



ngo group for the crc

STATE PARTY EXAMINATION OF BOSNIA AND HERZEGOVINA'S INITIAL PERIODIC REPORT

39TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE
CHILD

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Bosnia and Herzegovina ratified the Convention on the Rights of the Child (CRC) in 1993. On 19 May 2005, the Committee on the Rights of the Child (the Committee) examined Bosnia and Herzegovina's Initial Periodic Report.

Opening Comments

The Delegation of Bosnia and Herzegovina was led by Mr Slobodan Nagradic, Assistant Minister to the Ministry of Human Rights and Refugees of Bosnia and Herzegovina (BiH). The country rapporteurs for BiH were Ms Alouch and Ms Khattab.

BiH introduced its initial report and apologised for its tardiness due to domestic problems. Conditions had changed since the report was produced. Data collection and report writing had changed and there was a new environment to promote and protect children. Significant results had been achieved: legislation on the CRC, awareness-raising of the CRC, the strengthening of institutional mechanisms for the CRC, the strengthening of NGOs and the government, laws had been enumerated in the realm of social services and education. BiH was commended for the presentation of its initial report given its background. The Committee made it clear in its opening remarks that discrimination was an area of focus that they would like to address.

Definition of the Child, General Measures of Implementation and General Principals

The Committee underlined that reconciliation was a key step to creating a BiH that would not fall back into war or discrimination. BiH replied that reconciliation was a historic process, but there was a need to raise awareness about this process. The government and parliament had adopted measures

in response to the consequences of the war. BiH expressed its hope that this would be a natural process.

BiH was strengthening child-related issues at state level, such as the Council of Children, which was an advisory body working within the Council of Ministers to incorporate the CRC. In addition, the press council issued instructions to the media to respect the code of ethics. BiH was working on a code of ethics in collaboration with Save the Children Norway for Government conduct towards children. BiH said that to combat all of its problems, it would need substantial financial support.

The CRC was defined as part of the legal framework of BiH. Its international standards were therefore superior to local laws. All laws passed over the past four years had to include all ratified international instruments in local laws. This included provisions on the prohibition of discrimination. All standards had to be included in local laws. The Ombudsman's office had a special department related to children.

BiH had accepted the definition of the child as 18 years and below, with the exception of the criminal code where a child was defined as 14 and below. A child between 14 and 18 was considered a senior juvenile. There were under-14 inclusion projects but as of yet there existed no laws. There was good cooperation between NGOs and social centres.

BiH was working on strategies for implementing child protection laws which combat trafficking and poverty. There was a new agency aiming to promote gender equality. Health, education, social protection, culture, information protection were being transferred to the state level through the establishment of different coordination bodies.

Laws had been passed on freedom of religion which dealt with many religious issues. The economic situation and BiH's status as a new country made it difficult to implement the CRC. BiH planned to implement all the items covered by the CRC. The judicial system had become completely independent. The courts had to apply and implement the CRC in cases where it was not regulated under domestic law.

There were education projects and civil society activities for reconciliation. The inter-religious council, which gathered all groups for dialogue, was established and there were TV shows which contributed to the reconciliation process.

BiH was receiving significant assistance from the European Union to help align itself with EU rules and regulations and help restructure the government.

Education and Leisure Activities

Primary education extended from 6 to 15 or 17 years old. Education was mandatory at cantonal level. There was a more common core education system than in 2001 and there was less of an overall difference in education.

There was mandatory religious education with the consent of the parent(s) in the Republic of Srpska. In certain schools it included the instruction on other religions when competent teachers were available. The history of religion was incorporated in other subjects. In cantons where the history of religion was taught it was mandatory for all students to attend. There was a subject that taught exclusively democracy and human rights. Schools were obligated to nurture religious dialogue. Student could attend religious classes if the parents and the student were in agreement. The fact that non-attendees should not be discriminated against was being address in a new law. The Ministry of Education and different religious groups were developing a curriculum. More transparency of data was needed on the costs of running schools.

There was an effort to send dropouts back to school. Pre-school was mostly available in urban areas. Between 4-4.5% of children attended pre-school. The occurrence of non-qualified teachers was a phenomenon of the war and was no longer true.

Roma

The Roma population was the largest minority group in BiH. According to BiH, the Roma population had concerns about being registered. It was therefore difficult to include them in statistic and registration in schools and healthcare. There were 40 Roma NGOs. BiH said that there were more prejudices rather than discrimination, but nevertheless, efforts would be made to eliminate the prejudices. The Council of Ministers adopted a framework plan. A document was signed on meeting the educational needs of the Roma population and other minority groups. One of the many problems faced by Roma children was healthcare. BiH stated that because they did not have the resources and they did not possess the qualifications. It was therefore difficult for them to obtain an education, hence creating a vicious cycle. BiH promised to submit its plan on how to combat Roma-related problems to the Committee to demonstrate the seriousness of the matter.

Displaced Persons and Refugees

Returnees (previously internally displaced) and refugees were returning to their properties. Security was no longer a reason not to return to BiH, instead it was economics. There was a massive reconstruction of infrastructure with the help of the international community. A fund was established for returnees.

Health and Welfare

The birth registration deadline was 60 days after the birth of the child. One of the main reasons people were not registering their children was that it took too long to get to registration centres. Special efforts had been made to register all those who were not registered. There was conflicting information on whether or not registration was free. It was believed that BiH was working towards making registration free, but fees still existed.

Existing laws were reformed to provide health protection to all children, but it was difficult to encounter funding. Administrative procedures were the main problem in obtaining healthcare. BiH was moving towards introducing the concept of a family doctor. The reforms on family law would come into effect in the near future. Psychological counselling was becoming more widely available, but it was difficult to provide it due to a lack of funding. Doctors were now being trained in human rights.

Exclusive breastfeeding was decreasing, but breastfeeding was used in combination with other techniques. Schools for future parents were promoting breastfeeding. BiH's legal framework provided universal healthcare but there were no funds to make it a reality. Basic healthcare was available to everyone, but it did not include hospitalisation and special procedures. Children with special needs received some allowance money and there was the possibility of placing them in an institution if it was deemed in the best interest of the child. BiH expressed the difficulties in satisfying their needs, especially through foster families. However, parents did receive economic benefits. The education curriculum was tailored to the needs of these children but definite standards were needed on how to integrate them.

Children involved in the armed conflict were treated the same as civil victims. The psychological status of these children in the post-war period was dealt with by various NGOs. However, the number of NGOs was decreasing and the burden was falling on centres for social care.

There was an agency that dealt with mines. It marked places where mines were located, but BiH could not deal with the activity alone and relied on the international community. The intention was to increase mine awareness amongst children. A lot of children had followed training campaigns and

sessions. The number of mine victims was generally decreasing, but it was increasing in rural areas due to the revival of agriculture.

Family Environment and Alternative Care

According to recent data, domestic violence was increasing. It was present in all economic classes, but it had a tendency to prevail in poorer groups. This rise was also due to an increase in reporting as a result of prevention campaigns. BiH was preparing a state strategy to deal with violence against children.

The unemployed and those unable to work were eligible for social welfare. However, the funds were limited and were often not being paid. BiH was conducting reforms and its intentions were to increase the level of funding for those who needed it most. The IMF and the World Bank were providing assistance. Social work centres had a great burden of responsibility and were difficult to finance. The staffing of these centres had decreased.

Two family laws were applied for adoption. They stated that foreign citizens could adopt BiH children if there were special justified reasons. Adoptions could not be finalised without the consent of the authorities involved in social policy issues. Children could only be adopted if they could not be placed within a BiH foster family or if there was no BiH adoptive family. All forms of alternative care had to be exhausted.

The primary problem with foster care was finding families. BiH families were willing to accept foster children but they needed economic incentives. Sadly, an increasing number of children were being institutionalised instead of being placed in foster care as a result. Institutions needed more staffing and more funds. The Committee suggested that BiH ratify the Hague Convention on International Adoption to help address domestic and international adoption problems.

Parent could indicate that they would like to place their child in an institution but the centre for social care would base its decision on information. An expert team made all decisions regarding whether a child would be temporarily separated. When the centre for social care found out or heard about child abuse or neglect, it could submit a request to the court to deny parental rights to parents committing the abuse. In these cases, the court decided where the child would be placed.

Child Protection and Special Protection

BiH was working to abolish mandatory military service and young people could decide which service they would like to be in.

The Ministry of Refugees was coordinating trafficking laws. There was a national plan to combat trafficking. There were different working groups to improve conditions and a state coordinating system was established. Victims were sheltered in NGO facilities. It was difficult to combat trafficking due to levels of corruption and the trafficking network continues to change its form. Unfortunately, there was a trend towards recruiting locals in taking part in trafficking. There was a special plan for the protection of children. BiH was training the police in prevention and rehabilitation. The number of street children was not especially high, but 90% of street children were forced to beg and more than 10% of them were abused or used in some way or another. BiH was planning to introduce new measures through the police to trace them.

Juvenile Justice

There were judges who only work on juvenile cases. There were centres for training judges and prosecutors on violence, organised crime, and trafficking. BiH reformed its criminal procedure code. Correctional institutions were destroyed during the war and there were no resources to reconstruct these institutions. Prison facilities were therefore being used to house juveniles in a special juvenile unit. Juveniles can be sentenced between 1 and 10 years. BiH was trying to establish new principals for sentencing juveniles. Children 14 and under could not be sentenced. There were new laws to

address trafficking in narcotics and people. There were new detention facilities for cases of organised crime.

The police department detained juveniles. The police worked in the best interest of the child. Children were detained according to proper procedural code. A lawyer and legal assistance were provided. If involved in serious crimes, they were considered to be protected witnesses. There were provisions to have special courts but more resources were needed. Juveniles who were detained were at a high risk of becoming more involved in crime because they were detained with adults. There were no educational correctional facilities due to a lack of funds. Mediation was introduced and BiH was trying to allocate funds and education personnel for juveniles.

Concluding Remarks

BiH was thanked for its replies and efforts. It was observed that there was an obvious interest to advance child rights. The Committee realised the difficult situation faced by BiH due to the aftermath of the war and the complicated structure of the country. The Committee recommended that BiH withdraw its reservations regarding the CRC. It also acknowledged that they covered a lot of ground and that they needed to continue ensuring the implementation of the CRC in every piece of legislation.