enrolled in secondary school in 2011/2012 school year;
- free textbooks were provided to Roma children enrolled to secondary schools (19 students);
- free transportation of Roma children enrolled in secondary schools was provided (14 students);
- 15 Roma children receive scholarship;
- eleven Roma children enrolled higher education institutions;
- four Roma children at higher education institutions receive scholarship;
- information on organization of adult education programs was provided to the Roma Association, Association of National Minorities and Center for Social Work;
- the competent institutions inform about education programs of Roma adults through the media, newspapers, television, radio and Employment Office. So far there have been no Roma registered for adult primary education.
- seven schools promoted Roma culture and history as extracurricular activities (Banja Luka and Bijeljina) during the Roma Day, Roma’s celebration of St George and " Kaleidoscope": Let's get acquainted! National Minorities in BiH" diversity is all around us, explore its riches;
- Let's get acquainted! Manual on National Minorities in BiH was published;

- all newly born children and adult Roma have been registered in the Birth Register in Banja Luka;
- six Roma assistants were hired to teach.

BD

The Law on Education in Primary and Secondary Schools of BD requires that all children have an equal right to education. Article 6, paragraph b) of the Law prohibits discrimination or favoritism based on ethnic, religious, sexual, political, social or any other basis.

The education system of BD has no special schools or classrooms for Roma children, but they are integrated into regular classes with other students instead. The BD primary schools include 107 Roma students and 16 Roma students are in secondary schools. The legislation gives equal rights to all students but problems of Roma students caused by family and social circumstances are evident. We emphasize that the education system includes much larger number of Roma students, but the problem is the inconsistency in their declaration of nationality.

Schools help these students during their education in accordance with their capabilities, organizing humanitarian activities in the school for students and having good cooperation with local communities and NGOs with a view to providing necessary conditions for these students.

Accordingly, professional teams in school consisting of an educator, psychologist, special education teachers, social workers, social educators facing the problem of poor school attendance of Roma students are trying to solve this problem in cooperation with parents, working on changing attitudes and habits that their children attendance has become an instrument to achieve something (e.g. a school meal free of charge, one-time monetary assistance etc.). In fact, very often, the only reason the parents send their children to school regularly is to get the (albeit minimal) benefits.

A project that will provide day care of students after school in the Ninth Primary School of Prutače where a majority of Roma students reside is under preparations. Students have free transport and textbooks in primary schools while secondary school students are provided free transport and efforts are made to provide free textbooks to these students as well.

Measures to increase enrolment in secondary school

FBiH

Federal Ministry of Education and Science, in cooperation with competent cantonal ministries of education, considers the option of introduction mandatory secondary education in the shortest period of two years. This measure was already implemented in Sarajevo Canton and Bosnia Podrinje Canton in the school year 2010/2011. The Law on Secondary Education of Una Sana Canton, adopted 2012, prescribes compulsory secondary education in two year programs for all students up to 18 years of age based on which qualifications of the first and second degree will be gained. This law provision will be implemented gradually as it is necessary to develop curricula for qualifications of the first and second degree and introduce these occupations in nomenclature occupations for the new qualifications of the first and second degree of complexity. Implementation of education in two year programs for two professions will start next school year.

BD

The Law on Education in Primary and Secondary Schools in Brčko District, („BD Official Gazette no. 10/08, 25/08, 04/13.), defines enrolment of students in primary school.

(Receiving of secondary education)

(1) Secondary education is receiving in secondary schools and it is accessible to all students who completed primary education.

(2) Secondary education in schools founded by District is free in the sense of payment any compensations or fees for school attendance.

Secondary education is not mandatory but enrolment ratio is almost 100% because, as prescribed by the Law, students are provided with free transportation if distance between school and place of residence is more than 3km. Also, students i.e. their parents have right to social protection if they children are full time students (child benefits, financial support...).

RS

Secondary schools enrollment ratio in RS is 97 % (almost 100 % - such as the secondary school is mandatory as well).

Two schools under one roof

In 2012 the Federal Ministry of Education and Science developed “Recommendations for Elimination of Segregation and Divided Structures in Upbringing-educational Institutions in FBiH” adopted by Coordination of Ministers of Education and Science in FBiH at its 14th session held on 27 August 2012. That document foresees elimination of segregation and divided structures in schools through three steps:

- “Administrative and legal unification of divided upbringing-educational institutions”,
- “Establishment of unique approach to education and equal opportunities for all students” and
- “Full integration of divided schools – establishment of multiethnic grades”.

Activities of Federal Ministry of Education and Science aimed to eliminate segregation and discrimination in education, including phenomenon known as „two schools under one roof“ are as follows:

2010 Ministry supported two projects within the program “Support to Equalization of Conditions in Parallel Structures in Schools” and allocated KM 10,000.00 for that purpose.

2011, 2012, and 2013 the program titled “Improvement of Work Conditions in Upbringing-educational Institutions” was implemented within which they are as a criterion for the selection of projects that will be financially supported by this ministry are and next:

- Priority in reconstruction or equipping of the school to be given to schools with majority or large number of students belong to returnee children;
- Support project of educational institutions which educate a larger number of Roma and other national minority students;
- Support enlargement of school facilities for the purpose of administrative-legal unification of „two schools under one roof” and adapting of school premises;

- Giving priority to the projects which enable promoting of rights of national minorities and persons with special needs and adapting school facilities to the purpose;

In 2012 Federal Ministry of Education and Science in order to support process and projects of unification upbringing-educational institutions functioning as ‘two schools under one roof’ announced a competition for the best literary work named “Future I Want in BiH – One Roof for All.” The competition entry was students of primary and secondary schools from the Federation and 17 students were awarded whose works were ranked the best.

In the period of preparation of this Report, FBiH Supreme Court issued a judgment no.: 58 oPs 085653 13 of 29 August 2014 /published on 30 October/ upholding the judgment of the Municipal Court in Mostar of 27 April 2012 which established existence of discriminatory form of organization of schools on ethnical principle by adoption and implementation of curricula on ethnical principle and separation of students in two schools in Stolac and Capljina in Herzegovina-Neretva Canton /HNK/. The Court ordered undertaking of all necessary legal actions in line with legitimate and specific goals of education and in compliances with BiH regulations and abolishing further discrimination of students in Herzegovina Neretva canton based on ethnical belonging by establishing unique, integrated, multicultural educational institutions.

Question 3 –Provide relevant numbers, statistics and other relevant information

Primary education

Students enrolled in 2010/2011 school year (regular schools and schools for children with special needs)

		Primary education			
		Total	I-IV grade	V-VIII grade	
BiH	All enrolled students	Total	331,594	168,243	163,351
		Girls	161,197	81,808	79,389
	Public schools	1,895			
RS	All enrolled students	Total	105,028	55,360	49,668
		Girls	51,003	26,957	24,046
	Public schools*	751			
FED	All enrolled students	Total	219,495	109,362	110,133
		Girls	106,728	53,144	53,584
	Public schools *	1,109			
BD	All enrolled students	Total	7,071	3,521	3,550
		Girls	3,466	1,707	1,759
	Public schools *	35			

		Primary education			
		Total	I-IV grade -	V-VIII grade	
BiH	All enrolled students	Total	3,809	2,599	1,210
		Girls	1,859	1,279	580
	Private schools		11		
RS	All enrolled students	Total	0	0	0
		Girls	0	0	0
	Private schools *		0		
FED	All enrolled students	Total	3,809	2,599	1,210
		Girls	1,859	1,279	580
	Private schools *		11		
BD	All enrolled students	Total	0	0	0
		Girls	0	0	0
	Private schools *		0		

Source: BiH Statistics Agency

Students enrolled in 2011/2012 school year (regular schools and schools for children with special needs)

		Primary education			
		Total	I-IV grade-	V-VIII grade -	
BiH	All enrolled students	Total	313,179	164,598	148,581
		girls	152,353	80,043	72,310
	Public schools *		1,876		
RS	All enrolled students	Total	101,376	54,036	47,340
		girls	49,266	26,299	22,967
	Public schools *		731		
FED	All enrolled students	Total	205,013	107,114	97,899
		girls	99,768	52,061	47,707
	Public schools *		1,109		
BD	All enrolled students	Total	6,790	3,448	3,342
		girls	3,319	1,683	1,636
	Public schools *		36		

		Primary education			
		Total	I-IV grade	V-VIII grade -	
BiH	All enrolled students	Total	3,478	2,022	1,456
		girls	1,708	986	722
	private schools*		12		
RS	All enrolled students	Total	0	0	0
		girl	0	0	0
	private schools *		0		
FED	All enrolled students	Total	3,478	2,022	1,456
		girls	1,708	986	722
	private schools *		12		
BD	All enrolled students	Total	0	0	0
		girls	0	0	0
	private schools *		0		

Source: BiH Statistics Agency

Enrolled students in the school year 2012/2013 (regular schools and schools for children with special needs)

		Primary education			
		Total	I-IV razred -	V-VIII grade	
BiH	All enrolled students	Total	301,322	160,385	140,937
		girls	146,830	77,961	68,869
	Public schools		1,868		
RS	All enrolled students	Total	99,025	52,774	46,251
		girls	48,228	25,670	22,558
	Public schools		727		
FED	* All enrolled students	Total	196,010	104,280	91,730
		girls	95,578	50,680	44,898
	Public schools		1,105		
BD	* All enrolled students	Total	6,287	3,331	2,956
		girls	3,024	1,611	1,413
	Public schools		36		
*					

		Primary education			
		Total	I-IV grade -	V-VIII grade -	
BiH	All enrolled students	Total	3,559	2,143	1,416
		girls	1,755	1,051	704
	Private schools*		13		
RS	All enrolled students	Total	0	0	0
		girls	0	0	0
	Private schools *		0		
FED	All enrolled students	Total	3,559	2,143	1,416
		girls	1,755	1,051	704
	Private schools *		13		
BD	All enrolled students	Total	0	0	0
		girls	0	0	0
	Private schools *		0		

Source: BiH Statistics Agency

Primary Schools at the beginning of the school year

		Number classes	Students	Average number Teachers	Average number of students	
					Per teacher	in class
BiH	2010/2011	16,248	335,403	24,536	14	21
RS	2010/2011	5,557	105,028	8,360	13	19
FED	2010/2011	10,317	223,304	15,622	14	22
BD	2010/2011	374	7,071	554	13	19
BiH	2011/2012	15,757	316,657	24,605	13	20
RS	2011/2012	5,439	101,376	8,455	12	19
FED	2011/2012	9,947	208,491	15,574	13	21
BD	2011/2012	371	6,790	576	12	18
BiH	2012/2013	15,537	304,881	24,227	13	20
RS	2012/2013	5,310	99,025	8,448	12	19
FED	2012/2013	9,868	199,569	15,224	13	20
BD	2012/2013	359	6,287	555	11	18
BiH	2013/2014	15,421	302,133	24,476	12	20
RS	2013/2014	5,251	96,932	8,535	11	18
FED	2013/2014	9,815	198,840	15,417	13	20
BD	2013/2014	355	6,361	524	12	18

Source: BiH Statistics Agency

Regular students of primary schools who dropped out during the school year

		Students Dropped out	
		total	Girls
BiH	2010/2011	115	44
RS	2010/2011	23	5
FED	2010/2011	90	38
BD	2010/2011	2	1
BiH	2011/2012	108	36
RS	2011/2012	19	11
FED	2011/2012	87	24
BD	2011/2012	2	1
BiH	2012/2013	196	95
RS	2012/2013	68	36
FED	2012/2013	128	59
BD	2012/2013	0	0

Source: BiH Statistics Agency

Secondary Education

Students enrolled in 2010/2011 school year

	Secondary education		
	Number of public schools	Enrolled students	
		total	girls
BiH	294	148,283	73,325
RS	91	48,196	23,914
FBiH	199	96,423	47,599
BD	4	3,664	1,812

	Secondary education		
	Number of public schools	Enrolled students	
		total	girls
BiH	16	3,397	1,751
RS	3	592	333
FBiH	13	2,805	1,418
BD	0	0	0

Source: BiH Statistics Agency

Students enrolled in 2011/2012 school year

	Secondary education		
	Number of public schools	Enrolled students	
		total	girls
BiH	293	159,330	78,496
RS	90	49,760	24,619
FBiH	199	105,695	51,926
BD	4	3,875	1,951

	Secondary education		
	Number of public schools	Enrolled students	
		total	girls
BiH	19	3,954	2,043
RS	4	692	378
FBiH	15	3,262	1,665
BD	0	0	0

Source: BiH Statistics Agency

Students enrolled in 2012/2013 school year

	Secondary education		
	Number of public schools	Enrolled students	
		total	girls
BiH	290	162,226	79,858
RS	90	48,663	24,090
FBiH	196	109,482	53,674
BD	4	4,081	2,094

	Secondary education		
	Number of private schools	Enrolled students	
		total	girls
BiH	19	4,436	2,384
RS	4	704	383
FBiH	15	3,732	2,001
BD	0	0	0

Source: BiH Statistics Agency

Secondary schools at the beginning of the school year

School year		Number of classes	Students	Teachers	Average number of students	
					Per teacher	In one class
BiH	2010/2011	6,202	151,680	12,149	12	24
RS	2010/2011	1,990	48,788	3,768	13	25
FED	2010/2011	4,053	99,228	8,091	12	24
BD	2010/2011	159	3,664	290	13	23
BiH	2011/2012	6,515	163,284	12,773	13	25
RS	2011/2012	2,027	50,452	3,981	13	25
FED	2011/2012	4,324	108,957	8,527	13	25
BD	2011/2012	164	3,875	265	15	24
BiH	2012/2013	6,558	166,662	13,043	13	25
RS	2012/2013	1,963	49,367	4,013	12	25
FED	2012/2013	4,432	113,214	8,757	13	26
BD	2012/2013	163	4,081	273	15	25
BiH	2013/2014	6,338	156,350	13,037	12	25
RS	2013/2014	1,872	46,421	3,947	12	25
FED	2013/2014	4,303	106,056	8,836	12	25
BD	2013/2014	163	3,873	254	15	24

Source: BiH Statistics Agency

Secondary school students who dropped out from the school in the course of the school year

School year		Students who dropped out from the school	
		total	students
BiH	2010/2011	1,330	476
RS	2010/2011	402	135
FED	2010/2011	840	311
BD	2010/2011	88	30
BiH	2011/2012	1,410	578
RS	2011/2012	375	157
FED	2011/2012	943	394
BD	2011/2012	92	27
BiH	2012/2013	1,376	541
RS	2012/2013	336	124
FED	2012/2013	976	390
BD	2012/2013	64	27

Source: BiH Statistics Agency

INTERNATIONAL REGULATIONS RATIFIED BY BOSNIA AND HERZEGOVINA

Article 7- Rights of children and young persons to protection

- UN Convention on the Rights of the Child -1989 („Official Gazette of RBiH“, no 25/93).
- Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography („BiH Official Gazette“ –International treaties no. 5/02)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict („BiH Official Gazette“ – International treaties no. 5/02)
- International Covenant on economic, social and cultural rights -1966
- Convention for the Protection of Human Rights and Fundamental Freedoms (1950)
- Convention of ILO 138 (Minimum age Convention) minimum age for admission to employment or work 1973, ratified on 2 June 1993
- Worst Forms of Child Labor Convention, ILO 182, 1999, ratified on 5 October 2001.-
- ILO 100 on principle of equal remuneration for men and women workers for work of equal value 1951., ratified on 2 June1993
- ILO 132, Convention concerning Annual Holidays with Pay (Revised), 1970 ratified on 2 June1993
- ILO 90, Convention concerning the Night Work of Young Persons Employed in Industry (Revised 1948, ratified on 2 June1993
- Convention on Cybercrime of the Council of Europe with Optional Protocols, ratified on 19 May 2006
- ILO 16 Regular medical control for persons under 18 employed on vessels, Automatic Denunciation on 20 August 2013 by Convention on the work at sea (MLC), 2006;

- Directive of the Council 94/33/EZ of 22 June 1994 on protection of young people at work

Article 8 – Right of Employed Women to Protection of Maternity

- UN Convention on the Rights of the Child -1989 („Official Gazette of RBiH“, no 25/93).
- Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography („BiH Official Gazette“ –International treaties no. 5/02)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict („BiH Official Gazette“ – International treaties no. 5/02)
- International Covenant on economic, social and cultural rights -1966
- Convention for the Protection of Human Rights and Fundamental Freedoms (1950)
- UN Convention on elimination of all forms of discrimination against women /CEDAW/-1979;
- ILO 103 - Maternity Protection Convention (Revised), Automatic Denunciation on 18 Jan 2011 by convention C183;
- ILO 45 - Convention concerning the Employment of Women on Underground Work in Mines of all Kinds;
- ILO 100 - Equal Remuneration Convention;
- ILO 3 - Convention on work of women prior and after birth-giving and maternity protection; denounced on 14 December 2011;
- ILO 89 - Convention concerning Night Work of Women (revised);
- ILO 111 - Convention concerning Discrimination in Respect of Employment and Occupation;
- ILO 156 - Convention concerning Equal Opportunities and Equal Treatment for Men and Women;
- ILO 183 – Convention on maternity protection, International Labor organization;
- Council Europe Directive no 92/85 of 19 October 1992 on measures to encourage improvements in the safety and health of pregnant workers, workers who have recently given birth and women who are breastfeeding.

Article 16 - Social Protection of the Family

- UN Convention on the Rights of the Child -1989 („Official Gazette of RBiH“, no 25/93);
- Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography („BiH Official Gazette“ –International treaties no. 5/02);
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict („BiH Official Gazette“ – International treaties no. 5/02);
- International Covenant on economic, social and cultural rights -1966;
- Convention for the Protection of Human Rights and Fundamental Freedoms (1950);
- Council of Europe Convention on preventing and combating violence against women and domestic violence, („BiH Official Gazette“ no.19/13).

Article 17 - Social Protection of Children and Young People

- UN Convention on the Rights of the Child -1989 („Official Gazette of RBiH“, no 25/93);
- Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography („BiH Official Gazette“ –International treaties no. 5/02);
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict („BiH Official Gazette“ – International treaties no. 5/02);
- International Covenant on economic, social and cultural rights -1966;
- Convention for the Protection of Human Rights and Fundamental Freedoms (1950);
- UN standard minimum rules for administration of juvenile justice (Beijing Rules) (1985):
- UN Guidelines for the Prevention of. Juvenile Delinquency (The Riyadh Guidelines) (1990).

ACRONYMS

- BIH** - **Bosnia and Herzegovina**
- FBIH** - **Federation of Bosnia and Herzegovina**
- RS** - **Republika Srpska**
- BD** - **Brčko District of Bosnia and Herzegovina**
- ESP** - **European Social Charter**
- EKSP** - **European Committee for Social Rights**
- MOR** - **International Labor Organization**
- KM** - **Convertible mark**

The Draft Fifth Report on implementation of the European Social Charter (revised) for the group IV (children, migrants, family) was prepared by **Interdepartmental working group** composed of experts from ministries/institutions of BiH, entities and cantons in compliances with the Decision no.: 01-31-902/14 of 25 July 2014 of the Ministry for Human Rights and Refugees. Members of the working group are as follows:

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17. Sonja Zec, Head of Department in the Republika Srpska Ministry of Justice,
18. Bajić Milan, Head of Department in the Republika Srpska Ministry of Justice,
19. dr. Rajko Kličković, Head of Department in the Republika Srpska Ministry of Labor and Invalid Soldiers Protection,
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21. mr. Ljubo Lepir, Assistant Minister in the Republika Srpska Ministry of Health and Social Care,
22. Momir Popić, Director of the RS Public Fund for Child Protection,
23. Samra Abidović, Senior Associate, Institute for Employment, BiH Brcko District,
24. Slavica Mihajlović, Head of Service, Sub-Department for Social Protection, Government of BiH Brcko District,
25. Edita Bečić, Education Department, Government of the Brcko District BiH.

Ministry for Human Rights and Refugees of BiH, in order to fulfil obligations of BiH as international entity that provides reports on implementation of the European Social Charter (revised), proposes to the BiH Council of Ministers to adopt the following

CONCLUSION

1. Council of Ministers adopts the fifth Report of Bosnia and Herzegovina on implementation of the European Social Charter (revised) for the group 4 (children, family, migrants) Articles 7, 8, 16 and 17 for the reporting period 2010-2013 to meet the obligations of BiH after the ratification of the European Social Charter (revised) of 7 October 2008.
2. The Council of Ministers of Bosnia and Herzegovina is obliged to, according to the conclusions of the European Committee of Social Rights and the Governmental Committee of the European Social Charter of the Council of Europe, which will consider the report of Bosnia and Herzegovina, if they determine that legislation and practice in BiH is not harmonized with the ratified articles of the European Social Charter (revised), take all necessary actions to reconcile it in full implementation in order to respect human social and economic rights according to European standards.
3. It commits the Ministry for Human Rights and Refugees to timely deliver the Fifth Report of Bosnia and Herzegovina on implementation of the European Social Charter (revised) for the group IV (children, family and migrants) for Articles 7, 8, 16 and 17, to the Secretary General of the Council of Europe in Strasbourg and employers' associations and trade unions in Bosnia and Herzegovina in accordance with Articles 21 and 23 of the European Social Charter.