



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined fifth and sixth periodic reports of Bosnia and Herzegovina*

I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Bosnia and Herzegovina (CRC/C/BIH/5-6) at its 2404th and 2405th meetings (CRC/C/SR.2404 and 2405), held on 10 and 11 September 2019, and adopted the present concluding observations at its 2430th meeting, held on 27 September 2019.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the written replies to the list of issues (CRC/C/BIH/Q/5-6/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress made by the State party in various areas, including the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in 2018 and of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2012. The Committee notes with appreciation the legislative, institutional and policy measures adopted to implement the Convention, in particular the amendments to the Law on Prohibition of Discrimination in 2016 and the adoption of the Action Plan for Children of Bosnia and Herzegovina (2015–2018) in 2015.

III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: coordination (para. 10), best interests of the child (para. 20), abuse and neglect (para. 26), standard of living (para. 38), education, including vocational training and guidance (para. 40) and asylum-seeking, refugee and migrant children (para. 44).

* Adopted by the Committee at its eighty-second session (9–27 September 2019).



5. The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It also urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals insofar as they concern children.

A. General measures of implementation (arts. 4, 42 and 44 (6))

Committee's previous recommendations

6. The Committee recommends that the State party take all measures necessary to address its previous recommendations (CRC/C/BIH/CO/2-4) that have not been implemented or not sufficiently implemented and, in particular, those relating to the rights of the child and the business sector (para. 28), non-discrimination (para. 30), respect for the views of the child (para. 34), adoption (para. 51), economic exploitation and children in street situations (para. 71) and the administration of juvenile justice (para. 77).

Legislation

7. The Committee recalls its previous concluding observations (para. 10) and recommends that the State party enact a comprehensive child rights act, which fully incorporates the principles and provisions of the Convention and its Optional Protocols and provides clear guidelines for their consistent and direct application at the national, entity, district and cantonal levels.

Comprehensive policy and strategy

8. While noting the information provided by the State party that the Action Plan for Children of Bosnia and Herzegovina (2015–2018) has been extended to 2019 and a new action plan will be adopted for the period 2020–2023, the Committee recommends that the State party provide the new action plan with sufficient human, technical and financial resources in a consistent manner throughout the territory of the State party, with the full participation of children and civil society organizations. It also recommends that the State party establish a mechanism for regularly monitoring its implementation.

Coordination

9. The Committee takes note of the efforts made by the State party, including the establishment of the Group for the Promotion and Protection of Child Rights by the Ministry of Human Rights and Refugees and the renewal of the mandate of the Council for Children in 2012. It is however concerned about coordination of the implementation of the Convention at the national, entity, district and cantonal levels.

10. 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 in all activities related to the implementation of the Convention at cross-sectoral, national, entity, district and cantonal levels.

Allocation of resources

11. With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recalls its previous recommendations (para. 16) and further recommends that the State party:

(a) Establish monitoring and evaluation mechanisms, including specific indicators and a tracking system, for the adequacy, efficacy and equitability of resources allocated to the implementation of the Convention;

(b) Ensure that sufficient financial resources are allocated to programme budgeting, using a results-based and child rights approach, and regulate equitable funding for children throughout the budget at the national, entity, district and cantonal levels.

Data collection

12. While welcoming the population census conducted in October 2013, the Committee remains concerned about the fragmented approach to data collection, which does not cover all areas of the Convention, and the methodological differences across sectors in the State party. With reference to its general comment No. 5 (2003) on general measures of implementation of the Convention, it recommends that the State party:

(a) Expeditiously improve its coherent data-collection system across administrative units, disaggregated by age, sex, disability, geographic location, ethnic origin, migration and socioeconomic status, ensuring that it covers all areas of the Convention to facilitate analysis of the situation of all children, particularly those in situations of vulnerability, including Roma children;

(b) Ensure that the data and indicators are shared among the ministries concerned at the national, entity, district and cantonal levels and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;

(c) Strengthen its technical cooperation with, among others, the United Nations Children's Fund and regional mechanisms.

Independent monitoring

13. Recalling its previous concluding recommendations (para. 20), the Committee recommends that the State party:

(a) Expedite the adoption of the draft law on the ombudsman for human rights to improve its independence and effectiveness;

(b) Ensure that the Department for the Protection of Child Rights in the Federation of Bosnia and Herzegovina and the Ombudsman for Children in Republika Srpska are provided with adequate human, technical and financial resources to enable them to function effectively;

(c) Ensure adequate follow-up to recommendations issued by those child rights mechanisms.

Dissemination and awareness-raising

14. The Committee recommends that the State party:

(a) Strengthen its efforts to provide systematic information to raise awareness of children's rights, particularly the rights of children in disadvantaged or vulnerable situations, among children, their parents and families and professional groups working with and for children;

(b) Continue to encourage the media in awareness-raising programmes on children's rights in a child-friendly manner and the inclusion of children in the development of programmes.

Cooperation with civil society

15. While noting the information provided by the State party on an initiative for governments at the entity and cantonal levels to introduce lower tax rates to civil society, the Committee recommends that the State party provide adequate support for services delivered by civil society organizations related to the promotion and protection of the rights of children and ensure the effective functioning of the advisory body of the Council of Ministers of Bosnia and Herzegovina to strengthen cooperation with civil society organizations.

Children's rights and the business sector

16. With reference to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and to the Guiding Principles on Business and Human Rights (A/HRC/17/31, annex), the Committee recalls its previous concluding observations (para. 28) and recommends that the State party:

(a) Establish a clear regulatory framework for the business sector operating in the State party to ensure that its activities do not negatively affect human rights or endanger environmental and other standards, especially those relating to children's rights;

(b) Establish monitoring mechanisms for the implementation of those standards and ensure appropriate sanctions and remedies for child victims of such abuses;

(c) Require companies to undertake assessments, consultations and full public disclosure of the impact of their business activities and plans on environmental and health-related children's rights.

B. Definition of the child (art. 1)

Minimum age of marriage

17. The Committee recommends that the State party amend its family laws at the entity and district levels to remove all exceptions that allow marriage under the age of 18.

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

18. While welcoming the adoption of the revised Law on Prohibition of Discrimination (2016) and taking note of target 10.3 of the Sustainable Development Goals, the Committee recalls its previous concluding observations (para. 30) and recommends that the State party:

(a) Continue efforts to effectively implement the Law at all levels, including by disseminating information on where children can report discrimination and harmonizing the legislation at all levels within the State party, in compliance with the Law;

(b) Address the negative impact of stereotyping and discriminatory attitudes on children's rights and ensure that the media is sensitized to this stigmatization of children, particularly children in disadvantaged situations, including by encouraging the media to adopt codes of conduct.

Best interests of the child

19. While welcoming the promotion of the guidelines for determining the best interests of the child in all areas, the Committee is concerned that the principle of the best interests of the child is not applied in practice at all levels in the State party.

20. With reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee urges the State party:

(a) To disseminate the guidelines for determining the best interests of the child to all relevant professionals who make such decisions;

(b) 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.

Respect for the views of the child

21. With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recalls its previous concluding observations (para. 34) and urges the State party to:

(a) Support the activities of the Council for Children in promoting child participation in developing policies and decisions concerning child rights at all levels;

(b) Strengthen programmes and awareness-raising activities to remove all barriers to children expressing their views at all levels and ensure the meaningful participation of all children within the family, community and schools, including within student council bodies, and in decision-making in all matters related to children, with particular attention paid to children in vulnerable situations.

D. Civil rights and freedoms (arts. 7, 8 and 13–17)**Birth registration and nationality**

22. In the light of target 16.9 of the Sustainable Development Goals and with reference to its previous recommendations (para. 36), the Committee recommends that the State party:

(a) Ensure the issuance of birth certificates for all children born in its territory, immediately after the birth, regardless of the immigration status of the child or the parents, including those who have expressed an intention to apply for asylum and those who are undocumented, and that birth registration be free of charge for all children;

(b) Provide special support to illiterate or undocumented persons in order to facilitate birth registration of their children;

(c) Consider ratifying the 2009 Council of Europe Convention on the avoidance of statelessness in relation to State succession.

Right to privacy

23. The Committee recommends that the State party ensure that the Communications Regulatory Agency receives, investigates and addresses complaints from children in a child-sensitive manner in cases of violations of their right to privacy. It also recommends that the State party conduct awareness-raising programmes, including campaigns, among children and their families on the right of the child to access the complaint mechanism, and reiterates the need to implement a training programme aimed at media content creators and journalists on the rights set out in the Convention, including the right of the child to privacy.

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**Corporal punishment**

24. With reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee recalls its previous recommendations (para. 40) and recommends that the State party:

(a) Explicitly prohibit corporal punishment in all settings by law;

(b) Raise awareness among parents and the general public on the harmful effects of corporal punishment for children so as to promote alternative positive, non-violent and participatory forms of child-rearing and discipline;

(c) Collect and disaggregate data on all cases of corporal punishment and their resolution in a coherent manner, using the same definition across the administrative units.

Abuse and neglect

25. While noting as positive the adoption of the protocols regarding the treatment of the abuse and neglect of children and domestic violence at the entity and cantonal levels and the efforts regarding awareness-raising to prevent violence against children, the Committee is concerned about:

- (a) The protracted process to harmonize legislation on domestic violence in the entities, districts and cantons;
- (b) The limited funding and the lack of trained staff in the social welfare centres to identify, report and address cases of violence against children;
- (c) The lack of a coherent data-collection system on all cases of violence against, abuse and neglect of children across administrative units that is necessary for assessment and monitoring;
- (d) The prevalence of violence against children, including peer violence in schools and online.

26. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals, the Committee recalls its previous concluding observations (para. 42) and urges the State party to:**

- (a) **Harmonize the relevant legislation on the protection of children from all forms of violence at the national, entity, district and cantonal levels;**
- (b) **Allocate sufficient human and financial resources to effectively implement the guidelines for child protection case management at the social welfare centres to identify, report, prevent and monitor cases of violence against and abuse of children;**
- (c) **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;**
- (d) **Further strengthen awareness-raising programmes on different types of violence against and abuse of 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.**

Sexual exploitation and abuse

27. While welcoming the positive steps taken, including the adoption of the revised Criminal Code in Republika Srpska in 2017, with reference to its previous recommendations (para. 44), the Committee recommends that the State party:

- (a) **Harmonize the provisions of the Criminal Codes concerning the scope of the sexual exploitation and abuse of children, the sanctions to be imposed and the protection of child victims;**
- (b) **Establish accessible, confidential, child-friendly and effective channels for children, their family and staff working with and for children to report cases of sexual exploitation and abuse;**
- (c) **Provide specialized support for child victims of sexual exploitation and abuse, including psychological counselling, rehabilitation and social integration assistance, encouraging courts to make use of the child-friendly and multi-agency arrangement for obtaining testimony from children;**
- (d) **Ensure that the National Advisory Board on Child Sexual Exploitation and Abuse effectively coordinates actions taken at all levels of government to protect children from child sexual abuse material and other forms of sexual exploitation and abuse.**

Harmful practice

28. With reference to the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices and taking note of target 5.3 of the Sustainable Development Goals, the Committee urges the State party to increase the awareness of the harmful effects of child marriage on children, particularly among the Roma population, in cooperation with civil society organizations and the leaders of Roma communities.

Helpline

29. The Committee recommends that the State party ensure that a toll-free 24-hour helpline is available to all children throughout the State party, provide the necessary human, financial and technical resources for its effective functioning and promote awareness of how children can access the helpline.

F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

Children deprived of a family environment

30. Recalling its previous recommendations (para. 49) and drawing the State party's attention to the guidelines for the alternative care of children, the Committee recommends that the State party:

(a) Accelerate the deinstitutionalization process across the State party by supporting and facilitating family-based care for children and harmonizing the foster care system at all levels of government;

(b) Continue to provide capacity-building programmes for social workers and foster care providers, including those working in the social welfare centres, and allocate adequate human, technical and financial resources to childcare facilities to ensure equal access to quality services and care regardless of location;

(c) Ensure the periodic review of placements of children in institutions and foster care and provide accessible channels for reporting, monitoring and remedying the ill-treatment of children;

(d) Support the social integration of young people prior to their leaving care and provide them with assistance following their departure;

(e) Strengthen awareness-raising programmes, including campaigns, among the general public on children's rights in early childhood and the impact of institutional care on children's development and well-being.

Adoption

31. The Committee recalls its previous recommendations (para. 51) and recommends that the State party:

(a) Develop and adopt a comprehensive legal framework on adoption;

(b) Ensure the provision of a universal integrated database of the social welfare centres on potential adoptees and adopters;

(c) Ensure that the views of the child are heard and respected in cases of adoption according to the child's evolving capacities;

(d) Consider ratifying the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

Illicit transfer and non-return

32. The Committee recommends that the State party:

(a) Adopt and implement the draft law on international legal assistance in civil matters to unify the procedures on child transfer and abduction in line with the Convention on the Civil Aspects of International Child Abduction;

(b) Consider ratifying the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)

Children with disabilities

33. With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee reiterates its previous recommendation (CRC/C/BIH/CO/2-4, para. 53) and recommends that the State party:

(a) Provide sufficient human, technical and financial resources to effectively implement the strategy for the advancement of the rights and status of persons with disabilities of the Federation of Bosnia and Herzegovina (2016–2021);

(b) Adopt a human rights-based approach to disability in all existing laws and accelerate their harmonization;

(c) Ensure that parents or caregivers of children with disabilities are given the support and financial assistance necessary to bring up their children;

(d) Provide a sufficient number of specialized teachers in all schools to ensure that all children with disabilities have access to high-quality inclusive education, including reasonable accommodation for their educational needs;

(e) Ensure that children with disabilities, including children with intellectual and psychosocial disabilities, have equal access to appropriate services, including health care, early detection and intervention programmes;

(f) Undertake awareness-raising campaigns targeted at government officials, the population and families in order to combat stigmatization and prejudice against children with disabilities and to promote a positive image of children with disabilities as rights holders.

Health and health services

34. While welcoming the adoption of various policies and programmes concerning early childhood health, the Committee recommends, with reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of target 3.8 of the Sustainable Development Goals, that the State party:

(a) Allocate adequate human and financial resources to fully implement policies and programmes that make available high-quality early childhood health services for all children in the State party;

(b) Raise awareness of the importance of vaccinations and ensure that health professionals and staff are trained to work with children and establish effective communication with their parents and family;

(c) Regularly monitor and assess the effectiveness of policies and programmes on the nutrition of children, including the “schools/kindergartens friends of healthy nutrition” programmes, paying particular attention to Roma children;

(d) Promote optimal breastfeeding, periodically evaluate accredited child-friendly hospitals, harmonize legislation in line with the International Code of Marketing of Breast-milk Substitutes and officially monitor its implementation.

Adolescent health

35. With reference to its general comments No. 4 (2003) on adolescent health and development in the context of the Convention and No. 20 (2016) on the implementation of the rights of the child during adolescence, and taking note of targets 3.5 and 5.6 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Effectively enforce laws and policies prohibiting the consumption of alcohol, tobacco and illegal drugs by adolescents, including the law on the ban on tobacco consumption and sale to persons below the age of 18 of Republika Srpska and the law on the restricted use of tobacco products of the Federation of Bosnia and Herzegovina, and monitor their implementation;

(b) Adopt legislative measures to prohibit the sale of tobacco and illegal drugs at the national level and expand programmes on alcohol and drug prevention, intervention and rehabilitation for adolescents;

(c) Expand the scope of the national policy of sexual and reproductive health and rights to ensure that sexual and reproductive health education is part of the mandatory school curriculum and age-appropriate, with special attention paid to preventing early pregnancy and sexually transmitted infections in all territories of the State party;

(d) Ensure equal access to sexual and reproductive services for adolescent girls and boys, particularly those in marginalized groups, such as Roma children, lesbian, gay, bisexual, transgender and intersex children and children with disabilities, across the State party.

Environmental health

36. While noting the information provided by the State party that tested groundwater was not contaminated by uranium in 2013, the Committee remains concerned at the negative effects of such contamination, as well as that of air pollution on children's health. Taking note of target 3.9 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Develop comprehensive plans to monitor children's environmental health at all levels of government;

(b) Continue conducting an assessment of the effect of air pollution and uranium contamination on children;

(c) Regulate the maximum concentration of air pollution and clean up all sites contaminated by uranium in the State party.

Standard of living

37. The Committee is seriously concerned at the very high rate of unemployment and the slow progress in developing poverty reduction strategies and programmes by the entity and cantonal governments that negatively affect the standard of living of children.

38. Drawing attention to target 1.3 of the Sustainable Development Goals, the Committee recalls its previous recommendations (para. 61) and recommends that the State party:

(a) Harmonize its legislation and policies regarding child allowance and social welfare services, particularly at the State, Federation of Bosnia and Herzegovina and district levels, to ensure equal access to quality social assistance in the State party;

(b) 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;

(c) Increase employment opportunities for families with children facing economic constraints;

(d) **Ensure sufficient financial, human and technical 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.**

H. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

39. The Committee notes with appreciation the efforts made by the State party, such as the adoption of the Platform for the Development of Preschool Education (2017–2022) and the Framework Action Plan on the Educational Needs of Roma in Bosnia and Herzegovina (2018–2022) as well as the Programme for International Student Assessment study in 2018. However, it remains concerned about:

(a) The segregation of children in education in relation to the system of two schools under one roof and mono-ethnic schools and the introduction of the so-called national group of subjects in the context of the process of integration of schools;

(b) The insufficient coordination efforts made by the Ministry of Civil Affairs of Bosnia and Herzegovina to reduce gaps in the quality of education among different jurisdictions, particularly in rural areas;

(c) Inadequate training for teachers with respect to their discriminatory attitude against students;

(d) The low rate of secondary education enrolment among Roma children;

(e) The high rates of school dropout owing to poverty and economic hardship;

(f) The inadequate conditions of school materials and capacities, including sanitary conditions, classroom equipment, heating systems and accessible facilities for children with disabilities;

(g) The still low enrolment rate in preschool, particularly among children in rural areas and those belonging to disadvantaged groups, and the lack of sufficient budgetary means to implement policies and programmes to improve preschool education.

40. **Taking note of target 4.A of the Sustainable Development Goals, and with reference to its previous recommendations (para. 63), the Committee urges the State party to:**

(a) **Abolish, without delay, the segregation of children in education and promote a common core curriculum across the State party with reference to the recommendations made by the Special Rapporteur in the field of cultural rights (A/HRC/25/49/Add.1, para. 104);**

(b) **Eliminate the “national group of subjects” from the school curriculum;**

(c) **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, including through the provision of quality training for teachers, and eliminate discrimination against students by teachers;**

(d) **Ensure the effective functioning of the monitoring mechanism for the revised action plan on the educational needs of Roma and increase financial resources to meet all the educational needs of Roma children, so as to increase their participation and inclusion in education at all levels, particularly secondary and higher education;**

(e) **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;**

(f) **Increase the necessary funding and measures to improve school equipment, including with respect to hygiene and accessibility for children with disabilities and school heating systems;**

(g) **Allocate sufficient financial resources for the effective implementation of early childhood education policies and programmes with special attention paid to children in rural areas, Roma children and children with disabilities, and raise awareness of the importance of preschool education among parents and family members of children.**

Human rights education

41. **The Committee recommends that the State party strengthen its efforts to effectively implement the human rights education guidelines in the framework of the World Programme for Human Rights Education and ensure that human rights education is an integral and mandatory component of all training for teachers, education professionals and staff at the national, entity, district and cantonal levels.**

Rest, leisure, recreation and cultural and artistic activities

42. **With reference to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party strengthen its efforts to guarantee the equal rights of all children in the State party, including those with disabilities and in marginalized groups, to rest and leisure and to engage in play and recreational activities appropriate to the age of the child.**

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Asylum-seeking, refugee and migrant children

43. **The Committee welcomes the adoption of the Law on Exercising the Right to Free Legal Aid and the Law on Asylum in 2016, aimed at reinforcing the access to accommodation, primary health services, psychosocial support, education and free legal aid for asylum seekers, including children. Nevertheless, the Committee is seriously concerned about:**

(a) **The limited access for asylum-seeking, refugee and migrant children to the enjoyment of basic rights, including health care, education and psychosocial support, particularly for children accommodated outside reception centres;**

(b) **The lack of capacity of the authorities to implement the Law on Asylum (2016) with respect to the provision of guardianship for unaccompanied and/or separated children;**

(c) **The administrative detention of asylum-seeking and migrant children;**

(d) **The insufficient capacity of reception centres to accommodate migrant and asylum-seeking children, resulting in them being forced to sleep on the streets without adequate shelter and in unsafe and unsanitary conditions;**

(e) **Hate speech against asylum seekers and refugees in the media and the inadequate prosecution of perpetrators of such conduct.**

44. **With reference to general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin and joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee urges the State party to immediately:**

(a) **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 reception centres;**

(b) Appoint, in a timely manner, 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;

(c) 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;

(d) Provide sufficient human, technical and financial 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 the services provided by the reception centres are child-friendly and age-appropriate;

(e) 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;

(f) Develop campaigns to counter hate speech against asylum seekers and refugees, particularly children, and ensure the investigation, prosecution and punishment of perpetrators.

Children in street situations

45. With reference to its general comment No. 21 (2017) on children in street situations, the Committee recalls its previous recommendations (para. 71) and recommends that the State party:

(a) Provide alternative opportunities for children in street situations, including vocational training and employment opportunities, and reintegration with their families or placement in alternative care, based on the best interests of the child;

(b) Provide adequate financial support to the day centres for children working in the street to guarantee the sustainability of their activities;

(c) Provide civil society organizations with the necessary support to raise awareness of the rights of children in street situations and to facilitate the participation of children in the development of plans and programmes designated for their protection.

Sale, trafficking and abduction

46. While welcoming the amendments of all the Criminal Codes on the provisions regarding human trafficking, such as introducing trafficking in human beings as a criminal offence at the entity level and the exploitation of children through forced begging at the entity and district level, the Committee is concerned about the low rate of prosecutions and convictions of the trafficking and exploitation of children. It urges the State party to:

(a) Assess progress achieved and identify deficiencies in implementing the national anti-trafficking action plan (2016–2019) and develop and implement a subsequent plan with sufficient budget;

(b) Ensure that the centres for the education of judges and prosecutors of the Federation of Bosnia and Herzegovina and of Republika Srpska and other institutions at the national and district and cantonal levels provide training for judges and prosecutors on the strict application of the Criminal Codes and the best interests of the child in legal proceedings in cases of trafficking, forced begging and forced marriage of children, so as to ensure that the perpetrators of those criminal offences are prosecuted and adequately punished at all levels of jurisdiction;

(c) Strengthen training for law enforcement officers at all levels to investigate all cases of child trafficking and prevent the sexual exploitation of children;

(d) Strengthen its awareness-raising programmes and encourage community-based programmes aimed at preventing and responding to cases of trafficking of children, with a particular focus on Roma children.

Administration of child justice

47. With reference to its general comment No. 24 (2019) on children's rights in the child justice system, the Committee urges the State party to bring its child justice system fully into line with the Convention. The Committee recalls its previous recommendations (para. 77) and urges the State party, in particular to:

(a) Strengthen the effective implementation of the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings at the entity and district levels, including with respect to access to education in pretrial and regular detention and the provision of reintegration;

(b) Promote non-judicial measures for children accused of criminal offences, including diversion, mediation and counselling and the use of non-custodial sentences for children, such as probation or community service, wherever possible;

(c) Ensure, in cases where detention is unavoidable, that children are not detained together with adults, including in pretrial detention;

(d) Amend article 358 (3) and (4) of the Criminal Procedure Code of Bosnia and Herzegovina to strictly limit the extension of pretrial detention of children;

(e) Continue its efforts to provide specialized training on children's rights and child justice for judges, law enforcement officers and social workers who work with children in conflict with the law;

(f) Take the necessary measures to prevent the media from using the personal data of children in conflict with the law, which is not regulated under the legislation, such as the names of family members and place of residence.

Follow-up to the Committee's previous concluding observations on the Optional Protocol on the sale of children, child prostitution and child pornography

48. While noting the efforts made to implement its concluding observations on the State party's initial report under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography (CRC/C/OPSC/BIH/CO/1), the Committee regrets that the information provided by the State party is focused almost exclusively on child trafficking. The Committee recommends that the State party take all necessary measures to implement the above-mentioned recommendations, particularly with regard to defining and criminalizing all offences under articles 2 and 3 of the Optional Protocol, the establishment of a national action plan (para. 11), the investigation and prosecution of criminal offences covered by the Optional Protocol (para. 29) and the protection and reintegration of child victims (paras. 35, 39 and 41).

Follow-up to the Committee's previous concluding observations on the Optional Protocol on children in armed conflict

49. Recalling its previous concluding observations (CRC/C/BIH/CO/2-4, para. 69, and CRC/C/OPAC/BIH/CO/1), the Committee recommends that the State party implement its recommendations, in particular by:

(a) Explicitly prohibiting and criminalizing the recruitment and use in hostilities of children under the age of 18 by non-State armed groups in the legislation at the State, entity and district levels;

(b) Providing systematic training programmes on the provisions of the Optional Protocol for all relevant professional groups working with and for children;

(c) Establishing and exercising extraterritorial jurisdiction over crimes committed under the Optional Protocol without the criterion of double criminality.

J. Cooperation with regional bodies

50. The Committee recommends that the State party cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

IV. Implementation and reporting

A. Follow-up and dissemination

51. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fifth and sixth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

B. National mechanism for reporting and follow-up

52. The Committee recommends that the State party establish a national mechanism for reporting and follow-up as a standing government structure that is mandated to coordinate and prepare reports to and engage with international and regional human rights mechanisms, as well as with coordinating and tracking national follow-up to and implementation of the treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the Institution of Human Rights Ombudsman of Bosnia and Herzegovina and civil society.

C. Next report

53. The Committee invites the State party to submit its seventh periodic report by 5 March 2024 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

54. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.
