

**THE COMBINED SECOND, THIRD AND FORTH REPORT OF  
BOSNIA AND HERZEGOVINA ON ITS IMPLEMENTATION OF THE  
CONVENTION  
ON THE RIGHTS OF THE CHILD**

**SARAJEVO, November 2009**



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Sarajevo, November 2009

Pursuant to Article 44, item 1.b of the Convention on the Rights of the Child that Bosnia and Herzegovina assumed by succession on 23.11.1993 ("Official Gazette", No 25/93), and upon a proposal by the Ministry of Human Rights and Refugees, the Council of Ministers at its 105<sup>th</sup> session held on 18<sup>th</sup> November 2009 and on a 114. session held on 11.2.2010, adopted

## **THE FIRST PERIODIC REPORT OF BOSNIA AND HERZEGOVINA ON ITS IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD**

### **INTRODUCTION AND PURPOSE OF THE REPORT**

The first periodic report of Bosnia and Herzegovina on the implementation of the Convention on the Rights of the Child was made in accordance with the general guidelines on the structure and the content of periodic reports that State Parties are obliged to submit in accordance with Article 44., Item 1 (b) of the Convention, which was adopted by the Committee on the Rights of the Child at its 39<sup>th</sup> session held on June 3<sup>rd</sup> 2005.

The general guidelines provided a review of the purpose and structure of the report as well as content information required by the Convention. The Annex contains more detailed information with regard to the type of statistical data required by the Committee in accordance with the basic provisions of the Convention.

This approach reflects a general perspective on children's rights that are the subject of the Convention, in the sense that these rights are indivisible and interlinked, and that all the rights recognised in the Convention are of the same importance.

### **CHAPTER I – PREPARATION OF THE REPORT**

#### **Description of the preparation process of the report**

1. Bosnia and Herzegovina presented the Initial Report of Bosnia and Herzegovina on the Implementation of the Convention on the Rights of the Child in May 2005, after which the Committee on the Rights of the Child discussed the Initial Report of Bosnia and Herzegovina (CRC/C/11/Add.28) at its 1030<sup>th</sup> and 1031<sup>st</sup> sessions (see: CRC/C/SR. 1030 and 1031) held on May 19<sup>th</sup> 2005 and adopted concluding remarks at its 1052<sup>nd</sup> session held on June 3<sup>rd</sup> 2005.

2. After June 2005, Bosnia and Herzegovina started preparing initial reports on implementation of two Facultative Protocols to the Convention on the Rights of the Child, namely on the sale of children, child prostitution and child pornography and the involvement of children in armed conflicts, which were adopted by the Council of Ministers of Bosnia and Herzegovina in June 2008 and submitted to the Committee.

3. On the basis of the previously conducted activities with regard to the implementation of the concluding remarks of the Committee, as well as those activities conducted with regard to preparation of the initial reports on the implementation of the two aforementioned facultative protocols, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina prepared a plan of activities aimed at preparation of the First Periodic Report on the implementation of the Convention on the Rights of the Child.

4. In accordance with this plan and with specific regard to the preparation of the Periodic Report, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina included representatives of the following ministries: Ministry of Labour and Social Policy of the Federation of Bosnia and Herzegovina, Ministry of Health of the Federation of Bosnia and Herzegovina, Ministry of Education of the Federation of Bosnia and Herzegovina, Ministry of Health and Social Care of Republika Srpska,

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

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

## CHAPTER II –REPORT STRUCTURE

### I. General measures of implementation

(Art. 4., 42. and 44. item 6., )

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

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

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

#### **Seven specialised departments have been established:**

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

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

With regard to staffing, the BiH Ombudsmen, according to their Decision on Taking Over the Staff, Resources and Equipment of Entity Ombudsmen (No:08-17/09 of 10.02.2009) **took over nine employees from the Institution of FBiH Ombudsman – Office in Sarajevo.** In parallel, the BiH

Ombudsman **advertised vacancies for positions in their offices in Banja Luka, Mostar and Brčko District** on March 27<sup>th</sup> 2009. By completing this vacancy procedure, the process of staffing was completed, thus enabling normal functioning of the Institution of the Ombudsman. The office in Mostar is not yet functional due to the financial situation there.

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

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

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

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

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

10. In accordance with the **Concluding Remarks of the Committee**, the Presidency of Bosnia and Herzegovina has made a Decision on withdrawing its reservations in relation to Article 9. Item 1. of the Convention on the Rights of the Child. The Ministry of Foreign Affairs of Bosnia and Herzegovina submitted the information to the UN General Secretary as a depositary, in the course of 2008.

11. The application of General Principles of the Convention on the Rights of the Child has been presented in detail in the Report on the Implementation of the Facultative Protocol on the Sale of Children, Child Prostitution and Child Pornography (**see items 4 to 19**).

### Financing of Child Care in BiH

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

Table 1. BH: Spending on cash transfers financed from general income 2002-2005 (in millions of KM and in percentages of GDP)<sup>1</sup>

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

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

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

<sup>1</sup> "Bosnia and Herzegovina: "Addressing Fiscal Challenges and Enhancing Growth Prospects, A Public Expenditure and Institutional review», World Bank, September 2006.

**Budget allocations for social sector from the Budget of the Federation of BiH for the period 2006-2008**

	Budget in millions - KM			% of FBiH Budget			% of FBiH GDP		
	2006	Rebalance 2007	2008	2006	2007 Rebalance	2008	2006	2007 Rebalance	2008
Federal Ministry for Soldiers and Invalids	326.7	350.0	364.8	28.7%	22.1 %	20.8 %	2.4 %	2.5 %	2.4%
Federal Ministry of Labour and Social Policy	66.5	246.0	288.0	5.8%	15.5%	16.4 %	0.5 %	1.8%	1.9%
Federal Minsitry of Displaced Persons and Refuggess	20.4	31.8	34.8	1.8%	2.0%	2.0 %	02.%	0.2%	0.2%
Total:	413.6	627.8	6897.6	36.3 %	39.6 %	39.1 %	3.1 %	4.5 %	4.6%
BiH Federation Budget				1,139.0	1,586.3	1,757.7			
Nominal GDP of FBiH									
							12,058	13.855	14.971

**Financial support – UNICEF Programmes**

13. Bosnia and Herzegovina has received significant support form UNICEF, directed at programmes related to improvement of child care in Bosnia and Herzegovina.

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

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

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

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

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



welfare of women, and the mechanisms for ensuring quality, monitoring and reporting in accordance with those standards.

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

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

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

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

The specific objective of the project is to enhance the capacity and as such increase the effectiveness and relevance of the social protection and inclusion system for children and families in BiH, as a way of meeting its treaty body obligations, the requirements of the SAA process and Paris Declaration commitments.

The main target groups are policy makers and professionals accountable for the reform of the social protection system, as well as vulnerable groups of children and their families.

The main activities to be implemented within the Project include: advocacy for an integrated system of social protection and inclusion; analysis of the system according to international and national standards; conducting vertical and horizontal functional reviews of the system, capacity development for improved service delivery, review of social protection legislation and evaluation of the impact of changes in the social protection and inclusion system on excluded children.

Out of the total budget for this project of 7,400,000 EUR, about 3,700,000 EUR is donated by the UK Department for International Development (DFID), the Norwegian Government and UNICEF. The remaining funds are to be provided from the IPA funds of the European Commission. It was planned that this project would be implemented by 2011, including a six-month preparation phase.

The Council of Ministers of BiH, at its 59th session held on September 11th 2008, adopted the Decision on Establishment of the Steering Board for Coordination of the Project «Strengthening the Social Protection and Inclusion System for Children in BiH». The Steering Board is chaired by the Minister of Civil Affairs of BiH, and the members of the board are representatives of UNICEF and state and entity institutions, signatories of the Protocol on Cooperation.

Management boards at the level of the entities and state were established, coordinated by the Ministry of Human Rights and Refugees in the form of an Expert Group at the level of Bosnia and Herzegovina.

The Project « Strengthening the Social Protection and Inclusion System for Children in BiH» is implemented through the total ownership of institutions in BiH and includes three levels: the community level, social protection institutions level and the development and policy making level.

Within the Project “Strengthening the Social Protection and Inclusion System for Children in BiH”, the implementation of which is supported by UNICEF, with an aim to improve child development and parenthood capacities, the establishment of 10 integrated centres for parents and children (ICRD) has commenced (ICRD) in the Federation of BiH and Republika Srpska. The centres will be complementary to all existing municipal services providing services in the area of health, nutrition, education and social care. They will not replace the existing services in these areas; their aim is to assist them to function better and to complement existing gaps in services they provide at the municipal level.

That is why the Steering Board for coordination of the Project decided to initiate the project activity of establishment of the Integrated Early Childhood Development Centre for parents and children in the territory of FBiH. The Integrated Early Childhood Development for parents and children is a model which aims to improve and achieve challenging and responsible parenting and early development of children aged 0-10 years, with a special focus on children aged 0-3 years. UNICEF, in cooperation with the Federal Ministry of Education and Science, the Federal Ministry of Health and the Federal Ministry of Labour and Social Policy, developed a proposed model of the integrated centre of early childhood development and work programmes of the centre. The municipalities Novi Grad Sarajevo and Novi Travnik are already implementing activities related to the opening of the integrated centre. Activities related to the opening of integrated centres are also being implemented in Republika Srpska.

### **Financial Support – Government of Norway and Save the Children Norway**

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

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

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

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

- contributed to the preparation of the strategy for fight against drug abuse, organised a round table “Right to strike, right to education “(with support of UNICEF)

- organised a Conference on prevention of violence against children and women in Bosnia and Herzegovina
- Participated in the development of the BiH National Strategy to Eliminate Iodine Deficiency Disorders (IDD).
- On the occasion of International Children's Day, with the help of UNICEF and the Council for Children, organised a two-day conference on the following topic: „Children speak out about children's rights" where they presented the activities of NGOs.

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

### **Description of provisions in favour of the rights of the child**

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

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

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

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

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

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

and opportunities. It is a duty of a parent to ensure living conditions conducive to the child's development.

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

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

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

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

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

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

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

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

This project is developed primarily due to the fact that social protection in Bosnia and Herzegovina is planned at the level of policy, only partially at the state level, with basic objectives set at the level of entities and the main implementation taking place at the local level, with the participation of key social

protection institutions (such as health institutions, schools, social welfare centres etc), decision makers at the municipal level, families/guardians, as well as children themselves in cooperation with representatives of civil society.

### **Council for Children BiH**

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

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

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

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

### **Familiarizing children with the Convention**

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

The Initial Report on the Implementation of the Convention on the Rights of the Child, including remarks made by the Committee that Bosnia and Herzegovina adopted, are available for debate on the

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

### **Cooperation with non-governmental organisations**

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

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

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

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

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

## **II Definition of the child in BiH legislation**

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

19. In relation with Article 1 of the Convention, in terms of the definition of a child under domestic legislation and regulations, we would like to refer to paragraph 4 through 11 of the Report on the Implementation of the Facultative Protocol on the Sale of Children, Child Prostitution and Child Pornography, dealing with this issue.

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

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

22. Bosnia and Herzegovina monitors statistical data on suicides and the situation in families with children with regard to suicide cases. According to 2008 data for the Federation of BiH, men committed suicide in 171 cases (or 76%) and women in 54 cases (or 24%). The age structure of those who committed suicide is as follows: under 18 age group – 3 cases; 18-24 age group – 6 cases; 25 to 30 age group – 19 cases; 30-40 age group – 32 cases; 40-50 age group – 33 cases; 50-60 age group – 45 cases; 60-70 age group – 38 cases; 70-80 age group- 35 cases and over 80 –14 cases.

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

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

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

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

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

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

#### **IV. Civil Rights and Freedoms (Art. 7., 8., 13.-17. and 37. (a))**

24. In accordance with the existing law regarding juveniles and at the request of parents, children's selected citizenship is being registered. Spouses are obliged to agree on the citizenship of the child. A child ceases to be a BiH citizen by wavering, at the request of both parents whose BiH citizenship was terminated by waiver or at the request of a parent whose citizenship was terminated due to renouncing,



or in case the other parent passed away or lost parental rights, is a foreigner or stateless person (which should be evidenced). If the child is older than 14 his written consent is required.

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

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

Individual actions to update registration and registration campaigns produced only short-term and limited results. Our experience tells us that this problem is present not only among the Roma population but also among other population groups. The reasons for this are varied: incomprehension of legal obligations, ignorance of procedures, lack of money for administrative procedures, as well as the absence of sanctions for failing to undertake this legal obligation. A detailed legal explanation that refers to children's' nationality, personal name and registration in the context of the Register of Births, is processed in Article 82 of the Report on the Implementation of the Optimal Protocol on Child Trafficking, Child Prostitution and Child Pornography.

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

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

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

#### **Article 8.,13.,14.,15. and 16.**

**26. The** Constitution of Bosnia and Herzegovina and its entities, as well as individual laws pertaining to family and social protection, religious freedom, education and the right of association, guarantee the children of Bosnia and Herzegovina the right to identity, especially with respect to freedom of expression, thought, conscience, religion and protection of privacy. In Bosnia and Herzegovina, the Law on Protection of Personal Data was adopted in 2001 and amended and improved in 2006. In order to control the protection of personal data the Personal Data Protection Agency in Bosnia and Herzegovina has been established and the Law on Freedom of Access to Information, which regulates the manner of data usage, has been passed. It also remains a fact that there are certain problems related

to exercising children's rights, especially in situations where children's personal information reaches the public domain though in recent years fewer of these cases have been reported. The Communications Regulatory Agency (RAK) in all cases of violation imposes fines or a broadcast ban if a media violates the applicable code of conduct, especially when it comes to children and unauthorized media disclosure of information related to children.

**Article 37. (a).**

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

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

“(1) In the family, violent behaviour of a spouse and any other family Article is prohibited.  
(2) Violent behaviour includes any physical or psychological violation of integrity in terms of Article 4, Law on Gender Equality, in Bosnia and Herzegovina.”<sup>2</sup> (Quote)

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

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

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

Also, according to this law, Chapter C – Protection of personal rights and interests of a child – Article 150 Paragraph 1 and 2 determines that:

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

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

Under Chapter C – Suspension of parental care – Article 154 Paragraph 1 and 2 it has been determined that:

“(1) *The parent who abuses his rights, profoundly neglects his duties, abandons the child, or neglects the child who does not reside with him and by acting so obviously puts at risk the safety, health or morals of the child, or who fails to protect the child from such behaviour of the other parent or*

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<sup>2</sup> Article 4 Law on Gender Equality in BiH

This Law supposes:

- a) Gender: socially established role of women and men in public and private life as opposed to the same expression that gives a biological definition. The term sex, in conformity of this law, shows the importance that is given to the biological definition of sex, within the society;
- b) Violence based on gender: any act that causes physical, mental, sexual, or economic harm or suffering, as well as threats of such acts, which seriously hinder people from enjoying their rights and freedoms on the principle of gender equality, in public or private sphere of life, including trafficking for forced labour, restrictions, or arbitrary deprivation of liberty;
- c) Harassment: any situation where there is unwanted conduct related to sex, which has the aim and result of damaging the dignity of the person, or creating an intimidating, hostile, humiliating, threatening or similar situation;
- d) Sexual harassment: any behaviour that implies words or actions, or mental activity of a sexual nature for the purpose or the result of damaging one's dignity, or creating an intimidating, hostile, threatening or similar situation, motivated by affiliation to a different gender or different sexual orientation, which the injured party finds to be undesirable physical, verbal, suggestive behaviour;
- e) Employer, employee, the worker: the way it is defined by entity laws regulating labour relations.

another person, shall be deprived of his parental rights by the court, through extra judiciary procedure.

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

The procedure for protection from bullying in the family is regulated by Articles 147, 380, and 381, of this law.<sup>3</sup>

## **Family Law RS**

### **Article 3**

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

### **Article 97**

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

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

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

## **Depriving parental rights and responsibilities**

### **Article 106**

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

*(2) The parent abuses parental responsibilities:*

- 1. by implementing physical or psychological violence against the child,*
- 2. by sexually abusing the child,*

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### <sup>3</sup> **The procedure for protection against domestic violence**

#### **Article 380**

- (1) The right to protection from domestic violence can be exercised by parents, extramarital partners, and all family members.
- (2) The protection from violent behaviour shall be provided by the police, guardianship authorities, and magistrates’ court.
- (3) All individuals and legal entities are obliged to provide notification to an authorized police department, immediately upon the discovery of violent behaviour.

**Article 381** The Police Department shall immediately, upon the receipt of a notification, detain a person who is behaving violently or poses a risk of violent behaviour and place him in an appropriate institution.

**Article 382** The procedure for protection against domestic violence is urgent and will be regulated by a special law of the Federation.

**Article 147** (1) At the request of one or both parents, or ex officio, the guardianship authority may decide on accommodation of the child and giving custody over him to another person or institution, if it is necessary to protect the best interests of a child.

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

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

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

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

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

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

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

## **Family Law BD**

### **Article 3 (Violence/abuse)**

*“(1) Violent behaviour of marriage partners or any other family member is not permitted within the family.*

*(2) Violent behaviour implies any kind of behaviour which has the characteristics of domestic abuse, defined by the Criminal Code of Brcko District. “*

### **Article 110 (The right to protection from all forms of violence)**

*“A child within the family is entitled to protection from all forms of violence, abuse, neglect and abandonment.”*

### **Article 136 (Taking away parental care)**

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

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

*(3) Serious neglect of responsibilities implies a parent who fails to provide child care for more than 3 months, fails to comply to previously determined measures for protection of the rights and interests of a child, fails to protect a child from the consummation of alcohol, drugs, and other intoxicants and prohibit late nights out for children under 16.*

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

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

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

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

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

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

**Article 288 (The right to protection from bullying in the family)**

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

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

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

**Article 130 (Child accommodation)**

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

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

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

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

**V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE  
(Art. 5., 9.-11., 18., It.1. and 2.; 19.-21., 25., 27., It. 4. and 39.)**

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

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

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

- Deal with exercising rights in the field of child protection in the first degree;
- Deal with exercising rights in the field of family protection and guardianship in the first degree;
- Offer social work services in the process of dealing with rights in the area of social protection;
- Administer the rights to cash payment, defined by this law;
- Perform, in addition to activities referred to in Paragraph 1 of this Article, professional duties in the implementation of social welfare and social work, family and child protection;
- Locate and monitor social needs of citizens and the problems in the field of social protection;
- Propose measures and take action in addressing the status of citizens’ social needs and monitor their implementation;
- Organize and conduct proper forms of social protection and child protection and directly provide services of social protection and social work;
- Develop and promote preventive activities that contribute to preventing and combating social problems;

- Provide diagnostic services, carry out the appropriate treatment, offer therapy-advisory services and professional support to users;
- Promote, organize and coordinate professional and voluntary work in the field of social protection;
- Execute educational measures for underage persons;
- Keep records and documentation of services provided and measures taken within the framework of its activities;
- Perform other duties determined by law and the decision of the Mayor.

Implementation of the SPIS project in Bosnia and Herzegovina, which was previously mentioned in the text, is underway. The project aims to improve social protection and inclusion of children and especially to introduce equal standards of child protection throughout the entire area of Bosnia and Herzegovina. Data regarding profiles of the staff employed in centres are available in the annex of this report.

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

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

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

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

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

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

The Labour Law of Brcko District Bosnia and Herzegovina from the year 2000. Art. 45, regulates the right of women to uninterrupted maternity leave during pregnancy, child birth or child care in a duration of six (6) months, three months of which shall be paid. During maternity leave female employees shall not be deprived of social and pension benefits. The aforementioned law, art. 45, was amended in 2004 and now states: "During pregnancy, child birth and child care, a woman is entitled to

uninterrupted maternity leave for duration of twelve (12) months.” Now there are certain problems in Bosnia and Herzegovina because for example salary compensations during maternity leave are being carried out at the expense of the budget of Brcko District Bosnia and Herzegovina and Republic of Srpska, whereas in Federation BiH this right is exercised on a cantonal level, providing that contributions for pension and health insurance have been paid, and not all cantons have funds for this purpose. Regarding this problem, a special report of the Ombudsmen BiH, supported by the Ministry of Human Rights and Refugees was prepared and a response from the Council of Ministers requested (in June 2009) in order for this issue to be adequately coordinated therefore ensuring equal protection for all pregnant women in Bosnia and Herzegovina.

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

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

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

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

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

### **Adoption (Article 21.)**

31. The possibility of accession of Bosnia and Herzegovina to the Hague Convention on protection of children and co-operation in respect to the inter-country adoption from 1993 is being considered at the level of Bosnia and Herzegovina. After the consideration of the Initial Report, the Family

Law of the Federation and Family Law of Republika Srpska were adopted in Bosnia and Herzegovina. The provisions of the Law related to adoption have already been harmonised with the Article 21. Of the Convention on the Rights of the Child.

Namely, the Law prescribes that adoption procedure should be carried out by social welfare centres as responsible guardianship authorities; these centres shall in every specific case, on the basis of collected evidence and facts as well as with agreement of all participants in the process (parents, guardians,

adoptive parents and the child itself, if older than 10 years) determine the existence of legal preconditions for adoption and best interest of the child.

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

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

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

### **Strategy for combating violence against children in BiH**

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

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

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

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

1. To sensitize and educate broad public, especially children parents and experts, about the existence of the problem of violence against children and mechanisms for fight against the violence,
2. To develop a multidisciplinary approach to children victims of violence, through improving cross-institutional cooperation of responsible bodies,



3. To establish rehabilitation and reintegration programmes that ensure individual needs of children victims of violence and
4. To ensure a sustainable financial system, technical and human resources and a central database of information on violence against children in all responsible bodies.

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

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

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

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

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

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

### **Law on Protection from Domestic Violence**

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

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

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

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

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

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

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

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

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

The main objectives of the Strategic plan are:

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

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

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

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

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

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

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

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

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

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

When it comes to trafficking of children, the rules applied are those related to protection of victims and witnesses to the trafficking of citizens of Bosnia and Herzegovina. More detailed data on this may be found in the aforementioned Report on Facultative Protocol.

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

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

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

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

The Protocol is recognised as a framework document with the aim of adjusting to the specifics of each entity. The responsible entity ministries will take this Protocol as a basis for creating action protocols that will be adjusted to the organisational structure of work and other specifics of each entity.

#### **Periodic review of the placement of the child (Article 25).**

34. Placement of the child in another family (fostering) in the Federation of Bosnia and Herzegovina has been regulated by the Law on Social Welfare, Welfare for Civilian war victims and Families with Children and cantonal laws in the area of social care, that haven't changed since the submission of the Initial Report.

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

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

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

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

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

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

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

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

In addition, the document “Framework of Child Fostering Standards in Bosnia and Herzegovina” was created as a result of cooperation of the responsible entity ministries of social welfare, the responsible institution in Brčko District and Save the Children UK. This document is a part of activities within the project “Promotion and Development of Alternative Forms of Care for Children Without Parental Care

in Bosnia and Herzegovina”, implemented by Save the Children UK, with financial support from the US Government through the US Agency for International Development (USAID).

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

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

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

### **Signing up to new international agreements**

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

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

- The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
- The Convention on International Recovery of Child Support and Other forms of Family Maintenance
- The Convention on Contacts concerning Children.

## **VI. Basic Health and Social Care Survival and development (Article 6., item 2.)**

36. Multiple Indicator Cluster Survey - MICS is a household survey programme developed by UNICEF to assist countries in filling data gaps for monitoring the situation of children and women. The main objectives of the survey is to provide new and up-to-date information for assessing the health and social situation of children and women in Bosnia and Herzegovina at the mid of the decade and to furnish the data needed for monitoring progress towards Millennium Development Goals and the goals established in the document «A World Fit for Children».

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

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

The survey sampled 3744 households with a rather high response rate of 92%. A total of 10,718 people lived in the households that responded, making this survey one of the largest conducted in Bosnia and Herzegovina in the past 5 years. The level of completion of all questions from the survey was very high, and the data were subjected to multiple quality checks.

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

Three different groups of questionnaires were used in the survey:

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

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

### **Nutritional Status**

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

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

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

### **Breastfeeding**

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

Around 22 percent of children under six months of age are exclusively breastfed.

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

### **Low Birth Weight**

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

### **Immunisation**

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

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

MMR immunization coverage by 18 months of age is lower than for the other vaccines at 72 percent. The percentage of children who received all eight recommended vaccines *by their first birthday* is 58%.

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

### **Oral Rehydration Treatment**

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

Two thirds of children (75 percent) with diarrhoea received one or more of the recommended home treatments (i.e., were treated with ORS or RHF), while 25 percent received no treatment. Every second child with diarrhoea (54 percent) received increased fluids AND continued feeding.

### **Care Seeking and Antibiotic Treatment of Pneumonia**

Four percent of children aged 0-59 months were reported to have had symptoms of pneumonia during the two weeks preceding the survey.

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

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

### **Contraception**

Around a third (34 percent) of married or in union women aged 15-49 reported that they currently use a method of contraception.

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

### **Unmet and Met Needs for Contraception**

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

Total unmet need for contraception in the Federation of BiH was reported by 23 percent of the married or in union female respondents aged 15-49.

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

### **Antenatal Care**

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

### **Assistance at Delivery**

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

### **Child Development**

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

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

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

Around two-thirds (67 percent) of children aged 0-59 months have children's books.

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

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

Almost 7 percent of children aged 0-59 months were left in the care of other underten children, while 2 percent were left alone during the week preceding the interview.

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

All children have the right to free health care against all infectious diseases, including HIV, tuberculosis and malaria. With regard to HIV, there was only one registered case of a child infected



with HIV by the end of 2007, and that case is under control. There was no registered case of death of a child caused by HIV. There is no malaria in Bosnia and Herzegovina.

### **Pre-school Attendance and Readiness for School**

Only 7 percent of children aged 36-59 months are attending pre-school.

According to the available data, 2,47% of children below 3 years of age, 5,99% of children aged 3 - 5 and 9,47% of children between 5 years of age and school entry are attending pre-school in Republika Srpska. Overall percentage of children attending pre-school in Republika Srpska is 12,08%.

### **Primary and Secondary School Attendance**

For the purposes of this survey and development of comparative international indicators, the number of 6-year-old children in the Federation of BiH who attended the first grade was taken as denominator. Therefore, 28 percent of children who are of primary school entry age (age 6), are attending the first grade of primary school.

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

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

Overall, 62 percent of children of secondary school age are attending secondary school.

The percentage of children attending secondary school is highest for children aged 16 (92 percent)

In Republika Srpska, 99,7% of children of secondary school age are attending secondary school (as it was mandatory).

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

### **Adult Women Literacy**

Only 82 percent of women aged 15-24 are literate. Women aged 15-19 are likely to be more literate (93 percent) than women aged 20-24 (71 percent).

### **Birth registration**

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

### **Child Labour**

Almost 6 percent of children 5-14 years of age are involved in a child labour activity.

### **Disciplining children**

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

### **Early Marriage**

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

### **Domestic Violence**

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

### **Child Disability**

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

### **Knowledge of HIV Transmission and Condom Use**

Overall, 97 percent of the respondents have heard of AIDS.

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

Comprehensive knowledge of HIV prevention methods and transmission is still below 50 percent.

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

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

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

### **Sexual behaviour related to HIV Transmission**

Overall, 68 percent of women reported using a condom when they had sex with the high risk partner.

### **Orphans and Vulnerable Children**

Overall, 91 percent of children aged 0-17 years in surveyed households are living with both parents.

Six percent live only with mother, while 2 percent live only with father.

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

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

In the overall structure of all employed health workers in the Federation of Bosnia and Herzegovina employed in women's health care, providing pre- and ante-natal care, there are 7,8% of doctors and 7,3% of other health workers.

### **Children with Disabilities (Article 23)**

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

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

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

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

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

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

#### **Health and Medical Services (Article 24)**

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

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

#### **Social Security and Child Care Services (Article 26 and 18, paragraph 3)**

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

The Law on the Basis of Social Care, the Protection of War Victims and Families with Children within the Federation of Bosnia and Herzegovina establishes the basic rights, types, beneficiaries and terms and conditions for the exercise of the social welfare entitlement, while the Cantonal

legislation closely defines social welfare entitlements and the protection of families with children, procedure for the exercise of these rights, scope and a manner in which the social welfare can be enjoyed, supervision, funding of social welfare and other issues of importance for the exercise of rights of the Canton.

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

The number of social welfare beneficiaries registered by local social welfare services who are entitled to the rights defined by the aforesaid Federation Law keeps increasing. Number of beneficiaries by categories at the end of 2006 was 72.106 (12.811 children and 59.295 adults), and we registered 98.858 beneficiaries by categories (16.191 children and 82.667 adults) at the end of 2007.

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

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

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

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

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

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

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

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

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

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

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

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

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

Activities related to social welfare, protection of civilian war victims and families with children are being performed by social welfare institutions. The direct social care and the protection of a child are being provided in ten Cantonal Ministries of Social Policy and through activities of 79 local departments that perform social care and conduct activities aimed at the protection of a child

(55 social work centres and 24 services for social welfare and the protection of a child) and two Cantonal social work centres and 25 institutions for providing assistance to the beneficiaries.

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

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

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

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

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

### **Standard of living (Article 27, items 1-3)**

#### **Water and Sanitation**

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

Ninety–three percent of the population of the Federation of BiH is living in households using improved sanitation facilities.

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

#### **Security of Tenure and Durability of Housing**

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

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

Around 15 percent of households are living in dwellings which are considered as nondurable.

Almost 17 percent of household members believe that they live in poorer areas.

#### **Solid Fuel Use**

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

### **VII. Educational, recreational and cultural activities (Articles 28., 29. and 31.)**

33. In order to achieve the educational goals, the document Education Reform – Message to the citizens of BiH, signed by all ministers of education in Bosnia and Herzegovina in November 2002 in

Brussels, carried a promise to all citizens of Bosnia and Herzegovina that transparent, concrete, rational and sustainable financing of public financial resources will be ensured, as well as implementation of legislation in the field of education at all levels, based on European standards and norms and on international conventions on human rights, in the following way:

- Framework Law on Primary and Secondary Education in Bosnia and Herzegovina shall be implemented, as required by the obligations we accepted upon joining the Council of Europe, human rights and educational principles set forth in this association shall be implemented and laws in entities and cantons, which are in accordance with this Act, shall be adopted,
- Modern legislation for higher and professional education and training shall be implemented, which is in accordance with the highest European standards of quality and governance, and meets the priority needs of the country,
- Modern legislation on pre-school education shall be implemented and the need for the development of modern legislation for adult education will be taken into account, as well as appropriate legislation and instruments to support lifelong learning and training.

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

1. Framework Law on Primary and Secondary Education in Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina”, No. 18/03),
2. Framework Law on Higher Education in Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina” No. 59/07),
3. Framework Law on Preschool Education in Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina” No. 88/07),
4. Law on Agency for preschool, primary and secondary education (“Official Gazette of Bosnia and Herzegovina”, No. 88/07),
5. Framework Law on Secondary Vocational Education and Training in BiH (“Official Gazette of Bosnia and Herzegovina”, No. 63/08).

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

- *Medium-term development strategy of Bosnia and Herzegovina, PRSP 2003.-2007.*,
  1. *Strategy development for vocational education in Bosnia and Herzegovina, for the period from 2007 to 2013* (“Official Gazette of Bosnia and Herzegovina”, No. 65/07),
  2. *Strategic directions for the development of preschool education in Bosnia and Herzegovina (adopted by the Council of Ministers of Bosnia and Herzegovina, in Sarajevo, on February 5<sup>th</sup> 2005.)*,
  3. *National strategy for combating violence against children* (“Official Gazette of Bosnia and Herzegovina”, No. 64/07),
  4. *Strategic directions for the development of education in Bosnia and Herzegovina with implementation plan 2008 – 2015* (“Official Gazette of Bosnia and Herzegovina”, No. 63/08).

The action plans are legal acts designed by the OSCE and experts in particular fields from all over Bosnia and Herzegovina and adopted by entity and cantonal ministers of education, as well as the Brcko District. Following action plans have been made:

- 1) The Action Plan for the Educational Needs of Roma and Other National Minorities in Bosnia and Herzegovina (February, 2004) is being revised because of inadequate implementation in the field;
- 2) The Action Plan for School Enrolment and Attendance in Bosnia and Herzegovina (May 2007),
- 3) The Action Plan for Children With Special Needs (materials have been made, but due to exceptional sensitivity and demands, it has not yet been officially adopted)

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

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

- Promoting systematic changes that will lead to meeting educational needs of Roma children, children of other national minorities in Bosnia and Herzegovina and children with special needs,
- Removing financial and administrative barriers for enrolment and attendance of school for Roma children, children of other national minorities in Bosnia and Herzegovina and children with special needs,
- Raising awareness on support and participation of parents, educational institutions and community, in terms of educational process.

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

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

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

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

Listed bellows are in use, but there is a possibility of their revision:

- a) The Agreement on Common Core Curricula (“Official Gazette of Bosnia and Herzegovina”, No. 24/03).
  - *Guidelines for writing and evaluating geography textbooks for primary and secondary schools in Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina“ No. 105/06),*
  - *Guidelines for writing and evaluating history textbooks for primary and secondary schools in Bosnia and Herzegovina („Official Gazette of Bosnia and Herzegovina“, No. 5/2007).*
- b) The Implementation Plan for temporary agreement on meeting the special needs and rights of returnee children (March 2002).

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

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



implementing, monitoring and development of educational standards and their harmonization with European and international standards, etc.

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

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

In this regard, the United Nations Committee for Economic, Social and Cultural Rights (2005), asked the member states, including Bosnia and Herzegovina, to create conditions for the abolition of the organizational form “two schools under one roof”, as well as construction of separate schools for students of different ethnicity.

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

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

1. The existence of two separate legal entities that operate according to curricula and use common premises,
2. The existence of two legal entities in the same school-municipality premises, registered under the same name in different registration courts outside school-municipality area, using two different curricula, with separate entrances, shifts and without any joint activities.
3. The existence of a single legal entity with two different curricula, the same founder, but separate management, separate teachers’, students’ and parents’ councils, and work in separate shifts.
4. The existence of “two schools under one roof” which are fully integrated, in legal and administrative sense, but have no common multi-ethnic classes.

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

This decision should contain:

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

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

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

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

- organization of joint annual planning, including the planning of extra-curricular activities and joint celebration of holidays
- joint breaks between the classes for all students and teachers, at the same time and same location
- removal of inappropriate symbols
- Insure that the language and greetings that are used within academic institution secure the environment that is comprehensive, inclusive and suitable for work.

In primary schools of Brcko District, Bosnia and Herzegovina, textbooks for national group of subjects have been regulated as follows:

- all offensive contents have been removed from the textbook,
- the curriculum content was reduced by 30% in order to relieve the curriculum and teaching contents were shifted horizontally and vertically, for grades V-VIII. Classes will be carried out in accordance to common core curriculum at the level of Bosnia and Herzegovina and by analyzing and comparing curricula the estimate has been made that the curriculum implemented in Brcko District is in accordance with the common core. All students shall use textbooks written in the language and script of the people whose history they study.

Given that significant number of citizens of Brcko District of Bosnia and Herzegovina graduated abroad, or their education is still in progress, these citizens have the right to request nostrification and recognition of equivalence of their diplomas from competent educational institutions of Brcko District, Bosnia and Herzegovina. The same right can be exercised by other citizens, foreign citizens and stateless persons, if proven to have a legal interest. Recognition of equivalence and nostrification of foreign school certificates is conducted by the Department for Education of Brcko District of Bosnia and Herzegovina, with the approval and consultation of competent authorities of Bosnia and Herzegovina. In the process of equivalence and nostrification of foreign school certificates, provisions of the Law on Administrative Procedure, of Brcko District Bosnia and Herzegovina are applied. The relevant decisions on nostrification or equivalence are finalised through the administrative procedure. The department keeps the documents and retains required records on nostrifications and equivalence of diploma, in accordance with instructions on keeping these records and the contents determined by the Mayor of Brcko District, Bosnia and Herzegovina

National group of subjects in Republic Srpska, in schools where the class is composed of at least 18 students of other nationalities, as well as some regional schools attended only by returnee children, are taught in accordance with national composition of the class.

The Action Plan on Educational Needs of Roma includes promotion of systematic changes which would ensure recognition of Roma educational needs: removal of financial and administrative barriers for enrolment and completion of school, preservation of Roma language and culture, achieving support and participation of Roma children, parents and community in education of their children.

Children with disabilities are included in primary education through regular classes (inclusion), and teachers work with these students in accordance with special and individually tailored programs.

35. Accreditation of higher education institutions is carried out by education ministries in Republika Srpska, Federation cantons and Brcko District BiH. Regarding the issue of accreditation and quality assurance, the Agency for the development of higher education and quality assurance will, as an independent administrative organization, assist relevant educational authorities in the process of conducting, licensing and accreditation of higher education institutions, establish criteria and standards for quality assurance, provide advice and recommendation for elimination of shortcomings in quality of studies and higher education institutions and implement other activities specified in the Framework Law on Higher Education in BiH and the Decree on starting the work and establishing headquarters of the Agency.

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

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

The Small Olympic Games have been renewed in primary and secondary schools. Every year more than 100.000 pupils participate in the Small Olympic Games. These pupils are actively engaged in sports throughout academic year.

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

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

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

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

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

### **VIII. Special protection measures (Art. 22., 30., 32.-36., 37. (b)-(d), 38., 39. and 40.)**

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

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

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

### **Juvenile Delinquency**

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

An analysis of juvenile delinquency shows that in addition to persons who are senior and junior juveniles by their age, there are also persons under 14 who are perpetrators of crimes and a criminal procedure is not launched against those persons due to their ineligibility to be processed as criminally responsible; moreover, an age limit for juveniles who are in conflict with the law constantly shifts to

younger and younger children. There is an increase in number of committed crimes, whereas juvenile persons show special inconsideration, brutality (crimes against life and body, crimes of violent behaviour and robberies) and persistent commission of crimes against property that they repeat within a short period of time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Economic exploitation, including child labour (Article 32.);**

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

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

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

	MICS indicator		%
Child labour	71	Child Labour	5,8
	72	Children who attend school and work	94,0
	73	Children who work and attend school	6,5

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

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

In comparison to an earlier period, a certain progress has been observed in places where Roma live, but these shifts are insufficient to address the accumulated problems of Roma people. For example, in 2004. the Action Plan on Educational Needs of Roma and other National Minorities in Bosnia and Herzegovina has been adopted. The Action Plan implied free textbooks, free transportation from home to school and a warm meal, in order to encourage education of Roma children. Within the budgets of ministries of treasury certain funds are secured for these needs, and associations that aim to improve the financial status of Roma and provide for their education are supported. Some NGOs actively help solving the housing problems for Roma. One of those is Swedish humanitarian organization "SIDA" which is committed to addressing problems of several Roma settlements in Sarajevo Canton, under OSCE supervision.

In order to address the problems of Roma population, the Strategy for Roma in Bosnia and Herzegovina was adopted in 2005. Working groups composed of representatives of Roma Council of Bosnia and Herzegovina and representatives or relevant ministries of the Federation of Bosnia and

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

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

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

### **Illicit use of narcotic drugs (Article 33)**

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

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

### **Other forms of exploitation (Article 36.);**

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



## **IX. The Optional Protocol to the Convention on the Rights of the Child**

In 2008, Bosnia and Herzegovina prepared the initial reports related to the two optional protocols to the Convention on the Rights of the Child (Optional Protocol on the Involvement of Children in Armed Conflict and Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography), but they have not been considered by the Committee by the time of this report.

### **ANNEX**

#### **STATISTICAL DATA ON CHILDREN IN BOSNIA AND HERZEGOVINA THAT STATES PARTIES SUBMITT IN ACCORDANCE WITH THE ARTICLE 44. ITEM 1 (B) OF THE CONVENTION**

##### **I. General application measures**

**(Articles 4., 42. and 44., Item 6.)**

1. Responsible ministries organised a series of the training courses on the Convention on the Right of the Child for the staff working with children and for children, but those in charge didn't keep record of the number of training sessions and number of participants.

##### **II. Definition of the Child**

**(Article 1.)**

2. The last census in Bosnia and Herzegovina took place in 1991. That is why there are no reliable data on number and percentage of children under 18 years of age. The Agency for Statistics of Bosnia and Herzegovina prepared an estimate of the population with regard to their age and gender for 2007 and according to that estimate there are 745.503 children under 18 living in Bosnia and Herzegovina.

	<b>0 to 5</b>		<b>6 to 17</b>		<b>TOTAL</b>		<b>TOTAL</b>
	M	F	M	F	M	F	
<b>FBiH</b>	63.258	63.764	198.048	183.998	261.306	247.762	509.068
<b>RS</b>	28.747	26.381	86.972	80.447	115.719	106.828	222.547
<b>BD</b>	1.532	2.075	5.282	4.999	6.814	7.074	13.888
<b>TOTAL FOR BiH</b>	93.537	92.220	290.302	269.444	<b>383.839</b>	<b>361.664</b>	<b>745.503</b>

Data is less reliable due to small sample size

### **III. General Principles**

#### **(Articles 2., 3., 6. and 12.)**

##### **Right to Life, Survival and Development (Article 6.)**

3. In accordance with the spirit of the European Convention on Human Rights and Fundamental Freedoms and accompanying protocols, the legal system of BiH does not support the death penalty and therefore there are no extrajudicial, mass or arbitrary executions.

According to the available information, BiH has registered no cases of someone below the age of 18, i.e. a child, dying of HIV, malaria or polio.

Five children below the age of 18 died of infectious and parasitic diseases in 2007, out of which four were male and one female.

Nine children below the age of 18 died of respiratory diseases in 2007, out of out of which four were male and five female.

According to data from the Agency for Statistics of Bosnia and Herzegovina for the year 2006, 1,229 people died as a result of accidents and violence in BiH but as the data was not categorised by age, it is not known for sure how many children died as a result of traffic and other accidents or criminal offences or other forms of violence. However, those familiar with the circumstances on BiH are of the opinion that the number of children is likely to be below 5% of the total number. Data for 2007 and 2008 are presented in the same manner as that for 2006.

There are no registered cases that a person under the age of 18 committed suicide.

##### **Children neglected or abused by parents (Article 12.)**

4. Bosnia and Herzegovina cannot praise itself with regard to positive development of youth associations and organisations. Existing forms of organising young people include youth organisations, scouts, student organisations, cultural, artistic and sports associations. Some NGOs have gathered a certain number of children and young people around their programmes.

For example, the Youth Communication Centre is a non-governmental and non-profit organization located in Banja Luka, established in 1997 to promote values of civil society. Hundreds of children and young people were included in their decade-lasting volunteering programme.

Also, sports clubs have always gathered significant numbers of children, especially in big cities. For example, the Association of Parents in Sarajevo gathers around 100 children aged 6 – 18.

The Council for Children of Bosnia and Herzegovina made recommendations to local communities in 2006, suggesting that commissions for youth be established at the municipal level.

Establishment of independent students' councils started in 2001/2002 in primary and secondary schools. 50% of the overall number of schools in Bosnia and Herzegovina established students' councils in 2006, and this percentage increased to 95% of the total number of schools in 2007/2008, with the overall number of students' councils now totalling approximately 2000.

#### IV. Civil rights and freedoms

(Articles 7., 8., 13.-17. and 37. (a))

##### Registration of birth (Article 7.)

Year	Number of children registered in the register of births	Percentage of children registered in the register of birth
2005.	34. 627	According to the estimate approx. 95%
2006.	34.033	According to the estimate approx 95%
2007.	33.835	According to the estimate approx 95%
2008.	34.617	According to the estimate approx 95%

5. Registration in the Register of Births is regulated by the Law on Registers adopted at the entity level<sup>4</sup>. Provisions of the Law on Registers in Republika Srpska and the Federation of Bosnia and Herzegovina regarding registration into the Register of Births, deadlines for registration, and persons required to register birth of a child are identical. The only difference is in the authority that subsequently makes a decision on the birth registration. In the Federation of Bosnia and Herzegovina the jurisdiction over this matter is with police administration, while in Republika Srpska municipal authority issues a decision on subsequent registration.<sup>5</sup> The Law determines obligatory cooperation of a registrar who performs later registration, if it's different registrar. <sup>6</sup> The RS Law determines that each child born abroad or in the Federation of BiH shall be registered in the Register of Births in the town of last joint residence of child's parents, and if parents did not have a common residence, the place of residence of one parent is registered. If this place cannot be determined or was in the Federation, the registration will be made in the Register of Births in a place of parent's birth and if parents were not born in the RS the record will be made in the appropriate Register of Births, kept in Banja Luka.<sup>7</sup>

The issue of registering birth of a child in the Register of Births in BD is regulated the same way as in the RS. The law determines jurisdiction of the Department for Public Register of Brčko District Government for subsequent registers, except in case when the child's parents are unknown; in that case the jurisdiction is with guardianship authority. The law also regulates the obligation of a registrar who performed the subsequent registration to notice the registrar who carried out registration after birth. A child that was born abroad or in another entity can be registered in the Register of Births in BD of BiH the same way as in the RS – based on parents' residence or their place of birth.

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<sup>4</sup> Law on Registers ("RS Official Gazette" number 18/99), Law on Registers taken by Decree with legal power ("Official Gazette of FBiH" number: 20/92 and 13/94), Law on Registers ("Official Gazette of BD" number 18/02 and 29/05)

<sup>5</sup> Article 27. Law on Registers RS

<sup>6</sup> Article 24. *ibid*

<sup>7</sup> Article 33. *ibid*

Birth of a child shall be registered in the Register of Births, based on oral or written **notification to a registrar, in the area where the child was born**. Birth of a child must be registered **within 15 days** from the date of birth.

**Medical institution shall submit a written report to a registrar, regarding a child that was born there**, and after that, within 2 months from child's birth, the authorized registrar needs to be informed about child's name. **Personal name of a child is determined by parents**, by mutual agreement, or by mother if father is unknown.

**Father of a child is usually required to register birth of a child, outside the medical institution**, if he is not in position to do so, or if the father is unknown, the **member of a household or a person in whose apartment the child was born should register the child's birth**, or a mother when she becomes capable of doing so. Also, **birth of a child can be registered by a person who was present during child birth**, as well as the person who was notified of a child birth

People who are, in accordance to personal name regulations, authorised to decide on child's name are obliged **to report the chosen name to the authorised registrar within 2 months from the day of birth**, in order for it to be entered into the Register of Births. Therefore it **is necessary to distinguish between registering a fact that the child was born and making an entry into the Register of Births**. While the fact of a child birth may be registered by the medical institution where the child was born, parents, members of a household, people who attended the birth, or people who were notified of the birth of a child may register the child into the Register of Birth only after the parents determine child's first name.

When parents are unknown, a child shall be registered in the Register of Births of a place where it was found, based on the decision of authorised guardianship authority. The registrar may enter into the Register of Births only data and facts that have been reported and included in the document issued by the authorised body.

If a child is not registered within the deadline of 30 days upon birth, the registrar may enter the fact of birth into the Register of Births, but only upon the decision of a competent authority for subsequent registration.

On the basis of the Register of Births, the birth certificate and other certificates shall be issued. The birth certificate contains the latest data that have been entered into the Register of Births at the moment of issuance. The other certificates are issued on the basis of the Register of Births and they contain some of the data entered into the Register of Births or some facts about the personal status of a citizen, arising from these data. Both certificates shall be issued by the registrar. The competent authority of Internal Affairs in FBiH conducts the supervision of the Registers of Births, while in the RS it is the responsibility of the police.

*For the first time the BiH public heard about the problem of children not registered in the Register of Births, who were named by media "the nameless children" (from the report of the Ombudsman of the Federation BiH, Department for Children's Rights, for the year 2002). The investigation conducted by the Ombudsmen of FBiH found that there is a large number of children (not less than 6.000), born in hospitals in a period between 1992 and 2001, whose names were not entered into the Register of Births. The data in the Register of Births included date of birth, sometimes sex of a child, and the name of one parent, but not the name of a child. These errors that occurred between 1992 and 1996 were justified by war-time circumstances. Thus the failure of health institutions to register children ex officio was, justified by inexperience as a result of a fact that, due to war circumstances, delivery wards were opened and child births conducted in institutions that were not equipped for that purpose, what resulted in a failure to perform administrative work related to child's birth registration in the authorised Registry Office. Another significant factor that had an impact on the registration of children during the war was "urgent treatment" which was manifested in reduction of mother's postnatal stay in health care facilities, that operated more as war hospitals, and handing out discharge summary directly to the mother, or to the parents, with only verbal instructions on duties such as*

*naming and registering the child. Unfortunately, there was no ex officio submission of data to the competent authority, and according to the statements of registrars, many data regarding the birth of a child given to the parents, were insufficient for a complete and accurate registering in the Register of Births.*

*The perceived failures regarding the registration of children at birth in the Register of Births continued even after the war. Due to above stated reasons, a series of activities on quality identification of failures and elimination of their consequences were launched at the state level in 2008.*

6. The library is an organized system of printed, written, or otherwise reproduced materials and other documents, including graphic and audio-visual records, which are available to general public.

The estimated number of libraries in Bosnia and Herzegovina available to children, is approx. 2000, i.e. overall number of libraries is almost matching the number of schools in BiH. Also, public libraries exist in large cities in the country and children can become their members. Children's parents are often members of public libraries, but children are those who are final users of the service.

<b>LIBRARIES</b>	<b>2005.</b>	<b>2006.</b>
<b>Books in public libraries (number)</b>	709.906	740.017
<b>Readers</b>	503.527	481.917

*Note: The available data presented in the table refer only to Republika Srpska for 2005 and 2006 and we have no data about the percentage of users younger than 18.*

**Right to protection from torture or other inhuman or degrading treatment or punishment (Article 37. (a))**

7. In the reporting period, there were no reported cases of children subjected to torture nor reported cases of children subjected to cruel, inhuman or other degrading treatment or forms of punishment, including forced marriages and female circumcision.

**V. Family Environment and alternative care**

**Family Support (Articles 5 and 18, items 1. and 2.)**

**8. Table 1. – Number of employees in local social protection services in the Federation of BiH from 2005 to 2007, categorised by qualifications.**

<b>XIII</b>	<b>EMPLOYEES IN LOCAL SOCIAL PROTECTION SERVICES</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
<b>1</b>	Social worker, 4- year university degree	77	88	109
<b>2</b>	Social worker, 2- year university degree	140	131	132
<b>3</b>	Pedagogue-psychologist	11	11	19
<b>4</b>	Pedagogue	6	9	5
<b>5</b>	Psychologist	11	12	19
<b>6</b>	Sociologist	6	4	6
<b>7</b>	Lawyer, 4- year univ. degree	25	39	49
<b>8</b>	Lawyer, 2 -year univ. degree	41	43	40
<b>9</b>	Defectologist	4	2	5
<b>10</b>	Educator/carer	2	2	2
<b>11</b>	Economist, 4- year univ. degree	6	9	7
<b>12</b>	Economist, 2- year univ. degree	23	23	15
<b>Σ</b>	Professional staff – total	352	373	408
<b>1</b>	Administrative staff	163	151	168
<b>2</b>	Management	62	55	64
<b>3</b>	Other staff	82	73	77
<b>Σ</b>	Total	307	279	309
	<b>GRAND TOTAL</b>	<b>659</b>	<b>652</b>	<b>717</b>

**Table 2. – Number of employees in the Department of Social Care of Brčko District from 2005 to 2007, categorised by qualifications.**

<b>XIII</b>	<b>EMPLOYEES IN LOCAL SOCIAL WELFARE SERVICES</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>1</b>	Social worker, 4- year university degree	1	3	4	4
<b>2</b>	Social worker 2- year university degree	7	7	8	8
<b>3</b>	Psychologist	1	1	1	1
<b>4</b>	Pedagogue	2	3	-	-
<b>5</b>	Lawyer, 2- year university degree	1	1	2	2
<b>6</b>	Defectologist	1	2	1	1
$\Sigma$	TOTAL professional staff	13	17	16	16
<b>1</b>	Administrative staff	17	21	17	20
<b>2</b>	Medical staff	4	4	4	-
<b>3</b>	Other staff	6	6	6	1
$\Sigma$	TOTAL	27	31	27	21
	<b>GRAND TOTAL</b>	<b>40</b>	<b>48</b>	<b>43</b>	<b>37</b>

**Table 3. – Number of employees in social welfare centres and child protection and social services in Republika Srpska, data from December 2007**

<b>XIII</b>	<b>EMPLOYEES IN LOCAL SOCIAL WELFARE SERVICES</b>	
<b>1</b>	Social worker 4- year univ. degree	55

2	Social worker, 2- year univ. degree	113
3	Psychologist	12
4	Pedagogue	14
5	Lawyer 4- year univ. degree	25
6	Pedagogue/ psychologist	9
7	Defectologist	11
8	Sociologist	5
8	Lawyer	21
$\Sigma$	TOTAL professional staff	265



**Table 4 - Number of social welfare beneficiaries in the Federation of Bosnia and Herzegovina 2005 -2007**

<b>I</b>	<b>SOCIAL WELFARE</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
1.	<b>FINANCIAL AND OTHER MATERIAL SUPPORT</b>	49.176	45.994	51.440
a)	Permanent allowance	11.098	10.009	11.103
b)	Allowance for care rendered by other person	12.068	12.113	11.304
c)	Other material support	26.010	23.872	29.033
2.	<b>EQUIPPING WITH SKILLS FOR LIFE AND WORK</b>	1.724	1.571	1.350
3.	<b>PLACEMENT IN INSTITUTIONS OF SOCIAL CARE</b>	2.430	2.013	2.747
4.	<b>PLACEMENT IN OTHER FAMILY</b>	1.018	1.815	918
5.	<b>SOCIAL AND OTHER PROFESSIONAL SERVICES</b>	88.812	147.144	225.715
6.	<b>HOME CARE AND IN-HOUSE ASSISTANCE</b>	1.884	889	1.825
	<b>TOTAL</b>	<b>145.044</b>	<b>199.426</b>	<b>283.995</b>

**Table 5 - Number of beneficiaries in the area of protection of families with children in the Federation of Bosnia and Herzegovina 2005-2007**

<b>II</b>	<b>PROTECTION OF FAMILY WITH CHILDREN</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
1.	<b>CHILD ALLOWANCE</b>	33.807	-	54.504
2.	<b>COMPENSATION IN LIEU OF SALARY FOR WORKING MOTHERS DURING THEIR ABSENCE FROM WORK DUE TO PREGNANCY, CHILD BIRTH AND CHILD CARE</b>	3.329	-	4.545
3.	<b>FINANCIAL SUPPORT FOR NON-WORKING MOTHERS DURING PREGNANCY AND AFTER CHILD BIRTH /MATERNITY ALLOWANCE</b>	7.513	-	5.757
4.	<b>ONE-OFF ASSISTANCE FOR EQUIPMENT OF THE NEWBORN BABY</b>	693	-	3.890

5.	ASSISTANCE IN FOOD FOR CHILDREN OF UP TO SIX MONTHS AND ADDITIONAL FOOD FOR BREASTFEEDING MOTHERS;	516	-	1.961
6.	PLACEMENT OF CHILDREN IN PRESCHOOL INSTITUTIONS WITH PROVIDED FOOD	2.681	-	2.481

**Table 6 - Number of beneficiaries under the Law on Child Protection in Brčko District of Bosnia and Herzegovina 2005-2008**

II PROTECTION OF FAMILY WITH CHILDREN		2005	2006	2007	2008
1.	CHILD ALLOWANCE	10.982	11.121	11.082	9.957
	CHILDREN BENEFICIARIES	6.255	6.295	6.231	5.927
2.	COMPENSATION IN LIEU OF SALARY FOR WORKING MOTHERS DURING THEIR ABSENCE FROM WORK DUE TO PREGNANCY, CHILD BIRTH AND CHILD CARE	63	158	151	241
3.	FINANCIAL SUPPORT FOR NON-WORKING MOTHERS DURING PREGNANCY AND AFTER CHILD BIRTH /MATERNITY ALLOWANCE	918	988	1058	911
4.	ONE-OFF ASSISTANCE FOR EQUIPMENT OF THE NEWBORN BABY	589	615	672	631

**Table 7 - Number of social care beneficiaries in Republika Srpska in 2006<sup>8</sup>**

I	SOCIAL PROTECTION	2006
1.	Financial support	4570
2.	Allowance for care rendered by other person	7248
3.	Assistance in equipping with skills for work	194
4.	Placement in Social Welfare	919

<sup>8</sup> Data refer to both individual beneficiaries and families- beneficiaries.

	<b>Institution</b>	
<b>5.</b>	<b>Placement in another institution</b>	<b>38</b>
<b>6.</b>	<b>Placement in another family</b>	<b>264</b>
<b>7.</b>	<b>In-house assistance</b>	<b>201</b>
<b>8.</b>	<b>Health insurance</b>	<b>6095</b>
<b>9.</b>	<b>One-off allowance</b>	<b>12897</b>
<b>TOTAL</b>		<b>32426</b>

*Source: Status and Perspectives of Development of Social Welfare System in Republika Srpska, Ministry of Health and Social Welfare RS, 2008.*

**Table No. 8 – Review of realized child benefits in Republika Srpska 2005-2008**

<b>Type of benefit</b>	<b>2005.</b>	<b>2006.</b>	<b>2007.</b>	<b>2008</b>
	<b>Number</b>	<b>Number</b>	<b>number</b>	<b>number</b>
<b>Child allowance- average number of children who received the allowance</b>	31256	32371	33253	34197
<b>Maternity allowance- average number of beneficiaries/mothers who received the allowance</b>	3092	3153	3276	3130
<b>Net salary remuneration (paid to young mothers)</b>	1985	2355	2662	3678
<b>Net salary remuneration for half-time work</b>	28	32	44	55
<b>Allowance for the equipment for a new born baby</b>	10274	10203	10089	10396
<b>Educational programme of children's preparation for school - kindergarten programme (number of children)</b>	3772	3759	88	67
<b>Meeting development needs of children (number of children)</b>	1682	1454	1356	1482
<b>TOTAL:</b>	52089	53327	50768	53005

**Children without parental care (Article 9., items 1.-4., Articles 21. and 25.)**

**9. Table No.1 –Number of children without parental care in Republika Srpska, categorised by the reason for separation from family (data from 2008)**

	<b>CHILDREN WITHOUT PARENTIAL CARE</b>	<b>Number of beneficiaries</b>
1	Children without both parents	<b>170</b>
2	Children of unknown parents	-
3	Children abandoned by parents	<b>180</b>
4	Children of parents deprived of parental rights	<b>20</b>
5	Children of parents prevented from performing parental duty	<b>180</b>
	<b>TOTAL</b>	<b>550</b>

Total number of beneficiaries of social welfare services in the territory of the Federation of Bosnia and Herzegovina, according to data from 2005, is 102.921<sup>3</sup>, out of that 14.110 are children/ social welfare beneficiaries and 88.811 are adult beneficiaries.

Ser. No.	Category of beneficiaries	Number of beneficiaries		
		M	F	TOTAL
1	2	3	4	5
<b>I</b>	<b>CHILDREN WITHOUT PARENTIAL CARE</b>	<b>1073</b>	<b>990</b>	<b>2063</b>
1	Children without both parents	<b>420</b>	<b>403</b>	<b>823</b>
2	Children of unknown parents	<b>29</b>	<b>23</b>	<b>52</b>
3	Children abandoned by parents	<b>386</b>	<b>343</b>	<b>729</b>
4	Children of parents deprived of parental rights	<b>22</b>	<b>21</b>	<b>43</b>
5	Children of parents prevented from performing parental duty	<b>216</b>	<b>200</b>	<b>416</b>
<b>II</b>	<b>SOCIALY NEGLECTED CHILDREN</b>	<b>800</b>	<b>364</b>	<b>1164</b>
<b>III</b>	<b>SOCIALY MALADJUSTED CHILDREN</b>	<b>962</b>	<b>275</b>	<b>1237</b>
<b>IV</b>	<b>CHILDREN WHOSE DEVELOPMENT WAS HINDERED BY FAMILY CIRCUMSTANCES</b>	<b>3524</b>	<b>3053</b>	<b>6577</b>
<b>V</b>	<b>DISABLED PERSONS</b>			<b>16494</b>
1	Children			<b>3069</b>
2	Adults			<b>13425</b>

<sup>3</sup> Source of information: Federal Ministry of Labour and Social Policy: The data is incomplete and it was collected from 10 responsible cantonal ministries of social and child protection.

Total number of beneficiaries of child- care services in Brčko District of Bosnia and Herzegovina in 2005

Ser. No.	Category of beneficiary	Number of beneficiaries		
		M	F	TOTAL
1	2	3	4	5
<b>I</b>	<b>CHILDREN WITHOUT PARENTAL CARE</b>			
1	Children without both parents			<b>48</b>
2	Children of unknown parents			<b>2</b>
3	Children abandoned by parents			<b>1</b>
4	Children of parents deprived of parental rights			<b>-</b>
5	Children of parents prevented from performing parental duty			<b>4</b>
<b>II</b>	<b>SOCIALY NEGLECTED AND MALADJUSTED CHILDREN</b>			<b>172</b>
<b>III</b>	<b>Children neglected or abused by parents</b>			<b>2</b>
<b>IV</b>	<b>Children whose development was hindered by family circumstances</b>			<b>-</b>
<b>V</b>	<b>DISABLED PERSONS (children with special needs)</b>			<b>-</b>

Total number of social welfare beneficiaries in the area of the Federation of Bosnia and Herzegovina according to data from 2006 is 72.106, out of that 59.295 are adult beneficiaries and 12.811 children/ beneficiaries of social care\*.

Ser. No.	Category of beneficiary	Number of beneficiaries		
		M	F	TOTAL
1	2	3	4	5
<b>I</b>	<b>CHILDREN WITHOUT PARENTAL CARE</b>	<b>922</b>	<b>898</b>	<b>1820</b>
1	Children without both parents	<b>353</b>	<b>368</b>	<b>721</b>
2	Children of unknown parents	<b>15</b>	<b>6</b>	<b>21</b>
3	Children abandoned by parents	<b>319</b>	<b>300</b>	<b>619</b>
4	Children of parents deprived of parental rights	<b>37</b>	<b>29</b>	<b>66</b>
5	Children of parents prevented from performing parental duty	<b>198</b>	<b>195</b>	<b>393</b>
<b>II</b>	<b>SOCIALY NEGLECTED CHILDREN</b>	<b>774</b>	<b>372</b>	<b>1146</b>
<b>III</b>	<b>SOCIALY MALADJUSTED CHILDREN</b>	<b>942</b>	<b>249</b>	<b>1191</b>
<b>IV</b>	<b>CHILDREN WHOSE DEVELOPMENT WAS HINDRED BY FAMILY CIRCUMSTANCES</b>	<b>4447</b>	<b>4207</b>	<b>8654</b>

Total number of beneficiaries of child - care services in Brčko District of Bosnia and Herzegovina in 2006

Ser. No.	Category of beneficiary	Number of beneficiaries		
		M	F	TOTAL
1	2	3	4	5
<b>I</b>	<b>CHILDREN WITHOUT PARENTAL CARE</b>			
1	Children without both parents			<b>55</b>
2	Children of unknown parents			<b>1</b>
3	Children abandoned by parents			<b>8</b>
4	Children of parents deprived of parental rights			<b>-</b>
5	Children of parents prevented from performing parental duty			<b>4</b>
<b>II</b>	<b>SOCIALY NEGLECTED AND MALADJUSTED CHILDREN</b>			<b>175</b>
<b>III</b>	<b>Children neglected or abused by parents</b>			<b>3</b>
<b>IV</b>	<b>Children whose development was hindered by family circumstances</b>			<b>3</b>
<b>V</b>	<b>DISABLED PERSONS (children with special needs)</b>			<b>-</b>

Total number of social protection beneficiaries in the territory of Federation of Bosnia and Herzegovina, according to the data from 2007 is 93.940, out of that 81.255 are adult beneficiaries and 12.685 are children, social welfare beneficiaries\*.

Ser. No.	Category of beneficiary	Number of beneficiaries		
		M	F	TOTAL
1	2	3	4	5
<b>I</b>	<b>CHILDREN WITHOUT PARENTAL CARE</b>	<b>1014</b>	<b>921</b>	<b>1935</b>
1	Children without both parents	<b>390</b>	<b>380</b>	<b>770</b>
2	Children of unknown parents	<b>28</b>	<b>15</b>	<b>43</b>
3	Children abandoned by parents	<b>356</b>	<b>317</b>	<b>673</b>
4	Children of parents deprived of parental rights	<b>47</b>	<b>51</b>	<b>98</b>
5	Children of parents prevented from performing parental duty	<b>193</b>	<b>158</b>	<b>351</b>
<b>II</b>	<b>SOCIALY NEGLECTED CHILDREN</b>	<b>905</b>	<b>366</b>	<b>1271</b>
<b>III</b>	<b>SOCIALY MALADJUSTED CHILDREN</b>	<b>780</b>	<b>287</b>	<b>1067</b>
<b>IV</b>	<b>CHILDREN WHOSE DEVELOPMENT WAS HINDERED BY FAMILY CIRCUMSTANCES</b>	<b>4728</b>	<b>3684</b>	<b>8412</b>

Total number of social welfare beneficiaries in Brčko District of Bosnia and Herzegovina in 2007.

Ser. No.	Category of beneficiaries	Number of beneficiaries		
		M	F	TOTAL
1	2	3	4	5
<b>I</b>	<b>CHILDREN WITHOUT PARENTAL CARE</b>			
1	Children without both parents			<b>55</b>
2	Children of unknown parents			<b>1</b>
3	Children abandoned by parents			<b>8</b>
4	Children of parents deprived of parental rights			<b>-</b>
5	Children of parents prevented from performing parental duty			<b>3</b>
<b>II</b>	<b>SOCIALY NEGLECTED AND MALADJUSTED CHILDREN</b>			<b>171</b>
<b>III</b>	<b>Children neglected or abused by parents</b>			<b>-</b>
<b>IV</b>	<b>Children whose development is hindered by family circumstances</b>			<b>-</b>
<b>V</b>	<b>DISABLED PERSONS (children with special needs)</b>			<b>58</b>

Total number of social welfare beneficiaries in Brčko District of Bosnia and Herzegovina in 2008.

Ser. No.	Category of beneficiaries	Number of beneficiaries		
		M	F	TOTAL
1	2	3	4	5
<b>I</b>	<b>CHILDREN WITHOUT PARENTAL CARE</b>			
1	Children without both parents			<b>58</b>
2	Children of unknown parents			<b>2</b>
3	Children abandoned by parents			<b>10</b>
4	Children of parents deprived of parental rights			<b>-</b>
5	Children of parents prevented from performing parental duty			<b>4</b>
<b>II</b>	<b>SOCIALY NEGLECTED AND MALADJUSTED CHILDREN</b>			<b>166</b>
<b>III</b>	<b>Children neglected or abused by parents</b>			<b>-</b>
<b>IV</b>	<b>Children whose development was hindered by family circumstances</b>			<b>-</b>
<b>V</b>	<b>DISABLED PERSONS (children with special needs)</b>			<b>43</b>

## REVIEW OF INSTITUTIONS FOR CHILDREN WITHOUT PARENTAL CARE

Ser. No.	NAME AND PLACE OF THE INSTITUTION	CAPACITY OF THE INSTITUTION	NUMBER OF EMPLOYEES								
			YEAR 2005			YEAR 2006			YEAR 2007		
			F	M	TO TA L	F	M	TO TA L	F	M	TO TA L
1	2	3	4	5	6	7	8	9	10	11	12
1.	Public Institution CHILDRENS' HOME "BJELAVE" SARAJEVO		42	7	49	42	7	49	42	7	49
2.	"DOM PORODICA" ZENICA	180	48	8	56	48	8	56	48	8	56
3.	HOME FOR CHILDREN WUTHOUT PARENTAL CARE TUZLA	150	30	7	37	30	7	37	30	8	38
4.	CHILDREN'S HOME "MOSTAR" MOSTAR	100	9	6	15	9	6	15	9	6	15
5.	CHILDREN'S HOME "DUGA" GRADAČAC*		1			1			1		
6.	CHILDREN'S CENTER "MOST" ZENICA*	60	17	5	22	17	5	22	17	6	23

\*Children's home "Duga" Gradačac is the institution within the public institution 'Social Welfare Centre' Gradačac and uses services of the Centre's professional staff

## REVIEW OF INSTITUTIONS FOR CHILDREN WITHOUT PARENTAL CARE (NGOs)

Ser. No.	NAME AND PLACE OF THE INSTITUTION	CAPACITY OF THE INSTITUTION	NUMBER OF EMPLOYEES								
			YEAR 2005			YEAR 2006			YEAR 2007		
			F	M	TO TA L	F	M	TO TA L	F	M	TO TA L
1	2	3	4	5	6	7	8	9	10	11	12
1.	KINDERDORF INTERNACIONAL SOS DJEČIJE SELO SARAJEVO		-	-	-	-	-	-	41	12	53



2.	KINDERDORF INTERNACIONAL SOS DJEČIJE SELO GRAČANICA		20	12	32	20	12	32	22	6	28
3.	FONDATION RUDOLF WALTHER DJEČIJE SELO MIRA TURIJE LUKAVAC	150	-	-	-	-	-	-	41	14	55
4.	CHILDREN'S CENTRE "DUGA" KULEN VAKUF		-	-	-	-	-	-	14	2	16
5.	SOCIO-PEDAGOGICAL HOST COMMUNITIES OF BOSNIA AND HERZEGOVINA		-	-	-	-	-	-	28	9	37
6.	CHILDREN'S HOME "MAJČINO SELO" MEĐUGORJE		22	7	29	22	7	29	19	3	22

REVIEW OF CHILDREN PLACED IN INSTITUTIONS FOR CHILDREN WITHOUT PARENTAL CARE

Ser. No.	NAME AND PLACE OF THE INSTITUTION	AGE STRUCTURE	NUMBER OF CHILDREN IN THE INSTITUTION								
			YEAR 2005			YEAR 2006			YEAR 2007		
			M	F	TOTAL	M	F	TOTAL	M	F	TOTAL
1	2	3	4	5	6	7	8	9	10	11	12
1.	PI CHILDREN'S HOME "BJELAVE" SARAJEVO	0-3	22	21	43	22	21	43			
		4-7	16	16	32	16	16	32			
		8-14	15	13	28	15	13	28			
		15-18	1	1	2	1	1	2			
		<b>TOTAL</b>	<b>54</b>	<b>51</b>	<b>105</b>	<b>54</b>	<b>51</b>	<b>105</b>	<b>68</b>	<b>41</b>	<b>109</b>
2.	"DOM PORODICA" ZENICA	0-3	-	-	-	9	7	16	10	5	15
		4-7	-	-	-	7	4	11	6	9	15
		8-14	-	-	-	22	19	41	20	25	45
		15-18	-	-	-	10	8	18	26	15	41
		<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>48</b>	<b>38</b>	<b>86</b>	<b>62</b>	<b>54</b>	<b>116</b>
3.	HOME FOR CHILDREN WITHOUT PARENTAL CARE TUZLA	0-3	14	12	26	11	7	18	12	7	19
		4-7	15	8	23	30	8	38	14	8	22
		8-14	17	16	33	12	16	28	31	18	49
		15-18	18	11	29	17	10	27	13	3	16

		TOTAL	64	47	111	70	41	111	70	36	106
4.	CHILDREN'S HOME "MOSTAR" MOSTAR	0-3	1	1	2	-	-	-	-	-	-
		4-7	4	7	11	4	8	12	3	3	6
		8-14	8	8	16	11	5	16	13	7	20
		15-18	7	7	14	11	13	24	8	10	18
		<b>TOTAL</b>	<b>20</b>	<b>23</b>	<b>43</b>	<b>26</b>	<b>26</b>	<b>52</b>	<b>24</b>	<b>20</b>	<b>44</b>
5.	CHILDREN'S HOME "DUGA" GRADAČAC*	0-3	3	1	4	3	1	4	3	1	4
		4-7	-	2	2	-	-	-	-	4	4
		8-14	-	2	2	-	2	2	1	7	8
		15-18	1	1	2	1	7	8	5	6	11
		<b>TOTAL</b>	<b>4</b>	<b>6</b>	<b>10</b>	<b>4</b>	<b>10</b>	<b>14</b>	<b>9</b>	<b>18</b>	<b>27</b>
6.	CHILDREN'S CENTRE "MOST" ZENICA*	0-3	4	7	11	4	6	10	5	1	6
		4-7	4	4	8	1	3	4	4	4	8
		8-14	9	9	18	16	12	28	13	9	22
		15-18	3	10	13	5	2	7	8	6	14
		<b>TOTAL</b>	<b>20</b>	<b>30</b>	<b>50</b>	<b>26</b>	<b>23</b>	<b>49</b>	<b>30</b>	<b>20</b>	<b>50</b>
		<b>GRAND TOTAL</b>									

\*Children's centre "Most" Zenica ceased to exist in 2008. Care for the children from that institution was taken over by "Dom porodica" in Zenica

REVIEW OF CHILDREN PLACED IN INSTITUTIONS FOR CHILDREN WITHOUT PARENTAL CARE from Brčko District 2005 - 2007.

Ser. No.	NAME AND PLACE OF THE INSTITUTION	AGE STRUCTURE	NUMBER OF CHILDREN IN THE INSTITUTION								
			Year 2005			Year 2006			Year 2007		
			«Rada Vranješević» B.Luka			«Rada Vranješević» B.Luka			«Rada Vranješević» B.Luka		
			«Most» Zenica			«Mjednica» Sarajevo			«Mjednica» Sarajevo		
			M	F	TOTAL	M	F	TOTAL	M	F	TOTAL
1	2	3	4	5	6	7	8	9	10	11	12
1.	-«Rada Vranješević» Banja Luka	0-3									
		4-7		1			1			1	

	- «Most» Zenica	8-14	2	1		2					
	-Children's home «Mjedenica» Sarajevo	15-18		1			2		1	1	
		<b>TOTAL</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>2</b>	<b>3</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>3</b>

REVIEW OF CHILDREN PLACED IN INSTITUTIONS FOR CHILDREN WITHOUT PARENTAL CARE from Brčko District 2008

Ser. No.	NAME AND PLACE OF THE INSTITUTION	AGE STRUCTURE	NUMBER OF CHILDREN IN THE INSTITUTION								
			YEAR 2008								
			«Rada Vranješević» B.Luka «Mjedenica» Sarajevo								
			M	F	TOTAL	M	F	TOTAL	M	F	TOTAL
1	2	3	4	5	6	7	8	9	10	11	12
1.	-«Rada Vranješević» Banja Luka	0-3									
		4-7									
		8-14		1							
		15-18	1								
	<b>TOTAL</b>	<b>1</b>	<b>1</b>	<b>2</b>							
	-Children's home «Mjedenica» Sarajevo										

REVIEW OF CHILDREN PLACED IN INSTITUTIONS FOR CHILDREN WITHOUT PARENTAL CARE (NGOs)

Ser. No.	NAME AND PLACE OF THE INSTITUTION	AGE STRUCTURE	NUMBER OF CHILDREN IN THE INSTITUTION								
			YEAR 2005			YEAR 2006			YEAR 2007		
			M	F	TOTAL	M	F	TOTAL	M	F	TOTAL
1	2	3	4	5	6	7	8	9	10	11	12
1.	KINDERDORF INTERNACIONAL SOS CHILDREN'S VILLAGE SARAJEVO	0-3	2	1	3	1	4	5	1	3	4
		4-7	6	10	16	7	7	14	2	4	6
		8-14	34	29	63	36	31	67	30	28	58
		15-18	10	10	20	12	12	24	24	22	46
		<b>TOTAL</b>	<b>52</b>	<b>50</b>	<b>102</b>	<b>56</b>	<b>54</b>	<b>110</b>	<b>57</b>	<b>57</b>	<b>114</b>

2.	KINDERDORF INTERNACIONAL SOS CHILDREN'S VILLAGE GRAČANICA	0-3	1	1	2	1	1	2	2	1	3
		4-7	6	10	16	6	10	16	3	4	7
		8-14	25	20	45	25	20	45	25	25	50
		15-18	10	9	19	10	9	19	14	9	23
		<b>TOTAL</b>	<b>42</b>	<b>40</b>	<b>82</b>	<b>42</b>	<b>40</b>	<b>82</b>	<b>44</b>	<b>39</b>	<b>83</b>
3.	FOUNDATION RUDOLF WALTHER CHILDREN'S VILLAGE MIRA TURJE LUKAVAC	0-3	4	-	4	4	-	4	2	2	4
		4-7	14	7	21	14	7	21	6	3	9
		8-14	18	32	50	18	32	50	34	30	64
		15-18	13	14	27	13	14	27	9	20	29
		<b>TOTAL</b>	<b>49</b>	<b>53</b>	<b>102</b>	<b>49</b>	<b>53</b>	<b>102</b>	<b>51</b>	<b>55</b>	<b>106</b>
4.	CHILDREN'S CENTRE "DUGA" KULEN VAKUF	0-3	-	-	-	6	11	17	11	3	14
		4-7	-	-	-	1	5	6	1	1	2
		8-14	-	-	-	-	-	-	-	-	-
		15-18	-	-	-	-	-	-	-	-	-
		<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>7</b>	<b>16</b>	<b>23</b>	<b>12</b>	<b>4</b>	<b>16</b>
5.	SOCIO – PEDAGOGICAL HOST COMMUNITIES OF BOSNIA AND HERZEGOVINA	0-3	1	-	1	2	-	2	1	1	2
		4-7	13	8	21	8	7	15	4	12	16
		8-14	20	16	36	21	18	39	24	25	49
		15-18	13	13	26	8	4	12	8	8	16
		<b>TOTAL</b>	<b>30</b>	<b>37</b>	<b>84</b>	<b>39</b>	<b>29</b>	<b>68</b>	<b>37</b>	<b>46</b>	<b>83</b>
6.	CHILDREN'S HOME "MAJČINO SELO" MEĐUGORJE	0-3	-	-	-	3	1	4	-	-	-
		4-7	-	-	-	6	5	11	3	4	7
		8-14	-	-	-	15	12	27	21	11	32
		15-18	-	-	-	3	7	10	4	9	13
		<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>27</b>	<b>25</b>	<b>52</b>	<b>28</b>	<b>24</b>	<b>52</b>
		<b>TOTAL</b>									

REVIEW OF CHILDREN PLACED IN INSTITUTIONS FOR CHILDREN WITHOUT PARENTAL CARE (NGOs) from Brčko District 2005-2007

Ser. No.	NAME AND PLACE OF THE INSTITUTION	AGE STRUCTURE	NUMBER OF CHILDREN IN THE INSTITUTION									
			YEAR 2005			YEAR 2006			YEAR 2007			
			M	F	TOTAL	M	F	TOTAL	M	F	TOTAL	
1	2	3										
1.	KINDERDORF INTERNACIONAL SOS CHILDREN'S VILLAGE SARAJEVO	0-3		1								
		4-7				1			1			
		8-14				1						
		15-18	1	1						1		
		<b>TOTAL</b>	<b>1</b>	<b>2</b>	<b>3</b>		<b>2</b>	<b>2</b>		<b>2</b>	<b>2</b>	

REVIEW OF CHILDREN PLACED IN INSTITUTIONS FOR CHILDREN WITHOUT PARENTAL CARE (NGOs) from Brčko District in 2008

Ser. No.	NAME AND PLACE OF THE INSTITUTION	AGE STRUCTURE	NUMBER OF CHILDREN IN THE INSTITUTION									
			YEAR 2008									
			M	F	TOTAL	M	F	TOTAL	M	F	TOTAL	
1	2	3										
1.	KINDERDORF INTERNACIONAL SOS CHILDREN'S VILLAGE SARAJEVO	0-3										
		4-7		1								
		8-14										
		15-18		1								
		<b>TOTAL</b>		<b>2</b>	<b>2</b>							

## REVIEW OF ADOPTED CHILDREN IN THE FEDERATION OF BOSNIA AND HERZEGOVINA

Ser. No.	CANTON	ADOPTED CHILDREN											
		YEAR 2005				YEAR 2006				YEAR 2007			
		complete	incomplete	TOTAL 3+4	By foreign citizens	complete	incomplete	TOTAL 7+8	By foreign citizens	complete	incomplete	TOTAL 11+12	By foreign citizens
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.
1.	UNA - SANA	7	4	11	1					10	-	10	-
2.	POSAVINA	-	1	1	-	-	1	1	-	1	-	1	-
3.	TUZLA	8	1	9	1	5	-	5	5	5	3	8	1
4.	ZENICA- DOBOJ	8	2	10	-	3	2	5	-	6	1	7	-
5.	BOSNA- PODRINJE	-	-	-	-	-	-	-	-	-	-	-	-
6.	CENTRAL BOSNIA	1	2	3	1	1	-	1	-	-	-	-	-
7.	HERZEGOVINA - NERETVA	6	-	6	-	6	-	6	-	2	-	2	-
8.	WEST HERZEGOVINA	-	-	-	-	-	-	-	-	-	-	-	-
9.	SARAJEVO	9	3	12	-	3	2	5	-	12	1	13	2
10.	CANTON 10.	1	-	1	-	2	-	2	-	-	-	-	-
	<b>TOTAL IN THE FEDERATION OF BOSNIA AND HERZEGOVINA</b>	<b>40</b>	<b>13</b>	<b>53</b>	<b>3</b>	<b>20</b>	<b>5</b>	<b>25</b>	<b>5</b>	<b>36</b>	<b>5</b>	<b>41</b>	<b>3</b>

**REVIEW OF ADOPTED CHILDREN IN REPUBLIKA SRPSKA FROM 2005 TO 2007**

Ser. No.		ADOPTED CHILDREN											
		YEAR 2005				YEAR 2006				YEAR 2007			
		complete	incomplete	TOTAL 3+4	by foreign citizens	complete	incomplete	TOTAL 7+8	by foreign citizens	complete	incomplete	TOTAL 11+12	by foreign citizens
1.	Republika Srpska			22	-			16	2			14	4

**REVIEW OF ADOPTED CHILDREN IN BRČKO DISTRICT 2005 – 2007**

Ser. No.		ADOPTED CHILDREN											
		YEAR 2005				YEAR 2006				YEAR 2007			
		Complete	incomplete	TOTAL 3+4	by foreign citizens	complete	incomplete	TOTAL 7+8	by foreign citizens	complete	incomplete	TOTAL 11+12	by foreign citizens
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.
1.	BRČKO DISTRICT	-	3	3	-	1	1	2	-	1	-	1	-

**REVIEW OF ADOPTED CHILDREN IN BRČKO DISTRICT IN 2008**

Ser. No.		ADOPTED CHILDREN											
		YEAR 2008											
		complete	incomplete	TOTAL 3+4	by foreign citizens	complete	incomplete	TOTAL 7+8	by foreign citizens	complete	incomplete	TOTAL 11+12	by foreign citizens
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.
1.	BRČKO DISTRICT	2	-	2	-								

## VI. Basic health and social care

### Children with disability (Article 23.)

#### DISABLED CHILDREN - CIVILIAN INVALIDES BELOW 18 YEARS OF AGE DATA FOR DEC 2008

Women	Personal disability allowance					Supplement for aid and assistance by another person		Allowance for orthopaedic support
	1.group	2.group	3.group	4.group	5.group	1.group	2.group	1.group
UNA-SANA CANTON	79	3	16	16	23	67	32	58
POSAVINA CANTON	12	6	0	2	4	13	9	8
TUZLA CANTON	134	26	39	25	30	122	90	107
ZENICA-DOBOJ CANTON	96	11	13	8	14	87	28	69
BOSNIA-PODRINJE CANTON	9	1	4	1	4	9	6	6
CENTRAL BOSNIA CANTON	76	14	16	10	24	80	25	62
HERZEGOVINA - NERETVA CANTON	69	13	4	4	11	67	27	51
WEST HERZEGOVINA CANTON	30	6	5	5	10	28	19	27
CANTON SARAJEVO	149	12	35	16	34	129	83	88
CANTON 10	18	3	1	4	7	19	4	15
<b>TOTAL</b>	<b>672</b>	<b>95</b>	<b>133</b>	<b>91</b>	<b>161</b>	<b>621</b>	<b>323</b>	<b>491</b>

Men	Personal disability allowance					Supplement for aid and assistance by another person		Allowance for orthopaedic support
	1.group	2.group	3.group	4.group	5.group	1.group	2.group	1.group
UNA-SANA CANTON	114	5	20	18	25	101	37	78
POSAVINA CANTON	14	4	4	3	2	16	9	12
TUZLA CANTON	212	27	49	42	44	186	124	136



<b>ZENICA-DOBOJ CANTON</b>	127	11	12	10	22	130	30	88
<b>BOSNIA-PODRINJE CANTON</b>	17	1	3	3	4	13	7	11
<b>CENTRAL BOSNIA CANTON</b>	108	16	24	10	34	110	40	79
<b>HERZEGOVINA - NERETVA CANTON</b>	96	25	14	7	34	99	58	61
<b>WEST HERZEGOVINA CANTON</b>	31	8	18	0	18	36	36	27
<b>CANTON SARAJEVO</b>	232	9	36	25	45	197	106	114
<b>CANTON 10</b>	18	5	7	2	3	22	10	13
<b>TOTAL</b>	<b>969</b>	<b>111</b>	<b>187</b>	<b>120</b>	<b>231</b>	<b>910</b>	<b>457</b>	<b>619</b>

<b>TOTAL (women, men)</b>	<b>Personal disability allowance</b>					<b>Supplement for aid and assistance by another person</b>		<b>Allowance for orthopaedic support</b>
	<b>1.group</b>	<b>2.group</b>	<b>3.group</b>	<b>4.group</b>	<b>5.group</b>	<b>1.group</b>	<b>2.group</b>	<b>1.group</b>
<b>UNA-SANA CANTON</b>	193	8	36	34	48	168	69	136
<b>POSAVINA CANTON</b>	26	10	4	5	6	29	18	20
<b>TUZLA CANTON</b>	346	53	89	67	74	308	215	244
<b>ZENICA-DOBOJ CANTON</b>	223	22	25	18	36	217	58	157
<b>BOSNIA-PODRINJE CANTON</b>	26	2	7	4	8	22	13	17
<b>CENTRAL BOSNIA CANTON</b>	184	30	40	20	58	190	65	141
<b>HERZEGOVINA - NERETVA CANTON</b>	165	38	18	11	45	166	85	112
<b>WEST HERZEGOVINA CANTON</b>	61	14	23	5	28	64	55	54
<b>CANTON SARAJEVO</b>	381	21	71	41	79	326	189	202
<b>CANTON 10</b>	36	8	8	6	10	41	14	28
<b>TOTAL</b>	<b>1641</b>	<b>206</b>	<b>321</b>	<b>311</b>	<b>392</b>	<b>1531</b>	<b>781</b>	<b>1111</b>

Ser. No.	NAME AND PLACE OF THE INSTITUTION	CAPACITY OF THE INSTITUTION	NUMBER OF EMPLOYEES								
			YEAR 2005			YEAR 2006			YEAR 2007		
			F	M	TOTAL	F	M	TOTAL	F	M	TOTAL
1	2	3	4	5	6	7	8	9	10	11	12
1.	INSTITUTE FOR PROTECTION OF CHILDREN AND YOUNG PEOPLE PAZARIĆ		-	-	-	83	11	94	89	13	102
2.	INSTITUTE FOR CARE OF MENTALLY DISABLED PERSONS FOJNICA-DRIN		-	-	-	116	18	134	84	25	109

REVIEW OF CHILDREN PLACED IN THE INSTITUTIONS FOR CHILDREN WITH SPECIAL NEEDS

Ser. No.	NAME AND SEAT OF THE INSTITUTION	AGE STRUCTURE	NUMBER OF CHILDREN IN THE INSTITUTION								
			YEAR 2005			YEAR 2006			YEAR 2007		
			M	F	TOTAL	M	F	TOTAL	M	F	TOTAL
1	2	3	4	5	6	7	8	9	10	11	12
1.	INSTITUTE FOR PROTECTION OF CHILDREN AND YOUNG PEOPLE IN PAZARIĆ	3-18	-	-	-	17	16	33	15	16	31
		<b>TOTAL</b>	-	-	-	<b>17</b>	<b>16</b>	<b>33</b>	<b>15</b>	<b>16</b>	<b>31</b>
2.	INSTITUTE FOR CARE OF MENTALLY DISABLED PERSONS FOJNICA-DRIN	0-3	-	-	-	-	-	-	1	-	1
		4-18	-	-	-	21	18	39	19	14	33
		<b>TOTAL</b>	-	-	-	<b>21</b>	<b>18</b>	<b>39</b>	<b>20</b>	<b>14</b>	<b>34</b>

**REVIEW OF CHILDREN IN SPECIALIZED INSTITUTIONS FOR CHILDREN WITH SPECIAL NEEDS IN REPUBLIKA SRPSKA**

Ser. No.	NAME AND PLACE OF THE INSTITUTION	AGE STRUCTURE	NUMBER OF CHILDREN IN THE INSTITUTION								
			YEAR 2005			YEAR 2006			YEAR 2007		
			M	F	TOTAL	M	F	TOTAL	M	F	TOTAL
1	2	3	4	5	6	7	8	9	10	11	12
1.	Home for children with impaired development in Prijedor	3-18	18	-	18	14	-	14	15	-	15
		<b>TOTAL</b>	18	-	18	14	-	14	15	-	15
2.	Institute for protection of female children and young people Višegrad	0-3	-	-	-	-	-	-	-	-	-
		4-18	-	4	4	-	7	7	-	7	7
		<b>TOTAL</b>	-	4	4	-	7	7	-	7	7

**REVIEW OF CHILDREN PLACED IN SPECIALIZED INSTITUTIONS FOR CHILDREN WITH SPECIAL NEEDS IN BRČKO DISTRICT of Bosnia and Herzegovina 2005-2007**

Ser. No.	NAME AND PLACE OF THE INSTITUTION	AGE STRUCTURE	NUMBER OF CHILDREN IN THE INSTITUTION								
			YEAR 2005			YEAR 2006			YEAR 2007		
			M	F	TOTAL	M	F	TOTAL	M	F	TOTAL
1	2	3	4	5	6	7	8	9	10	11	12
1.	Home for children and young people with impaired development Prijedor	3-18	1	-	-	1	-	-	1	-	-
		<b>TOTAL</b>	1	-	-	1	-	-	1	-	-

REVIEW OF CHILDREN PLACED IN THE INSTITUTIONS FOR CHILDREN WITH SPECIAL  
NEEDS IN BRČKO DISTRICT of Bosnia and Herzegovina in 2008

Ser. No.	NAME AND PLACE OF INSTITUTION	AGE STRUCTURE	NUMBER OF CHILDREN IN THE INSTITUTION									
			YEAR 2008									
			M	F	TOTAL	M	F	TOTAL	M	F	TOTAL	
1	2	3	4	5	6	7	8	9	10	11	12	
1.	Home for children and young people with impaired development Prijedor	3-18	1	-	-							
		<b>TOTAL</b>	1	-	-							

The percentage of children who are of primary school entry age and who are attending primary school is 91%. 11% of children who are of secondary school age are attending primary school, and they should already be in the secondary school. There is a significant difference between boys and girls, where there is a higher percentage of boys attending lower level of education that they should (12%), compared to girls (9%). Out of the total number of children who enrolled in the first grade, nearly 100% will reach the fifth grade (99,7%). It is worth noting that this number includes the children who are repeating the same grade and who eventually reach the fifth grade. There are no significant differences in terms of sex, geographic location and level of mother's education. At the time of the survey, 90% of children attending final grade of primary school enrolled secondary school in the previous year. Overall 62% of children of secondary school age are attending secondary school. Children attend secondary school more often in urban areas (70%) than in other areas (57%). Ratio of girls and boys in primary and secondary is known as Gender Parity Index (GPI). GPI for primary school is 1.00, indicating no difference in the attendance of girls and boys to primary school. However, the indicator drops to 0.96 for secondary education. (source: MICS 2006)

#### Health and medical services (Article 24.)

Number of stillbirths in the Federation of Bosnia and Herzegovina

Stillbirths	2002	2003	2004	2005	2006	2007
TOTAL	98	109	123	110	105	130
Male	60	72	70	69	62	73
Female	38	3	53	41	43	57

### Infant deaths by sex, infant death rates in Republika Srpska

	2003	2004	2005	2006	2007.
TOTAL	64	61	37	50	38
Male	32	43	20	31	18
Female	32	18	17	19	20
Infant deaths per 1000 livebirths	6,1	5,7	3,6	4,8	3,8

### Infant deaths by sex in the Federation BiH

	2002	2003	2004	2005	2006	2007
TOTAL	245	202	190	194	205	193
Male	138	122	107	113	127	114
Female	107	80	83	81	78	79

### Mortality in children under 5 years of age in the Federation of BiH

Mortality	2002	2003	2004	2005	2006
Under 1 year	245	202	190	194	205
1	9	13	16	18	12
2	7	11	4	3	8
3	6	7	6	6	3
4	8	7	4	4	3
5	7	3	4	5	4

	MICS indicator		%
Low birth weight	9	Newborns with low birth weigh	4,5FBiH 4,5 RS
	10	Newborns weighed at birth	98,7 FBiH 99,6 RS

According to the results of the MICS survey from 2006, overall 99 percent of newborns were weighed at birth (MICS indicator 10) and around 5 percent of newborns are estimated to have been born with birth weight less than 2,500 grams.(MICS indicator 9). The rate of low birth weight does not exhibit significant variation between urban and other areas nor in terms of mother's education level.

Percentage of moderately and severely malnourished children, weights loss and stunting of growth;

	MICS indicator	MDG indicator		%
Nutrition status	6	4	Prevalence of undernutrition	0,7
	7		Prevalence of stunting	2,4
	8		Prevalence of malnutrition	1,0

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

Around 9 percent of children are stunted or too short for their age, with no significant difference between boys and girls; situation is similar in urban and other areas.

Around 5 percent of children are underweight, boys slightly more than girls, more in urban than is rural areas (Source: MICS 2006).

There are 0,3 % moderately underweight children for their age in Republika Srpska, whilst there were no registered cases of severely underweight children. Every 13<sup>th</sup> child is moderately shorter for their age, whilst every 37<sup>th</sup> child is seriously short for their age. Girls are more likely to be shorter than boy, as well as infants aged 36-47 months. Around 2,6% of children are moderately underweight compared to their height, and 0,3% of children are seriously underweight compared to their height. Large percentage (23,3%) of children is overweight – their weight compared to their height is two standard deviations above median for the reference population (source: MICS 2006)

### **Percentage of households without sanitary facilities and access to safe drinking water**

Population with access to an improved water source are people who use any of the following sources: house connections (house, garden or yard), public standpipes, wells/boreholes, protected dug wells, protected springs, rainwater collections. Bottled water is considered improved water source unless water for other uses, such as for washing hands and cooking, is available from an improved source. Overall, 99 percent of the population is using an improved source of drinking water – with equal percentages in urban and rural areas. (source: MICS 2006)

Around 97 percent of population is using an improved source of drinking water in Republika Srpska. Very small number of households is adequately treating drinking water (3,7%), and the most common method of treatment is boiling water. Around 92,6% of the RS population live in households that are using improved sanitation facilities. This percentage is 98,3 in urban and 89,7 in other areas.

	MICS indicator	MDG indicator		%
Water and sanitation	11	30	Using improved drinking water sources	99,5
	13		Treating water	8,0
	12	31	Using improved sanitation facilities	93,0

### **Percent of children below age of 1 vaccinated against tuberculosis, diphtheria, whooping cough, tetanus, polio and measles**

According to the Immunisation schedule, combined MMR vaccine (vaccine against measles, mumps and rubella) is given to children at full 12, so practically at 13 months of age. .

Apart from these basic antigens, two new antigens have been introduced in the primary series, with three i.e. two doses of HIB vaccine, protecting children from HIB and three doses of HEP vaccine, protecting children from viral hepatitis Type B. The new antigens were introduced into the Programme in 2003 (Hib vaccine) and 2004 (HepB vaccine).

Overall, 94 percent of children between 18 and 29 months of age have received BSG vaccine before their first birthday, whereas the first dose of DPT was given to 91 percent. The percentage declines for subsequent doses of DPT to 84 percent for the second dose and 74 percent for the third dose.

Similarly, 91 percent of children received Polio 1 by 12 months of age and this declines to 75 percent by the third dose. MMR immunization coverage by 18 months of age is lower than for the other vaccines at 72 percent. The percentage of children who received all eight recommended vaccines by their first birthday is 58%. (source: MICS 2006).

Overall 97% of children between 18 and 29 months of age have received BCG vaccine before their first birthday, whereas the first dose of DTP was given to 97 % of children in Republika Srpska. The percentage declines for subsequent doses of DTP to 91 percent for the second dose and 83 % for the third dose. 91% of children received OPV vaccine by 12 months of age and this declines to 92% for the second and 85% for the third dose.

	MICS indicator	MDG indicator		%
Immunization coverage	25	15	BCG immunization coverage	94,4
	26		DTP immunization coverage	74,3
	27		Polio immunization coverage	74,6
	28		Morbile immunization coverage	72,0
	31		Fully immunized children	57,9

### Maternal mortality rates and main causes

One person died in 2007 of complications resulting from pregnancy, labour and puerperium.

#### Pregnant women having access to and using antenatal and postnatal care

Coverage of antenatal care (provided by a doctor, medical nurses or midwife) is high in the Federation of Bosnia and Herzegovina, with all women receiving antenatal care at least once during the pregnancy (99%).

Nearly all women (99%) aged 15-49 who gave birth in the last two years, received antenatal care by professional health care providers. Around 98% of services were provided by doctors and around 1% by nurses/midwives.

Nearly all women aged 15-49 that gave birth in the last two years had antenatal care visits, 97% had blood tests, 95% had their blood pressure measured, 97% had urine testing, and 94% had their weight measured. There is a slight difference between urban and other areas (96%vs. 99%). There are no differences by age and level of education.(source: MICS 2006)

Around 99,4 % of women in Republika Srpska had at least one examination by a doctor during their pregnancy, and almost all deliveries in the RS (99,8%) were assisted by skilled attendants, out of that 6% with assistance of a midwife and other with assistant of a medical doctor.

	MICS indicator	MDG Indicator		%
Maternal and newborn health	20	17	Antenatal care	98,6
	44		Content of antenatal care	98,6
	4		Skilled attendance at delivery	99,5
	5		Deliveries in health institutions	99,6

### Proportion of institutional deliveries

Around 99% percent of births, according to the MICS findings, were delivered with assistance of skilled attendants. There is no difference between urban and other areas. More educated mothers are, greater possibility is that they will deliver their babies with assistance of skilled attendants, but there are no significant differences.

### Proportion of mothers who exclusively breastfeed and length of breastfeeding period

Every other woman in the Federation of BiH started breastfeeding their infants within one hour of birth (51 percent), equally in urban (52%) and other (51%) area. More than two thirds of women (83%) started breastfeeding within one day of birth, equally in urban and other areas (82 % vs. 83%).

Approximately 22 percent of children aged less than six months are exclusively breastfed. At age 6-9 months, 19.percent of children are receiving breast milk and solid or semi-solid foods. 34 percent of children at age 12-15 months are still breastfeeding whilst only 13 percent of children are still



breastfeeding at age 20-23 months. Girls and boys aged less than six months are exclusively breastfed to an equal degree.

Women with secondary education are more likely to breastfeed their children (29%). %.(source: MICS 2006)

Approximately 7,6 percent of children aged less than six months are exclusively breastfed in Republika Srpska. At age 6-9 months, 43,2 percent of children are receiving breast milk and solid or semi-solid foods. 11 percent of children at age 12-15 months are still breastfeeding whilst only 5 percent of children are still breastfeeding at age 20-23 months. Boys are more often exclusively breastfed than girls.

	MICS indicator	MDG indicator	%	
Breastfeeding	45		Timely initiation of breastfeeding	51,2
	15		Exclusive breastfeeding rate	21,8
	16		Continued breastfeeding rate	33,8
			12-15 months	13,1
			20-23 months	19,2
	17		Timely complementary feeding rate	17,4
	18		Frequency of complementary feeding	19,5
	19		Adequately fed infants	

#### **Number/percentage of children infected with HIV/AIDS**

One child has been infected with HIV and it is regularly monitored.

#### **Number/percentage of children living with relatives, in foster families, institutions and in the street**

Overall 91% of children aged 0-17 in surveyed households live with both parents. 6% live only with mother, while 2% live only with father. In 5% cases one or both parents have died. The survey revealed that 0,1% of children lost both parents (source: MICS 2006)

In Republika Srpska, 0,4% of children do not live with their biological parents and 4,3% of children lost one or both parents. Nearly every 10<sup>th</sup> child in Republika Srpska does not live with both parents. Very small number of children aged 10-14 lost both parents (0,1%).

## VII. Education, leisure and cultural activities

### Education, including vocational education (Article 28.)

According to the last population census in Bosnia and Herzegovina, conducted in 1991, 9,9% of population was illiterate. The results of the Living standard Measurement Study (UNDP, 2001) indicated that 5% of population of Bosnia and Herzegovina was illiterate. So it is obvious that at the moment there is no reliable data on literacy in Bosnia and Herzegovina.

Also, there is no reliable data on educational structure of population. According to the Household Spending Survey in BiH (UNDP, 2004), 8,7% of population in BiH have no education at all. 34,9% of population has elementary education; 49,7% of population has secondary education; 5,1% higher education; 4,3% of population has university education.

According to the MICS Survey (UNDP, 2006), 9 percent of population is attending pre-school and percent of enrolment in primary school in BiH is 97,2%.

The enrolment rate of young people in secondary education in BiH is 76.2%, of which only 54% complete secondary school in the foreseen timeframe.

The enrolment rate of young people in higher education is only 24%

#### Statistical indicators by education level

According to the report of the Agency for Statistics of Bosnia Herzegovina (Education Statistics, First Release No 1/2007) situation of education in Bosnia and Herzegovina is as follows:

#### Pre-school education

	School year: 2005	School year: 2006
Total number of preschool institutions	193	197
Total number of employees	2.167	2.180
Total number of children	12.989	13.384
Total number of girls	6.112	6.299

#### Primary/elementary schools

	School year: 2004/2005	School year: 2005/2006
Total number of schools (eights year education and nine year education)	1.887	1.888
Total number of classes	16.396	16.443

Total number of combined classes	1.863	1.497
Total number of teachers	22.136	22.258
Total number of temporary teachers	3.954	3.858
Total number of pupils	380.696	374.725
Total number of female pupils out of total number of pupils	184.872	182.319

### Primary education for children with special needs

	School year: 2004/2005	School Year: 2005/2006
Total number of schools for children with special needs	66	64
Total number of classes	217	211
Total number of combined classes	89	82
Total number of teachers	306	316
Total number of temporary teachers	59	54
Total number of pupils	1.370	1.261
Total number of female pupils out of total number of pupils	580	498

### Secondary education

	School year: 2004/2005	School Year: 2005/2006
Total number of secondary schools	303	304
Total number of classes	6.052	6.021
Total number of teachers	11.184	11.167
Total number of pupils	164.74 3	162.43 4

Total number of female pupils	81.985	80.976
Total number of pupils who completed secondary education	44.773	43.363

### Higher education

	School year 2004/2005	School year 2005/2006.
Number of higher education institutions	113	137
Total number of students	84.475	91.201
Number of enrolled full-time students	62.233	66.939
Number of enrolled part-time students	22.242	24.262
Number of graduated students	8.127	10.003

There is no reliable data on the number of students who graduate within the expected timeframe. It is estimated that, on average, students study for 5-7 before their graduation. Large number of students leave their studies, mainly after the first year of studies.

There were overall 298 Masters of Science, Specialists and 9 Doctors of Science in 2005. The number of Masters of Science and Specialists increased to 315 and doctors of science to 126 in 2006.

Therefore, when it comes to inclusion into education system, there are obvious differences between certain levels and lagging behind compared to average inclusion in most European countries, especially when it comes to pre-school education and high school education. On the other hand, high and long-lasting unemployment of those with secondary education imposes the question of application of the gained knowledge and its adaptability to the labour market.

According to data of the Agency for Statistics BiH, the situation in the school year: 2006/2007 was as follows:

#### Pre-school education 2006/2007

	BiH	FBiH	RS	DB
Number of institutions	197	128	67	2
Number of children	13.384	8.029	5.135	220
Number of girls	6.299	3.755	2.436	108
Number of employees	2.180	1.329	818	33
Number of teachers	1.016	644	354	18

Number of female teachers	960	595	347	18
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Number of children per educator is 13 in Bosnia and Herzegovina (12 children per educator in FBiH and Brčko District and 15 children per educator in RS).

### Primary/elementary education 2006/2007

	BiH	FBiH	RS	DB
<b>EIGHT YEAR EDUCATION</b>				
Number of schools	1.122	1.086	-	36
Number of classes	8.670	8.305	-	365
Number of pupils	202.468	195.027	-	7.741
Number of female pupils	98.530	94.899	-	3.631
Number of teachers	12.766	12.284	-	492
<b>NINE YEAR EDUCATION</b>				
Number of schools	186	-	186	-
Number of classes	7.941	2.141	5.800	-
Number of pupils	164.928	48.759	116.169	-
Number of female pupils	80.464	23.789	56.675	-
Number of teachers	10.191	2.157	8.034	-

### PRIMARY SCHOOLS FOR CHILDREN WITH SPECIAL NEEDS 2006/2007

	BiH	FBiH	RS	BD
<b>EIGHT YEAR EDUCATION</b>				
Number of schools	37	35	-	2
Number of classes	120	111	-	9
Number of pupils	662	635	-	27
Number of female pupils	266	252	-	14
Number of repeaters	28	6	-	22
Number of teachers	204	198	-	6

NINE YEAR EDUCATION				
Number of schools	26	-	26	-
Number of classes	81	7	74	-
Number of pupils	474	30	444	-
Number of female pupils	182	11	171	-
Number of repeaters	6	-	6	-
Number of teachers	101	20	81	-

#### SECONDARY EDUCATION 2006/2007

	BiH	FBiH	RS	DB
Number of schools	304	208	92	4
Number of classes	6.048	4.034	1.867	147
Number of pupils	160.497	106.793	50.046	3.658
Number of female pupils	80.054	53.004	25.232	1.818
Number of repeaters	3.229	2.349	844	36
Number of teachers	11.414	8.006	3.160	248

8.127 students graduated in 2005, 10.003 students graduated in 2006 and 12.199 students graduated in 2007.

#### **Average teacher-student ratio – teaching staff**

Teaching in primary schools in Bosnia and Herzegovina is carried out in central schools and branch schools. Branch schools (mostly lower grades of primary school) are located in rural areas and teaching is mainly carried out in combined classes.

Due to lack of space, teaching in most primary and secondary schools is organised in two shifts, while some schools in some highly populated areas even operate in three shifts. This presents an obstacle to development of schools as places where children spend full-day, learning and participating in extracurricular activities, as well as an obstacle to its relation with local community.

**There were 22.544 teachers employed in primary education institutions in Bosnia and Herzegovina in the school year 2006/2007. This shows ratio of 17 students per teacher. There are 316 teachers in primary education institutions for children with special needs, and that represents an average of four students per teacher. 11.167 teachers are employed in secondary school institutions, and that is an average of 15 students per teacher.**

On one hand, this indicates that it is possible to achieve adequate quality of teaching, given that the number of students per teacher is rather small, but on the other hand, it also points out at a high level of expenses in education.

Number of teachers without adequate qualifications is constantly falling. There is still a lack of foreign language teachers, math teachers, art teachers and teachers of some other specialised subjects, in some regions. There is an evident shortage of young assistants at institutions of higher education and full time professors and assistants at universities that were established over the past few years.

At the moment, training of teachers is not standardised. They are not systematically licensed as professionals in their area, neither any financial or other instruments have been developed that would encourage quality improvement of their work on the basis of competition.

**Note:**

Lack of statistical data and relevant indicators about education in Bosnia and Herzegovina represents a main obstacle to setting specific development objectives in the area of education and monitoring their implementation. A short term objective is to consolidate the existing statistical data from the statistical institutions in Republika Srpska, the Federation of Bosnia and Herzegovina and Brčko District of Bosnia and Herzegovina. Education authorities will, in cooperation with institutes of statistics in Republika Srpska and the Federation of Bosnia and Herzegovina, develop education statistics in Bosnia and Herzegovina in accordance with EUROSTAT procedures and requirements. Also, the need for statistical indicators must be based on development objectives set out in this strategic document.

Establishment of the EMIS (Education management information system) has started through a project financed through World Bank loan funds, but this project has not been fully realized in the entire territory of Bosnia and Herzegovina.

Therefore, before anything else, it is necessary to coordinate further development of statistics, taking into account the infrastructure that was somewhat established through the EMIS. Main guidelines in the process of coordination should be in compliance with EUROSTAT methodologies and indicators.

Experts in statistical institutions will support development of the EMIS in order to define basic data produced by schools in accordance with international definitions.

Given that the next population census in Bosnia and Herzegovina is planned, according to EUROSTAT recommendations, for the year 2011, statistical institutions will have to prepare assessments with regard to the number of children and young people in different age groups, in order to ensure the necessary basis for planning education and school networks.

## **VIII. Special Protection Measures**

### **Children - refugees (Article 22.)**

21. The number of internally displaced children was 25.834 on 31.12.2008, out of that 12.865 were girls and 12.969 were boys.

There is no data on internally displaced children not attending school and not being covered by health care, neither any data on them attending school and being covered by health care. A more precise formulation may be given after a public debate.

Children in armed conflicts (Article 38.), including physical and psychological recovery and re-socialization (Article 39.)

22. With regard to Article 38 – children in armed conflict – all relevant data was presented and explained in the Initial Report on the Implementation of the Facultative Protocol to the Convention on the Rights of the Child on Children in Armed Conflicts that was adopted by the Council of Ministers of BiH in June 2008 and submitted to the Committee.

**REVIEW OF CIVILIAN WAR VICTIMS WHO HAVE SUFFERED PHYSICAL DAMAGE DUE TO EXPLOSIONS OF LEFTOVER AMUNITION FOLOWING THE WAR IN THE FEDERATION OF FBOSNIA AND HERZEGOVINA, SITUATION ON DEC 30 2005:**

<b>CIVILIAN WAR VICTIMS</b>							
<b>FROM 31.12.1995 TO 30.12.2005.</b>							
<b>CANTON</b>	<b>DIED</b>		<b>TOTAL 2+3</b>	<b>WOUNDED</b>		<b>TOTAL 5+6</b>	<b>GRAND TOTAL  4+7</b>
	<b>F</b>	<b>M</b>		<b>F</b>	<b>M</b>		
1	2	3	4	5	6	7	8
<b>UNA-SANA CANTON</b>	35	39	74	73	68	141	215
<b>POSAVINA CANTON</b>	0	0	0	0	0	0	0
<b>TUZLA CANTON</b>	46	56	102	24	56	80	182
<b>ZENICA-DOBOJ CANTON</b>	17	46	63	14	48	62	125
<b>BOSNIA-PODRINJE CANTON</b>	0	1	1	0	7	7	8
<b>CENTRAL BOSNIA CANTON</b>	2	25	27	0	41	41	68
<b>HERZEGOVINA - NERETVA CANTON</b>	2	6	8	9	11	20	28
<b>WEST HERZEGOVINA CANTON*</b>	0	1	1	0	1	1	2
<b>CANTON SARAJEVO</b>	8	32	40	11	49	60	100
<b>CANTON 10</b>	3	2	5	2	36	38	43
<b>TOTAL IN THE FEDERATION OF BOSNIA AND HERZEGOVINA</b>	<b>113</b>	<b>208</b>	<b>321</b>	<b>133</b>	<b>317</b>	<b>450</b>	<b>771</b>



- There is no regular data maintenance

**REVIEW OF CIVILIAN WAR VICTIMS - CHILDREN UNDER 18 YEARS OF AGE – WITH PHYSICAL DAMAGE OF 100% TO 60%, SITUATION ON 31.12.2005**

<b>CHILDREN-CIVILIAN WAR VICTIMS ASSESSED TO SUFFER FROM 100% TO 60% DAMAGE</b>						
<b>CANTON</b>	<b>0-6 years</b>	<b>7-14 years</b>	<b>15-18 years</b>	<b>F</b>	<b>M</b>	<b>Number of children CWV</b>
<b>UNA-SANA CANTON</b>	0	11	21	10	22	32
<b>POSAVINA CANTON</b>	0	0	0	0	0	0
<b>TUZLA CANTON</b>	0	12	15	3	24	27
<b>ZENICA-DOBOJ CANTON</b>	0	7	14	12	9	21
<b>BOSNIA-PODRINJE CANTON</b>	0	0	6	1	5	6
<b>CENTRAL BOSNIA CANTON</b>	1	8	17	14	12	26
<b>HERZEGOVINA - NERETVA CANTON</b>	0	3	15	5	13	18
<b>WEST HERZEGOVINA CANTON*</b>	0	0	0	0	0	0
<b>CANTON SARAJEVO</b>	0	7	35	22	20	42
<b>CANTON 10</b>	0	0	0	0	0	0
<b>TOTAL IN THE FEDERATION OF BOSNIA AND HERZEGOVINA</b>	<b>1</b>	<b>48</b>	<b>123</b>	<b>67</b>	<b>105</b>	<b>172</b>

\* There is no regular data maintenance

**Juvenile justice (Article 40.)**

According to the information prepared by the Ministry of Security of Bosnia and Herzegovina on juvenile delinquency in Bosnia and Herzegovina during 2007, compared with indicators for 2005 and 2006, the situation is as follows::

The number of registered juvenile delinquents in 2005 was 2.603.

The number of registered juvenile delinquents in 2006 was 2.753.

The number of registered juvenile delinquents in 2007 was 2.640.

The number of juvenile murders committed in 2007 was 6 (3 in Republika Srpska, 1 in Brčko District and 2 in the FBiH – Sarajevo). Only 1 out of the 6 murders was murder by negligence.

The most common criminal offences are acts against property (90%). A small number of acts were acts against life and physical integrity and criminal offences against public peace and order.

1. The number of juveniles against whom legal measures have been taken by courts and prosecutor's office:

Year	Proposed corrective measures			Court decisions			Discontinuances*
	measures	institutional	non-institutional	measures	institutional	non-institutional	
2005.	7	19	658	1	14	508	150
2006.	4	28	737		24	597	140
2007.	6	32	536	4	27	480	56

\* The number of discontinuances includes discontinuance of preparatory proceedings as well as discontinuance of court decisions. Prosecutors' offices in the FBiH were mostly proposing non-institutional measures against juvenile offenders in 2005, 2006. and 2007 (measures of intensified supervision by a competent social care body and by parents) and only in 4% of cases they were proposing institutional measures; courts imposed the educational measure of committal to a disciplinary centre for juveniles in 0,88% of cases, upon proposals by prosecutors. The courts mostly accepted such proposals, although there is a relatively high percentage of discontinuances, both of preparatory proceedings as well as of courts decisions.

2. The number of juveniles against whom legal measures have been taken by courts and prosecutor's office in Republika Srpska:

Year	Proposed corrective measures			Court decisions			Discontinuances*
	measures	institutional	non-institutional	measures	institutional	non-institutional	
2005.	8	12	652	8	12	534	118
–							
2007.							

\* The number of discontinuances includes discontinuances of preparatory proceedings as well as discontinuances of court decisions.

Prosecutors' offices in Republika Srpska were also mostly proposing non-institutional measures against juvenile offenders in 2005, 2006 and 2007, in only 1,78% cases they proposed institutional measures and in 1,19% cases a punishment of juvenile imprisonment. The courts accepted such proposals and adopted decisions, with 17,5% of suspensions during preparatory procedures or upon court's order.

3. The number of juveniles against whom legal measures have been taken by courts and prosecutors' office in Brčko District:

Period:	Proposals corrective measure	Court decision	Discontinuances*
2005 – 2007	107	102	58*

\* The number of discontinuances includes discontinuances of preparatory proceedings as well as discontinuances of court decisions from before that were processed in 2005.

The Prosecutors' office in Brčko District was mostly proposing non-institutional measures against juvenile offenders and the court was accepting such proposals and issuing adequate court decisions. There was a very small percentage of proposed and accepted non-institutional measures and cases of juvenile imprisonment in Brčko District.

#### 4. The number of juveniles processed by the Prosecutor's Office and the Court of BiH:

Period:	Type of criminal offence	Ongoing	Transferred	Rejected	Incompetence
2005 –	Forging money	44	25	9	6
2007	Smuggling	8	3	1	

During the said period, the Prosecutor's Office of BiH and the Court of BiH were addressing juvenile delinquency in accordance with the Criminal Code: two criminal offences – money forging and smuggling, including human smuggling and trafficking. It is interesting that out of the total number of reported cases, 45,83% of cases were transferred, rejected or the Prosecutor's Office or the Court declared incompetence.

Prosecutor's offices usually propose and courts impose measures of intensified supervision by a competent social care body and, given the current socio-economic situation in the state, this represents improvement and change in a positive direction.

The Strategy Against Juvenile Delinquency in BiH (2006 – 2010) identifies alternative measures as one specific strategic objective that would ensure that there is a possibility for juvenile offenders in all phases -from the moment they broke the law, during preparatory proceedings, trial and after the verdict – to use alternative models of community work, aimed at their rehabilitation and reintegration into society. The Decree on Application of Corrective Recommendations was adopted in the first half of 2009 in the Federation of BiH and its full implementation is expected in the second half of 2009. The same decree is expected to be adopted in the Republika Srpska in September 2009, when its implementations should also start taking place.

#### REVIEW OF STAFF WORKING IN THE CORRECTIVE INSTITUTION FOR BOYS AND MALE ADOLESCENTS "HUM"

Ser. No.	NAME AND PLACE OF INSTITUTION	CAPACITY OF THE INSTITUTION	NUMBER OF EMPLOYEES											
			YEAR 2005			YEAR 2006			YEAR 2007					
			F	M	TOTAL	F	M	TOTAL	F	M	TOTAL			

1	2	3	4	5	6	7	8	9	10	11	12
1.	CORRECTIVE INSTITUTION FOR BOYS AND MALE ADOLESCENTS "HUM" SARAJEVO	24	-	-	-	8	10	18	8	10	18

REVIEW OF CHILDREN PLACED IN THE IN THE CORRECTIVE INSTITUTION FOR BOYS AND MALE ADOLESCENTS "HUM"

Ser. No.	NAME AND SEAT OF INSTITUTION	AGE STRUCTURE	NUMBER OF CHILDREN IN THE INSTITUTION		
			YEAR 2005	YEAR 2006	YEAR
1	2	3	4	5	
1.	CORRECTIVE INSTITUTION FOR BOYS AND MALE ADOLESCENTS "HUM" SARAJEVO	8-14	-	5	3
		15-18	-	10	8
		<b>TOTAL</b>	-	<b>15</b>	<b>11</b>

**Percentage of habitual criminal offences**

Special attention should be given to recidivists, i.e. perpetrators of habitual criminal offences. According to existing data, 10% of convicted offences are habitual. Only occasionally, and due to absence of special rehabilitation and reintegration programmes, these juveniles are sent for special treatments, as part of the implementation of the measure of enhanced supervision. There is a causal connection between the number of juvenile offenders and the number of habitual criminal offences. If the number of first time offenders increases, than in the following years there will be an increase in the number of habitual offences. There is a specific case of one juvenile offender from Sarajevo Canton who was accused of committing 78 criminal offences.

**Children deprived of liberty, including children subject to any form of detention, imprisonment of placement in corrective institutions (Article 37. (b)-(d))**

There are no adequate institutions or sufficient capacities at entity and state level, which would provide conditions for placement of juvenile offenders and implementation of corrective measures and sentence of imprisonment. Some capacities for that purpose have been built in Banjaluka (within the KPZ Tunjice – prison for adult perpetrators) but this is neither adequate nor good solution, therefore young juvenile offenders are still committed to corrective institutions to serve their sentences.

Persons under 18 years of age convicted and admitted to KPZ (correction facility) in the FBiH.

Year	Age	KPZ ZT Zenica		KPZ PT Tuzla		KPZ PT Tuzla Department Orašje		KPZ PT Bihać		KPZ PT Mostar		KPZ PT Sarajevo		KPZ PT Tomislavgrad Department Busovača		TOTAL	
		M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
2006	16-18	3														3	0
2007	16-18	3														3	0
2008	16-18															0	0

### **Economic exploitation of children, including child labour (Article 32)**

25. With regard to information related to Article 32, economic exploitation of children, all relevant data was presented and explained in the Initial Report on the Implementation of the Facultative Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, that was adopted by the Council of Ministers of BiH in June 2008 and submitted to the Committee.

### **Sexual exploitation, abuse and trafficking (Article 34)**

27. With regard to information related to Article 34, sexual exploitation, abuse and trafficking, all relevant data was presented in the Initial Report on Implementation of Facultative Protocol to the Convention on the Rights of the Child related to trafficking of children, child prostitution and child pornography, that was adopted by the Council of Ministers in June 2008 and submitted to the Committee.

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

#### **CONCLUSIONS**

1. The First Periodic Report of Bosnia and Herzegovina on the implementation of the Convention on the Rights of the Child is adopted;
2. The Council of Ministers of Bosnia and Herzegovina reminds all relevant institutions and bodies in Bosnia and Herzegovina of their obligation to apply in practice the principles of international instruments for protection of the rights of the child, as the UN Convention on the Rights of the Child as a part of Annex I of the Dayton Peace Agreement, along with other conventions ratified by Bosnia and Herzegovina, has

priority in implementation over all domestic legislation, as it has the power of constitutional norm;

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