

**Submission from
the Bosnia and Herzegovina Working Group on Child Rights Protection
Universal Periodic Review of Bosnia and Herzegovina
20th Session, 27 October – 7 November 2014**

1. The Bosnia and Herzegovina (B&H) Working Group on Child Rights Protection¹, as a Coalition consisted of the following organisations: Hope and Homes for Children, Save the Children, SOS Children's Villages, World Vision and UNICEF in cooperation with the Coalition of local CSOs "Stronger Voice for Children"², welcomes the opportunity to submit these views on behalf of above mentioned organisations.

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uprsubmission@ohchr.org , March 15, 2014

2. The B&H Working Group on Child Rights Protection and Coalition of local CSOs "Stronger Voice for Children" are ready to participate in a national consultation process, both in preparation for the report of Bosnia and Herzegovina and especially in the follow-up phase.
3. This submission includes information on the implementation of accepted recommendations from the 1st Cycle of UPR, the Mid-term Implementation Assessment (MIA) on Bosnia and Herzegovina lead by UPR Info, and the recent developments on the human/child rights situation in Bosnia and Herzegovina. This submission is not exhaustive of human/child rights issues in Bosnia and Herzegovina deserving attention.

I BACKGROUND AND FRAMEWORK

a. Introduction

4. Last couple of years in Bosnia and Herzegovina have been characterised with some progress in improving strategic documents, plans and laws related to children. These include:
 - The National Action Plan for Children in Bosnia and Herzegovina 2011-2015 defining the State priorities toward children as well as the Strategy on Combating Violence against Children 2011-2015, have been endorsed;

¹ The B&H Working Group on Child Rights Protection was established in February 2009 under umbrella of CSO Council with an aim to ensure information exchange on child protection issues, joint lobbying on child protection issues identified by the group members, and coordination on member organisations' child rights projects to avoid duplication and encourage collaboration.

² The CSO Coalition „Stronger Voice for Children“ is consisted of 15 organisation from all over Bosnia and Herzegovina: „Naša djeca“ („Our Children“) Sarajevo; „Zdravo da ste“ („Hi Neighbour“) Banja Luka; Fondacija lokalne demokratije (Local Democracy Foundation) Sarajevo; „Budimo aktivni“ („Let's be Active“) Sarajevo; „Naša djeca“ („Our Children“) Zenica; „Budućnost“ („Future“)– Modriča; Center for Education Initiatives „Step by Step“ – Sarajevo; The Citizens association „Sretni Romi“ („Happy Roma“) Tuzla; The Association „Zemlja djece“ („Land of Children“) Tuzla; The Association of Citizens „Svjetionik“ („Lighthouse“) – Prijedor; The Association helping persons with mental difficulties Banja Luka; „Sunce nam je zajedničko“ („We All Share the Same Sun“) Trebinje; The Child Rights Centre Konjic; Association of parents and friends of people with special needs "Sunce" Mostar; The VESTA Association Tuzla, engaged in regular monitoring and reporting on child rights situation.

- The Law on the state Single Birth Registry Number (JMBG) has been finally adopted in 2013;
 - The Code of Ethical Research with Children and on Children in B&H.
5. Another major breakthrough in the promotion and protection of child rights in Bosnia and Herzegovina has been establishment of the Council for Children. Although the Council of Ministers of B&H has adopted a decision on establishment of the Council for Children on December 4, 2012 (decision no. 242/12) the first session of the Council for Children members was held on December 6, 2013.
6. Despite the signed Agreement on Cooperation between the Council of Ministers of Bosnia and Herzegovina and the civil society sector in Bosnia and Herzegovina (2007), which aims at strengthening Government’s obligations and responsibilities in fulfilling their assumed roles and developing and creating public policies, civil society organisations (CSOs) are still faced with inadequate legislation and unfavourable legal position, although CSO have been major driving forces behind activities in the field.

II PROMOTION AND PROTECTION OF HUMAN/CHILD RIGHTS ON THE GROUND

A. Implementation of international human rights obligations

1. Equality and non-discrimination

b. Roma children

b.I Early marriage (Recommendations no. 30, 36, 108, not implemented)

7. According to results from the MICS4 survey³, over one-third of Roma women aged 15-19 are currently married (38%), while this percentage was lower for men of the same age (13%). Almost one half of Roma women aged 20-49 were married before age 18 (48%).
8. The percentage of women and men was higher among those with no formal education (53% for women and 20% for men) compared to women and men with secondary or higher education (20% for women and 10% for men). The percentage of women aged 15-19 who are currently married was higher amongst women in the poorest wealth quintile (46%) compared to women in the richest wealth quintile (29%).
9. Recommendations:
- Promote accessibility and availability of education for Roma children and remove barriers leading to early drop out of school/early marriage by addressing external factors like poverty, education level, and violence by raising awareness among Roma women on human/children rights, education, gender equality and early marriage.

³ The Multiple Indicator Cluster Survey (MICS) is an international household survey programme developed by the UNICEF. MICS provides up-to-date information on the situation of children and women and measures key indicators that allow countries to monitor progress towards the Millennium Development Goals (MDGs) and other internationally agreed upon commitments. The Bosnia and Herzegovina MICS4 (for 2011–2012) was published in February, 2013

2. Right to life, liberty and security of the person

c. Violence against children (Recommendations no. 27, 61, 75 partly implemented)

10. In late 2012, Bosnia and Herzegovina adopted and ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention). Further changes must take place to harmonise Bosnia and Herzegovina legislation with standards in the area of protection of children from sexual abuse. These are mostly concerning the changes in Criminal laws and Laws on social protection.
11. Physical punishment is still a recurrent practice in Bosnia and Herzegovina as revealed by the findings from MICS4 below:
 - More than half of children (55.2% of all children and 57% of Roma children) aged between 2-14 years had been subjected to a form of violent discipline used by their parents or other adult household members;
 - It is worrisome that the use of violent methods for discipline by parents is more prevalent (55.2% of parents) than the use of non-violent methods (34.2% of parents);
 - 42% of children were subjected to psychological aggression and a staggering 40% were physically punished, of which 5% experienced severe physical punishment;
 - There are also connections between wealth index of parents and use of discipline methods. Only 30% of the parents from the poorest wealth index use non-violent discipline methods, while 42.6% of the parents from the richest quintile do so;
 - 44% of the household heads that have reached / completed “higher education” use non-violent methods, compared to 29.1% with primary education level;
 - When it comes to severe physical punishment, 1.7% of the richest quintiles use severe physical punishment methods toward their children, compared to 6.8% from the poorest quintile. When we cross-reference this indicator with the education of the household head, we can see that the highest the education, the less they use severe physical punishment;
 - 44.3% of boys are victims of physical punishment than (compared to 35.8% of girls).
12. The data gathered by authorities are far from reflecting the reality as the majority of cases of violence go unreported. The limited capacity and somehow ineffective allocation of resources to Centres of Social Work and absence of systematized case management make it more difficult for the system to provide adequate support and prevent cases of violence, to prevent family’s separation and provide adequate services to children and their families in general. The large presence and relatively easy accessibility to small weapons also increases the potential for violence, which could lead to death or permanent injuries.
13. Based on an epidemiological study conducted by the Sarajevo University on prevalence of children victims of violence and neglect conducted among children between 11 and 16 years old, 75,5% of the interviewed children were subject to physical violence, 67,7% to psychological, 18,6% to sexual harassment (9,75% via contact), and 48% to neglect. Violence against children is considered a private family matter by the majority.
14. Additionally there is scarce understanding that violence is not just in its physical form. Psychological or indirect violence are not considered as violence; people believe that only

physical violence can be qualified as such. Across the country, there is a general tendency not to report cases of violence against children if committed by parents or caregivers as those are considered family matters and many believe they are pertaining to the private sphere. Hence programmes to enhance parenting skills must be designed and implemented throughout the country as they can have a great effect in decreasing violence against children.

15. Public perception of corporal punishment changed over the years in terms of awareness. Most of the population is now aware that the physical punishment is not an appropriate behaviour, however, when it comes to the actual practice, violence is hidden and perceived as a family issue (belonging to the private sphere) and not a social issue. Verbal and psychological violence and bullying are almost not recognised. Cyber violence and bullying are also not recognised as an increasing danger, with the daily use of social media by most of the children and adolescents.
16. There is a generally a restricted and narrow systemic response to prevention of family-based or peer violence. General public is not aware of the referral mechanisms, responsibility and reporting lines. Overall, lack of individual responsibility in prevention and treatment of violence is evident, and the general public tends to transfer all the responsibilities to the relevant institutions which capacities are extremely limited and without strategic approach in communicating anti-violence campaigns or community based activities. On the other hand, the State authorities do not have enough services, such as shelters, to temporarily host victims of violence. The existing few are CSO-run and donors funded.
17. In reporting on violence against children, media are frequently violating child rights by discovering the identities of children and reporting in sensationalistic manner. The lack of the media responsibility is directly connected to a crippled legislative framework and low control over printed media, especially the internet-based ones.
18. Recommendations:
 - The Government should introduce legal prohibition of corporal punishment of children into legal system;
 - The Government should ensure implementation of the Strategy on Combating Violence against Children 2011-2015 and ensure resources for its full implementation.

d. Juvenile Justice (Recommendation no. 74 partly implemented)

19. Currently, the state is functioning without overall strategy in this area. The Strategy against Juvenile Offending for the period 2011–2014 was drafted but has not been adopted by the Council of Ministers of B&H while the Coordination Body established in 2008 has not been operational since 2010. There is no specific and harmonized legal framework to appropriately define the treatment and protection of children and minors in conflict with the law at the lower (entities and District Brčko) level of authority in the country.
20. In regards to the diversion and alternative measures, in compliance with international standards, the new Laws on protection and treatment of children and juveniles in criminal proceedings (adopted in Republika Srpska in 2010, District Brčko in 2012 and Federation of B&H in 2013) offer more opportunities to divert juveniles away from formal proceedings. By laws, the police, prosecutors and judges must consider applying a

correctional recommendation as a form of diversion. The measures of police warning and correctional recommendations are considered “diversion”, and effectively avoid formal juvenile proceedings. These measures are rarely used, even in the Republika Srpska, after two years of these obligatory provisions being in place.

21. The decentralization of social services has negatively affected the quality of social services at the community and municipal levels. This has implications for efforts to prevent juvenile offending and to protect children at-risk of committing violence and abuse in homes and schools. Such risks are linked to children and adolescents engaging in behaviour that can lead to being in conflict with the law. Working with children at-risk of committing an offence falls under the competency of the Centres for Social Work, although they have little time or resources to devote to this category of children. Other than the Centres for Social Work, there are no programmes which can respond to the needs of these children. According to data from the statistical agencies/institutes in Bosnia and Herzegovina, in 2012 the CSWs identified 4,020 children in the Federation of B&H and 3,516 children in the Republika Srpska as children at-risk.
22. Recommendations:
 - The governments at Republika Srpska, Federation of B&H and District Brčko level should allocate the necessary human, technical and financial resources to ensure implementation of alternative measures to detention and forms of rehabilitation for children in conflict with the law, and ensure that children are not detained together with adults;
 - The governments at Republika Srpska, Federation of B&H and District Brčko level should create preconditions to refer criminal case involving juveniles and young adults to mediation at all stages of criminal procedure.

3. Right to privacy, marriage and family life

e. Children without parental care (Recommendation 29, partly implemented)

23. Both the Federation of B&H and Republika Srpska adopted relevant policies which promote alternatives to institutional care and overall reform of the institutional system including: the Policy for the Protection of Children Deprived of Parental Care and Families at Risk of Separation in FB&H, 2006-2016, and the Republika Srpska Strategy for Enhancement of Social Welfare of Children Without Parental Care with an Action Plan, 2009-2014. In 2012 Federation of B&H also adopted an Action Plan for the implementation of the Federation of B&H Policy. Unlike the Federation of B&H Policy, the Republika Srpska Strategy makes no explicit commitment to de-institutionalisation, but remains dedicated to development of family forms of care. In 2013, Federation of B&H started developing its De-institutionalisation Strategy document.
24. Federation of B&H also adopted the Strategy for Equal Opportunities for Persons with Disabilities in Federation of B&H 2011-2015 while the Republika Srpska passed the Strategy on Enhancing the Social Position of Persons with Disabilities in Republika Srpska 2010-2015, both of which promote social inclusion of children and adults with disabilities.
25. Despite the strategic commitment of both entities to transform the child care system from one which favours institutionalisation to one which promotes and develops family-based

care, residential placement is the first point of call and still the most frequently used option throughout Bosnia and Herzegovina both for children without parental care and for children with disabilities.

26. Currently there are over 2,000 children in institutional care in Bosnia and Herzegovina. Around 1,000 children are living in 13 public and privately run institutions for children without parental care. There are an additional 1,000 children with disabilities in specialised institutional care facilities. Alarming, many of these children are housed alongside adults with disabilities. Some public institutions are home to more than 50 children⁴.
27. Nearly 10% of children in institutional care are under three⁵. Although legal provisions exist to prevent children under three being placed in institutions in some parts of Bosnia and Herzegovina, this is not the case nationwide and the practice prevails due to lack of alternative care options.
28. In recent years, as a result of internationally-funded projects led by CSOs, foster care has been developed in some parts of the country, and support programmes were implemented targeting families at risk of separation and young adults leaving care. Professional standards were developed for five child protection services, but these have not been officially adopted or put into practice.
29. Recommendations:
 - The governments at Republika Srpska, Federation of B&H and District Brčko level should adopt strategies for deinstitutionalisation of child care and re-allocate existing budget funds from institutional to alternative family-based forms of care;
 - The governments at Republika Srpska, Federation of B&H and District Brčko level should ensure development of services and capacity building for childcare professionals to adequately support vulnerable parents and their children;
 - No child under the age of 3 should be placed in any form of residential care and this should be explicitly stated in relevant entity and cantonal legislation on social protection.

4. Right to education

f. Early Childhood Development and discrimination in education (Recommendations no. 23, 29, 37, 42, 96, 106, 120 not implemented)

30. Preschool education in Bosnia and Herzegovina has been marginalized for a number of years, and although the country shows progress since last MICS (from 6% in 2006 to 13% in 2012), this is still unsatisfactory and too low and the lowest in the region.
31. When it comes to Roma, preschool attendance is almost non-existent. Only 1.5% of Roma children attend it. The pattern between poverty, wealth index and mother's education is very similar to the one that correspond with the general population. No Roma children

⁴ Data presented based on the Statistical Bulletin on Social Welfare in Republika Srpska no. 10, Institute for Statistics of Republika Srpska, 2012 and the Statistical Bulletin 169 on Social Welfare in FBiH in 2011, Federal Office of Statistics, 2012

⁵ UNICEF Monitoring Situation of Women and Children in Central and Eastern Europe and CIS (TransMonEE) database 2012

attend preschool from those households where a mother has no education at all while that number goes slowly up with mothers who have at least primary education. Regarding the wealth index, no Roma children from the poorest quintile attend preschool, 3.3% from the second poorest quintile, and 4.2% from the middle wealth index quintile. 1.4% of Roma boys attend early education programmes versus 1.6% of girls (1.9% of them in the Republika Srpska and 1.6% in the Federation of B&H).

32. The Framework Law on Pre-school Upbringing and Education of B&H adopted in 2007 stipulate that there is one year compulsory of pre-primary education. This was implemented to a considerable degree but in 2013 there are still 3 cantons (Central-Bosnia Canton, West-Herzegovina Canton and Herzegovina-Neretva Canton) which did not align their legislation with this strategy and RS where it is left optional. Additionally, the implementation of the Law is going slowly with only 2 out of 10 Cantons (Sarajevo and Zenica-Doboj Canton) in Federation of B&H that succeeded to encompass all children at age 5 with pre-primary program by the end of 2013.
33. According to the MICS4 data, attendance to early childhood education is still at the very low level as revealed by the findings from below.
 - Most children who come from poor households and with low levels of education do not attend any preschool education programs. Although average rate for attendance of early education is 13.1% in B&H, only 1.6% of children from the poorest quintiles attend preschool compared to 31.1% from the richest quintile;
 - Moreover, 1.7% of children whose mother has only primary school education attend early education, while that is the case for 35% of children whose mother has higher education;
 - In urban areas, 22.8% of children attend preschool, while in rural areas that number drops to 7.9%.
 - There are also regional differences in the country, and in the RS 10.3% of children attend early education programs, while in the FB&H it is 14.4%;
 - More girls than boys attend preschool (14% females, 12.2% males).
34. Gender does play a role in attendance rates at organised early childhood education programmes in rural areas (10% for boys and 5% for girls in rural areas). Differences also exist for girls aged 36-59 months by settlement type: girls this age living in rural areas have lower attendance rates compared to their counterparts in urban areas – 5% attendance in rural vs. 29% in urban for girls.
35. In Bosnia and Herzegovina, cultural and ethnic isolation is built into the education system as much as into social life. In fact, the most blatant evidence of ethnic divisions and the segregation of children is the reality of ethnically homogenous schools throughout the country, as well as the phenomenon of the “two schools under one roof” where children are segregated from each other based on their ethnicity or nationality (they still attend the same school but usually in different time blocks as to decrease the interaction among children from different ethnic groups; or in some cases the children enter through different doors and school bell rings at different times). Most children in Bosnia and Herzegovina are being taught to respect and value only the tenets of their own ethnic group rather than being taught diversity and multi-culturalism. Some of the reasons as to why that is so, lie in the fact that Bosnia and Herzegovina went through a war. Additionally, pro-nationalistic political parties (which are more or less most prominent throughout the country) have continued the legacy of the ethnic preferences and although the country is at peace now,

some political parties tend to use the aggressive language and continue to put the ethnicity at the forefront of their platforms.

36. In April 2012, the Municipal Court in Mostar has rendered Judgement, finding that the "two schools under one roof" in Stolac and Capljina in the Herzegovina-Neretva Canton violate the legislation prohibiting discrimination in Bosnia and Herzegovina. Judgment finds that "the defendant organizations - schools - based on ethnic lines and the adoption and implementation of school plans and programs on ethnic lines have been separating students at schools in the Herzegovina-Neretva Canton, on the basis of their ethnicity, thereby they have committed discrimination." The concept of "Two-schools under one roof" remains an issue, the problem is much broader with a trend toward mono-ethnic schools. The "Two schools under one roof" have been very stigmatized but in reality they might represent an opportunity to promote inter-cultural activities between children from different groups versus being separated in "mono-ethnic" schools.

37. Recommendations:

- The governments at all levels in the Bosnia and Herzegovina should improve legislative and strategic framework, and allocate necessary human and financial resources in Early Childhood Care and Development (ECCD) and Preschool Upbringing and Education (PUE);
- The governments at all levels in the Bosnia and Herzegovina should increase access of children to Preschool or compulsory program prior to entering to primary education via proven and effective models; (e.g. working models of Save the Children, UNICEF, etc.).