

Country session: Bosnia and Herzegovina

Date of session: 11 and 12 September 2019 (82nd session)

Background information

[OHCHR press release](#)

Webcast [first part](#) and [second part](#)

[Audio file](#)

Reporting

Reporting methodology

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report

Common core document	
Initial submission	14 May 2004
Updated document	22 February 2011

CRC	
No. of report	5 ^o and 6 ^o
Due date	05 Sep 2017
Submission	21 Dec 2017
Annexes I and II	21 Dec 2017

Written replies	
Submission	20 May 2019
Due date	15 May 2019

Public reports from children's rights defenders

[Alternative reports and additional information](#)

NGOs	Network Stronger Voice for Children ECPAT International ERA-CURE Foundation-Tuzla Open Centre National Secular Society Juvenile Justice Advocates
NHRIs	The Institution of Human Rights Ombudsman of Bosnia and Herzegovina

State delegation

The delegation of Bosnia and Herzegovina consisted of representatives of the Ministry of Human Rights and Refugees, the Ministry of Justice, the Ministry of Civil Affairs, the Ministry of Education, the Ministry of Health and Social Protection, the Federal Ministry of Labour and Social Policy, the Government of Brcko District, and the Permanent Mission of Bosnia and Herzegovina to the United Nations Office at Geneva.

Committee's Task force members

Name & Last Name	Country
Gehad Madi (coordinator)	Egypt
Mikiko Otani	Japan
José Angel Rodriguez	Venezuela
Velina Todorova	Bulgaria

Dialogue description

I. Character of the dialogue

The dialogue was a constructive discussion mainly focused on issues around education, non-discrimination and violence against children.

II. General assessment made by the Committee

Throughout the dialogue, the Committee had sensed that the State party faced various challenges, however, at the same time, the Committee notices positive progress and encourages Bosnia and Herzegovina to continue following and disseminating its recommendations to effectively implement the Convention and to report further progress in the next session.

III. Main issues discussed:

- **Data collection:** On data collection, the Committee welcomed the latest census, however, were still concerned about the lack of disaggregated data on all the children in Bosnia and Herzegovina. The State Party should strive to collect more data on the situation of children, with the participation of local governments. Data should be collected in a manner that would allow the identification of human rights-related issues faced by all children, the Committee explained. The delegation said most authorities were obliged to collect statistics; usually it was done at the cantonal level. The Government was harmonizing the way it collected data so that it would comply with all its obligations under international treaties. The Statistics Institute had their own data collection methodologies which were different from that of centers for social work and this had been a major issue. An electronic database had been created to gather information about social protection policies. Since 2014, it had been continuously upgraded to better monitor social benefits at the canton and federal levels. The system now included information about nonpecuniary services, such as foster families. Furthermore, relevant institutions gathered data on children, in collaboration with bodies that worked on childhood issues. Access to such data was restricted and was only granted in compliance with the law on privacy. There were clear regulations and related sanctions governing the media's use of such data. Courts could require that compensation be paid to the children whose data had been misused or improperly made public, as well as to their families.



- **Education:** The Committee is concerned about the segregation of children in education in relation to two-schools-under-one-roof system and mono ethnic schools and the introduction of “national group of subjects” in the context of the process of integration of schools. In this sense, the Committee asked the delegation if the fragmented governance and legislation affected the quality of education in the State party. The delegation explained that the common core curriculum issue was important, as the so-called “national group subject” could potentially lead to segregation in education based on ethnicity. The Government will work to harmonize the policies of the relevant bodies throughout the country although this will be a challenge. Moreover, the Committee also raised concerns regarding the low enrolment rate in preschool, particularly among children belonging to disadvantaged groups, and the lack of resources to improve preschool education. Preschool education was a priority for the Government, delegates stressed. They explained that the Government had improved the enrolment in preschool education. Children were obliged to attend preschool classes, and the Government had put in place programs to include as many children as possible. It had trained over 1,000 teachers and equipped several classrooms with didactic material for preschool education, aiming to reach children in rural areas.
- **Asylum-seeking, refugee and migrant children:** The Committee asked the delegation if the Government is improving the registration process for parents who intended to apply to asylum. The Delegation explained that in 2016, Bosnia and Herzegovina adopted a law on asylum which provided that people could ask for asylum regardless of their age. In managing asylum applications, the Government gave priority to asylum seekers whose movements were limited, people who had been subjected to violence or torture, pregnant women, and children, including unaccompanied minors. However, due to the lack of information on where they were born it was not possible to register them. The delegation recognized the importance to protect even when there is not sufficient information. In terms of obtaining personal documents, the figure of stateless persons is no longer high. Moreover, the Government had improved anti-discrimination legislation as well as laws on migration, asylum, and social and family protection. Asylum-seekers are entitled to primary health care in Bosnia and Herzegovina. Guardians are appointed for unaccompanied children on the same basis as they were for children who hold Bosnia and Herzegovina nationality.
- **Corporal punishment:** The Committee is concerned about how corporal punishment is regulated in the existing family law and urged Bosnia and Herzegovina to think about how children perceive this violence and to encourage parents to choose different pathways to educate them. The experts requested information on the Children Council’s amendment proposals to family laws, laws on social and child protection, and laws on protection against domestic violence. They expressed concern about the fact that the absence of the words “corporal punishment” was being interpreted by parents as permission to maintain this practice, which involved violence and humiliation. The Committee explained that it was important for the words “corporal punishment” to be in the family law as the violence of corporal punishment was detrimental to children’s health and development. The delegation explained the family law prohibits the abuse of children and economic neglect, however there is not a specific provision for corporal punishment banning violence in the family setting. The initiative of the council is to provide a more explicit provision banning any form of physical violence against children. Moreover, the Government sought to improve mechanisms related to child protection and raise awareness to prevent and combat violence against children. That was why it had become the sixth Council of Europe Member State to ratify the Istanbul Convention.



Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew attention to the need for urgent measures concerning the following areas:

- **Coordination:** The Committee urges the State party to provide the Group for the Promotion and Protection of Child Rights with sufficient authority and resources to strengthen the coordination role of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina in all activities related to the implementation of the Convention at cross-sectoral, national, entity, district and cantonal levels.
- **Best interests of child:** With reference to its GC 14, the Committee urges the State party to disseminate the Guidelines for determining the best interests of the child to all relevant professionals who make such decisions; to ensure that the principle of the best interests of the child is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects at the national, entity, district and cantonal levels in particular in relation to those children deprived of a family environment.
- **Abuse and neglect:** With reference to its GC, 13 the Committee recalls its previous concluding observations and urges the State party to harmonize the relevant legislation on protection of children from all forms of violence at the national, entity, district and cantonal levels; to allocate sufficient human and financial resources to effectively implement the Guidelines for Child Protection Case Management at the Social Welfare Centre to identify, report, prevent and monitor cases of violence and abuse against children; to accelerate its efforts to establish a national database on all cases of violence, including domestic violence, against children to assess the extent, causes and nature of such violence; to further strengthen awareness-raising programs on different types of violence and abuse against children with the involvement of children to prevent them from engaging in violence, establish clear and accessible reporting procedures for children, parents and professionals working with children and ensure children's access to child-friendly support and protection services.
- **Standard of living:** the Committee recalls its previous recommendations and recommends that the State party harmonize its legislations and policies regarding child allowance and social welfare services, particularly at the state, the Federation of Bosnia and Herzegovina and district levels, to ensure equal access to quality social assistance; accelerate the development of poverty reduction strategies and programmes at local and community levels by entity and cantonal governments to ensure equitable access to basic services, including water and sanitation, housing, social services, health care and education; to increase employment opportunities for families with children facing economic constraints; to ensure sufficient resources and staff training for the social protection system, including the social welfare centres, to provide parents and families, particularly single parents, with the necessary financial, legal and other support to enable them to take care of their children.
- **Education, including vocational training and guidance:** The Committee urges the State party to abolish the segregation of children in education and promote a common core curriculum with reference to the recommendations made by the Special Rapporteur in the field of cultural rights; to eliminate "national group of subjects" from school curriculum; to strengthen the role of the Ministry of Civil Affairs of Bosnia and Herzegovina and of the Conference of the Ministers of Education as a coordinating mechanism to ensure the quality of education in all territories of the State party, with particular emphasis on rural areas; to ensure the effective function of the monitoring mechanism for the Revised Action Plan on the Educational Needs of Roma and increase financial resources to meet all educational needs of Roma children; to strengthen its efforts to

improve school transportation, ensure free textbooks for all children in the State party and provide financial support to parents for educational costs to reduce school dropout at all levels of education; to increase the necessary funding and measures to improve school equipment, including with respect to hygiene and accessibility for children with disabilities as well as school heating systems; to allocate sufficient financial resources for the effective implementation of early childhood education policies and programmes and raise awareness about the importance of preschool education among parents and family members of children.

- **Asylum-seeking, refugee and migrant children:** The Committee urges the State party to immediately take all necessary measures to implement the Law on Asylum (2016) to ensure that asylum-seeking children have access to safe accommodation, health care services, psychosocial support and education, ensuring equal access for children outside of reception centres; to appoint a competent guardian who has the necessary expertise in dealing with and supporting unaccompanied and/or separated children in line with best interests assessments conducted on an individual basis; to avoid all forms of detention of asylum seekers and migrants under the age of 18 and families with children and consider all possible alternatives to detention; to provide sufficient resources to increase the capacity and improve the conditions of government-run reception centres to accommodate migrant and asylum seeking children, including unaccompanied children, and ensure that services provided by reception centres are child-friendly and age-appropriate; to regularly monitor health and hygiene conditions in reception centres and facilities or places accommodating asylum-seeking and refugee children and ensure the provision of primary and secondary health care services; to develop campaigns to counter hate speech against asylum seekers and refugees, particularly children, and ensure investigation, prosecution and punishment of perpetrators.

Sustainable Development Goals

- **10.3** on ensuring equal opportunity and reducing inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.
- **16.9** on providing legal identity for all, including birth registration.
- **16.2** on ending abuse, exploitation, trafficking and all forms of violence against and torture of children.
- **5.3** on eliminating all harmful practices, such as child, early and forced marriage and female genital mutilation.
- **3.8** on achieving universal health coverage, including financial risk protection, access to quality essential health-care services and access to medicines and vaccines for all
- **5.6** on ensuring universal access to sexual and reproductive health and reproductive rights
- **3.9** on reducing the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination
- **1.3** on implementing nationally appropriate social protection systems and measures for all, including floors, and achieving substantial coverage of the poor and the vulnerable
- **4.A** on building and upgrading education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all

Next State report

CRC	
No. of report	7 ^o
Due date	5 March 2024

Disclaimer: Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.