Committee on the Rights of the Child
Eighty-second session

Summary record of the 2404th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 10 September 2019, at 3 p.m.

Chair: Mr. Pedernera Reyna

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Consideration of reports of States parties (continued)

Combined fifth and sixth periodic reports of Bosnia and Herzegovina
The meeting was called to order at 3 p.m.

Consideration of reports of States parties (continued)

*Combined fifth and sixth periodic reports of Bosnia and Herzegovina (CRC/C/BIH/5-6; CRC/C/BIH/Q/5-6 and CRC/C/BIH/Q/5-6/Add.1)*

1. *At the invitation of the Chair, the delegation of Bosnia and Herzegovina took places at the Committee table.*

2. **Ms. Djuderija** (Bosnia and Herzegovina) said that her country’s report (CRC/C/BIH/5-6) had been drafted in consultation with a broad range of institutions at all levels of government. It was worth noting that Bosnia and Herzegovina was a decentralized State that consisted of two entities, namely the Federation of Bosnia and Herzegovina and the Republika Srpska, and the Brčko District of Bosnia and Herzegovina, all of which shared responsibility for implementing the provisions of the Convention.

3. The period covered by the Action Plan for Children 2015–2018 had been extended to the end of 2019 so that its successor, the Action Plan for Children 2020–2023, could take into account the Committee’s concluding observations on the report currently under review. The aim of the action plans was to create the best possible living conditions for children and to ensure their healthy growth, social inclusion and participation in decision-making. The action plans were prepared by the Council for Children, which was an interministerial coordinating body of the Council of Ministers.

4. Bosnia and Herzegovina had been working hard to improve child protection but continued to face challenges, including a shortage of funding and the need for a better data-collection system. Steps had been taken to strengthen legislation in fields such as migration and social protection, and local action plans for children had been adopted in several communities. It was hoped that more meaningful, programme-oriented funding would be provided for the implementation of child protection activities over the coming period. Such activities were largely funded by the governments at the entity and canton levels.

5. Training on topics such as non-discrimination and respect for the views of the child continued to be provided by competent institutions and non-governmental organizations (NGOs). Guidelines for determining the best interests of the child had been drawn up and legislative amendments had been made in order to improve the birth registration system. Furthermore, Bosnia and Herzegovina had recently ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention). The collection of data on domestic violence had improved but there was still work to be done in that area.

6. Progress had been made in the field of childcare and foster care, and the range of services available to children and families had been expanded. Various types of foster care were provided, as described in paragraph 131 of the report. The rights of children with disabilities were protected under various strategies for improving the social situation of persons with disabilities that had been adopted at the entity level. The health-care programmes in place covered children of all ages, but Bosnia and Herzegovina still lacked resources to support parents and children with particularly severe and chronic diseases.

7. Steps were being taken to improve the education system and to ensure the inclusion of Roma children and children with disabilities. A strategic document on the development of preschool education had been adopted in December 2017 and the number of children enrolled in preschools had risen by almost 10 per cent between the school years 2016/17 and 2017/18. A network of day-care centres, which operated in accordance with a set of minimum standards, had been established to address the problem of child begging, while support was provided to migrant children in migrant reception centres, in cooperation with organizations such as Save the Children.

8. **Mr. Madi** (Coordinator, Country Task Force), commending the State party for ratifying the Optional Protocol on a communications procedure, said that, while he welcomed the strategies that had been adopted to promote children’s rights, he was concerned that they were not being applied systematically throughout the country.
9. With reference to paragraphs 12 and 13 of the State party report, he asked how the governments of the entities and of the Brčko District had responded to the various legislative initiatives put forward by the Council for Children and how soon the State party intended to adopt a comprehensive act on children’s rights at the central or entity level. He also enquired what progress had been made in implementing the Action Plan for Children 2015–2018 and how the various policies and strategies listed in the State party report were implemented on the ground.

10. He would appreciate information on any measures taken to strengthen the role of the Ministry for Human Rights and Refugees in coordinating the implementation of the Convention throughout the country, at all levels of government. He would also like to know whether the State party had fulfilled the recommendations made by the Committee in paragraph 16 of its previous concluding observations (CRC/C/BIH/CO/2-4), regarding the allocation of resources. The Committee remained concerned that there was no system for the collection of comprehensive disaggregated data on the needs of all children in Bosnia and Herzegovina.

11. With reference to paragraphs 30 and 31 of the State party report, he asked whether the parliament had rejected the draft law on the Ombudsman for Human Rights or had simply delayed its adoption, and what progress had been made on the matter since 2016. Noting that the State party report indicated that information on children’s rights was not provided systematically to children, parents, professionals and the public, he wondered what steps had been taken to address that problem. Regarding the draft cooperation agreement between the Council of Ministers and the NGO sector also mentioned in the report, he wished to know whether the agreement had now been adopted and what it provided for.

12. The State party appeared to have misunderstood the concerns expressed by the Committee in paragraph 27 of its previous concluding observations, on child rights and the business sector. A reading of the Committee’s general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children’s rights would enable the State party to respond more appropriately to those concerns.

13. Ms. Todorova (Country Task Force) asked whether the State party would consider doing away with the exceptions that allowed children to marry at 16 years old with court permission. She also wished to know whether any measures had been taken to raise awareness of the harmful effects of child marriage.

14. Ms. Otani (Country Task Force) said that she wondered whether the Government had taken any steps to determine whether children’s access to services or benefits differed from one jurisdiction of the country to another and to combat any de facto discrimination that was identified. She also wondered whether any measures had been taken to raise awareness of the harm caused by discrimination against children. In particular, she wished to know whether measures were taken to combat discrimination online. As it was often difficult for children to turn to the courts to seek legal recourse for violations of their rights, it would likewise be useful to know whether the Ombudsman’s Office received complaints of discrimination and, if so, whether children were aware that they could submit such complaints.

15. She invited the delegation to comment on how the State party planned to overcome the practical obstacles to ensuring that the best interests of the child were a primary consideration in actions taken at all levels of government. She would also welcome clarification of the status of the guidelines for determining the best interests of the child. In that connection, she wished to know whether the State party intended to provide training on the best interests of the child and the use of the guidelines.

16. In paragraph 77 of the report, the State party noted that there were still obstacles to taking the views of children into account in the adoption of public policy. It would be interesting to know what those specific obstacles were and what measures had been taken, or were planned, to overcome them. In the same connection, she asked whether children were involved in the ongoing development of the Action Plan for Children 2020–2023. Similarly, she wondered whether children had been involved in the voluntary review of the State party’s experiences in implementing the 2030 Agenda for Sustainable Development.
She would likewise appreciate updated information on an initiative undertaken by the Council for Children to ensure that children participated in making decisions or adopting policies that affected their rights. She wondered, for example, whether the Government supported the initiative and, if so, what form its support took.

17. She would welcome more information on the Council for Children’s attempts to ensure the adoption of laws prohibiting corporal punishment. It would be interesting to know to what institution the Council submitted legislative proposals, whether there was a timeline for the adoption of the amendments it proposed and whether the adoption of a legal prohibition would be accompanied by efforts to raise awareness of the harmful effects of corporal punishment. It would also be interesting to know whether efforts were still being made to promote positive parenting, what impact those efforts had had, and whether the Government collected data on corporal punishment.

18. The State party appeared not to have taken steps to ensure that laws in all its jurisdictions afforded children equal protection from abuse and neglect, in line with the Committee’s previous recommendation. She would like to know the Government’s position on the gaps and disparities that continued to exist and wondered what steps it might take to ensure that all children enjoyed equal protection under the law. She also wondered whether the State party intended to renew the strategy for preventing and combating violence against children for 2012–2015, what steps it had taken to address peer violence, including bullying in schools and online, and whether it had a plan to improve the nationwide collection of data on violence against children.

19. She invited the delegation to indicate whether the newly adopted guidelines for child protection case management were being actively implemented and whether appropriate training and resources were provided to the personnel of the social welfare institutions to whom the guidelines were addressed. It might also explain how cases were referred to the welfare system, what mechanisms children could use to report abuse and whether the effectiveness of those mechanisms had been assessed.

20. Turning to the issue of sexual exploitation and abuse, she asked whether reforms of criminal law were under way at the district or canton levels. She also asked whether children had access to safe and confidential means of reporting sexual exploitation or abuse, what support services were available to child victims and whether such victims could provide recorded testimony instead of having to testify under the gaze of their alleged abusers. In addition, she asked whether interviews of child victims were held in such a way as to prevent their having to make the same statements again and again and thereby being victimized anew. Lastly, she would welcome information on the mandate and activities of the recently established National Advisory Board on Child Sexual Exploitation and Abuse.

21. Mr. Rodríguez Reyes (Country Task Force) said that the Committee would welcome information on the results, including in respect of birth registration rates, of the measures that had been taken by the State party to increase the number of offices issuing vital records in rural or remote areas of the country. The delegation should specify what assistance the State party had provided to illiterate persons and what immediate legal or other steps were being taken to register children born to asylum seekers, migrants in an illegal situation and nationals of the State party who lived abroad. He would like to know what cooperation with the NGO sector had done to facilitate birth registration, what impact ongoing efforts to ensure birth registration of all persons, particularly Roma persons, had had, and whether any plans had been made for the State party to ratify the Council of Europe Convention on the avoidance of statelessness in relation to State succession.

22. With regard to the issue of privacy, he would like to know what changes the use of a compilation of best practices for media content creators had brought about and whether plans had been made to provide journalists and other media personnel with training on the rights of children under the Convention. Lastly, he asked what steps had been taken to counter nationalistic and ethno-religious rhetoric directed at returnees.

The meeting was suspended at 4 p.m. and resumed at 4.25 p.m.

23. Ms. Djudjerija (Bosnia and Herzegovina) said that consultations on the development of comprehensive child rights legislation had been held but no agreement had
been reached to draft such legislation at the national level. The Government would continue its efforts to ensure that the country’s children were afforded equal protection under the law, although lack of resources sometimes made it difficult to guarantee equivalent child protection and other standards throughout the country.

24. In general, the strategies that the country had developed had born fruit. More than half of the 127 measures envisaged in the Action Plan for Children 2015–2018 had been implemented, for example.

25. Bosnia and Herzegovina was in the midst of a transition to programme-based budgeting. Accordingly, when the country next reported to the Committee, it would be able to shed greater light on the share of the budget allocated to efforts to advance children’s rights. The Government compiled social and other statistics produced by the subnational entities and other jurisdictions and carried out periodic assessments of the impact of its social policies. Efforts to make cooperation with the NGO sector and academia more robust, including by more extensive information-sharing, were under way. An important facet of NGO cooperation was that NGOs were generally better placed to seek children’s views. The country also had children’s parliaments and children were even involved in the implementation of the Convention.

26. Vital records, including birth certificates and other personal status documents, were issued electronically. The problem of unregistered children, of whom there had once been thousands, had been resolved. Only forty children were still without birth certificates. Births that took place in health facilities were automatically recorded, and nationals of Bosnia and Herzegovina who gave birth abroad could register the births of their children or obtain identity documents for them at the country’s consular offices. The number of stateless persons in the country was small, although some migrants declined to identify themselves. DNA analyses were sometimes used in a bid to ensure that adults were not trafficking the children accompanying them. The authorities were well aware of the importance of having records of all children, including child migrants in particular, as Bosnia and Herzegovina had itself experienced mass displacements of its people.

27. Ms. Taraba (Bosnia and Herzegovina) said that the law on the prohibition of discrimination, pursuant to which the Ombudsman and the Ministry for Human Rights and Refugees were jointly responsible for ensuring protection against discrimination, had entered into force in 2009. The European Commission had since made recommendations aimed at bringing the law into line with European Union legislation but, although complex, the law had nonetheless been praised as one of the best in the region.

28. NGOs that had not initially signed the cooperation agreement adopted by the Council of Ministers in 2017 could do so at a later date. As registered signatories to the agreement, they would be eligible for legal aid. The Ministry of Justice had a department whose mandate was to facilitate cooperation with NGOs, and the Council of Ministers had a newly established advisory board with a similar mandate.

29. Under current anti-discrimination legislation, the authorities and NGOs were required to work together to fight discrimination. The legislation defined discrimination very broadly, as being any form of differential treatment that might jeopardize the exercise or recognition of the rights of any person in any area of life and that was based on any of a wide range of characteristics including race, ethnicity, disability, age, gender, affiliation and social standing.

30. A special unit dedicated to children’s rights operated within the Ombudsman’s Office. Proposed amendments to the Ombudsman Act would extend the powers of the Office and require it to take action to promote and raise awareness of the provisions of the Act. The amendments would also enable NGOs to participate in the drafting of policies and strategies and to act as third parties in judicial proceedings pertaining to cases of discrimination. NGOs would also be able to file complaints relating to violations of the rights of groups of persons. In cases involving violations of children’s rights, the recommendations of the Ombudsman’s Office would be permitted as evidence.
31. **Ms. Djuderija** (Bosnia and Herzegovina) said that the proposed amendments to the Ombudsman Act had been submitted to parliament. Owing to the ongoing political deadlock, it was unclear when they would be passed.

32. **Ms. Fusko** (Bosnia and Herzegovina) said that the education authorities in the canton of Central Bosnia had implemented a protocol to address violence in schools. The protocol outlined the procedures that officials, teachers and parents must follow when responding to incidents of violence on school premises or during excursions organized by the school. It also applied to cases where there were suspicions that a student was experiencing domestic violence.

33. Under the protocol, schools were required to keep records of violent incidents, including any disciplinary measures imposed upon the perpetrators, and to submit regular reports to the education authorities detailing the incidents and follow-up action. They were also expected to set up a coordination team to prepare an action plan on the prevention of violence as part of the school’s annual workplan. The teams were also responsible for monitoring and evaluating the effectiveness of the measures in place and informing the relevant bodies of any incidents or concerns. Social work centres should be informed within three days of the occurrence of any violent incident. If there were suspicions that a criminal offence might have been committed, the events should be reported to the police immediately.

34. **Ms. Djuderija** (Bosnia and Herzegovina) said that protocols to prevent and address violence in schools were also in place in the Republika Srpska, the Brčko District and the other cantons of the Federation of Bosnia and Herzegovina. Those protocols provided a specific example of how guidelines were implemented nationally. There were a number of ways for people to report suspected ill-treatment or harassment of children, including via an anonymous telephone hotline.

35. **Ms. Todorova** said that it would be interesting to learn how the continued operation of mono-ethnic schools and the “two schools under one roof” model were aligned with the State party’s comprehensive anti-discrimination legislation. Given that the use of the “two schools under one roof” model had been intended as a transitional measure, she would welcome details of the expected time frame for its discontinuance. The Committee had received reports that children in the State party would like to see the practice eliminated, preferring to live and study together in a free and tolerant society.

36. She would be grateful for information on the training teachers received regarding the application of the anti-violence protocols. It was unclear whether teachers reported suspected domestic violence to the police only if they were asked to do so by the child concerned.

37. **Ms. Djuderija** (Bosnia and Herzegovina) said that teachers would report any suspicions of domestic violence to the police. The enhanced monitoring in place under the protocols had been shown to reduce violence. Interdisciplinary training on the application of the protocols was provided by the relevant ministries and institutions, as well as through the United Nations Children’s Fund (UNICEF), Save the Children and other NGOs.

38. Society as a whole had a duty to tackle visible and hidden violence against children. The authorities were obliged to examine all complaints of violence made by parents. Free legal assistance was available to allow NGOs to provide support to children during legal proceedings.

39. **Mr. Husic** (Bosnia and Herzegovina) said that the Ministry of Civil Affairs was responsible for coordinating the education sector across the 10 cantons of the Federation of Bosnia and Herzegovina, the education ministries of the Republika Srpska and the Brčko District and the relevant State-level agency. The “two schools under one roof” model continued to exist only in the cantons of Central Bosnia and Herzegovina-Neretva. Providing a time frame for discontinuing the model was a major challenge, since the way forward required the involvement of all levels of government, from the municipalities to the central administration. All education legislation enacted in Bosnia and Herzegovina guaranteed equal access to education for everyone, as well as the right to equal treatment without discrimination.
40. A joint project of the European Union and the Council of Europe entitled “Quality education in multi-ethnic societies” had been implemented between January 2018 and May 2019. Following its completion, one of the recommendations made to the Government had been the development of a road map for inclusive education. It was hoped that the project outcomes would form the basis of a framework for improving inclusion and discontinuing the operation of mono-ethnic schools and the “two schools under one roof” model.

41. The Conference of Ministers of Education, which was an advisory body comprised of education officials and chaired by the Minister for Civil Affairs, regularly considered issues relating to segregation and had agreed that steps would be taken to improve inclusiveness and eliminate discrimination in the education system. Furthermore, on the basis of input from the European Commission, the Ministry of Civil Affairs had prepared recommendations for inclusive education that were aimed at ending segregation and fostering assimilation. In September 2019, the second stage of the quality education initiative had begun, with a focus on the teaching of history and geography.

42. Ms. Djuderija (Bosnia and Herzegovina) said that the authorities had decided to prepare guidelines for determining the best interests of children in order to ensure that available documentation on the matter encompassed operational and political dimensions in addition to professional dimensions. The guidelines were based on the recommendations made by the Committee on the Rights of the Child and had been developed with input from the relevant authorities, civil society, academia and organizations working in the area of child protection. The Ministry for Human Rights and Refugees would work with NGOs to provide training on the guidelines as a means of disseminating them as widely as possible and ensuring that they were applied by all professionals.

43. The authorities were determined to ensure that the number of marriages involving a person aged under 18 years old remained as low as possible. Marriage counselling was available at social work centres for minors seeking approval for marriage, and schools were involved in awareness-raising initiatives designed to prevent early marriage.

44. Ms. Novakvic Manojlovic (Bosnia and Herzegovina) said that legislation in the Republika Srpska considered individuals to be children until their eighteenth birthday. The minimum age for marriage was 18 years, but courts could approve the marriage of minors aged 16 and 17 years old if the parties consented and were capable of fulfilling the obligations arising from marriage. The court’s approval required a medical certificate and the positive opinion of a social worker, which was often not given.

45. Mr. Juresic (Bosnia and Herzegovina) said that social protection for children and families in the Federation of Bosnia and Herzegovina focused on poverty and social exclusion. Social protection legislation deemed a child to be anyone under 18 years old, and a bill on support for families with children contained a definition of a child and also of groups who enjoyed special rights, such as persons with disabilities. Although the insufficient coordination between different bodies in the State party gave the impression that no action had been taken to tackle violence against children, many measures had, in fact, been adopted. In the Federation, social welfare centres worked with victims and perpetrators, and victims received services through safe houses. Funding had been secured for those measures. However, the identification of victims of different forms of violence remained inadequate, and while information was disseminated to professionals, NGOs and the media, greater effort was required. Children could report violence to social welfare centres, the police or NGOs. Several workshops had been held with the media to improve the way in which children’s issues were reported, with mixed results.

46. Ms. Todorova said that she wished to know whether a time frame existed for the adoption of the bill on the protection of families with children, whether a budget had been allocated for its implementation, how a suitable budget for supporting families with children would be ensured, to what extent that support involved the Federation’s cantons and whether levels of support would be increased, particularly for those in difficult circumstances. Given that economic factors were at the root of a third of out-of-home care placements, support for families was an important prevention measure. Beyond financial support, she asked what the Government was doing to build parenting capacities and whether families with children received other forms of assistance, for example in the case
of divorce. She also wished to know how the problems besetting social welfare centres, which included insufficient resources, would be addressed, and whether the budget allocated to them allowed for capacity-building for staff, pay rises and improved working conditions.

47. She invited the delegation to confirm whether the State party still lacked a uniform mechanism for assessing how many children were deprived of parental care. If so, she wondered how policies were planned, how data were collected, and how cases were identified, managed and monitored. She would welcome information on the two religious institutions providing care to children in the Federation, and on whether a legal basis for an integrated database on children in need of care was planned. She asked what results had been achieved by the “Transformation of Institutions and Prevention of Separation of Children from Families” programme, whether children were removed from their parents on grounds of violence, and how the Government addressed that violence, as well as child poverty. She also wished to know what progress had been made in deinstitutionalizing care and what had become of the children previously institutionalized in the Federation.

48. Turning to adoption and abduction, she asked why parental consent continued to be required for adoption, even if it was in the best interests of the child, why children over 5 years old could not be adopted in Republika Srpska, whether consensus had been reached on the ratification of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, and what progress the bill on matters related to the Hague Convention on the Civil Aspects of International Child Abduction had made.

49. She invited the delegation to comment on the harmonization of standards across the education system, particularly with regard to teacher training, modern teaching methods and positive disciplinary methods. She would also like its comments on the aptness of the national group of subjects, which the Committee considered to be discriminatory and in violation of article 29 (d) of the Convention. Lastly, she would like to know what the effects of the platform for developing preschool education had been and whether there was a policy for the inclusion of Roma children and children with disabilities in education.

50. Mr. Rodríguez Reyes said that little progress appeared to have been made in improving the situation of persons with disabilities. He asked whether sufficient resources were allocated to implementation of the strategy for the advancement of the rights and status of persons with disabilities 2016–2021 and whether the strategy was designed to include children with disabilities in all areas of life. He wished to know what progress had been made towards adopting the bill on uniform principles and the framework for disability support for persons with disabilities, how legislation would be harmonized with international instruments so as to provide a common definition of children with disabilities, how the disparities in the treatment of persons with disabilities related to the war and children with other disabilities would be reduced, and whether data on children with disabilities was collected periodically and systematically.

51. He asked whether measures had been adopted, and were supported by sufficient human, technical and financial resources, to provide inclusive education for pupils with disabilities. He wished to know whether there were any plans to train school staff on inclusive education, and whether those plans had clear objectives, time frames and targets. He further enquired what support and financial assistance was provided to parents of children with disabilities, whether the day-care centres for children with disabilities in Republika Srpska were inclusive, how access to health care, including early diagnosis, for children with disabilities was guaranteed, and whether there were awareness campaigns for public officials on defending the rights of those children.

52. Children’s access to health care appeared to depend on their parents’ economic situation. He would therefore like to know how that right was guaranteed for all children, particularly those with disabilities and Roma children. He also wished to know how vaccinations and breastfeeding were promoted, how disparities in maternity leave provisions were addressed, how implementation of the International Code of Marketing of Breast-milk Substitutes was harmonized and monitored, and how the number of child-friendly hospitals might be increased.
53. **Mr. Madi** said that while the new law on asylum was welcome, many concerns surrounding the treatment of migrant and asylum-seeking children persisted, including regarding difficulties in accessing adequate accommodation and enrolling in education. In that connection, he referred the State party to the obligations set out in the Committee’s general comment No. 23.

54. He wished to know how many cases of forced begging and trafficking in children had been reported, investigated and submitted to the courts in the previous three years, whether an independent monitor had been established to ensure that all cases were duly investigated, and what measures the Government had adopted since 2015 to raise awareness of those crimes. The Committee was concerned that day-care centres for children working on the streets relied on international donors for funding, when they should be the responsibility of the Government. He invited the delegation to respond to the question contained in paragraph 12 of the list of issues (CRC/C/BIH/Q/5-6), concerning the detention of children and use of non-custodial alternatives.

55. Noting that the State party appeared to have misinterpreted the crimes targeted by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, he asked what measures had been adopted to implement the Committee’s previous recommendations on that Optional Protocol, particularly in relation to articles 2 and 3. Similarly, he would like to know how the Committee’s recommendations on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had been implemented, particularly with regard to the criminalization of the recruitment of children for use in armed conflict. He wondered whether any children from Bosnia and Herzegovina involved in the conflict in the Syrian Arab Republic and Iraq had returned home, and, if so, how the authorities had dealt with them, as well as what the Government was doing to prevent the recruitment of children to those conflicts in the first place. Lastly, he wished to know whether a system was in place at the border to identify unaccompanied children who may have been involved in armed conflict abroad.

*The meeting rose at 6 p.m.*