



**Convention on the
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SUMMARY RECORD OF THE 1031st MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 19 May 2005, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 5) (continued)

Initial report of Bosnia and Herzegovina (continued) (CRC/C/11/Add.28; HRI/CORE/1/Add.89/Rev.1; CRC/C/Q/BIH/1; CRC/C/RESP/85)

1. At the invitation of the Chairperson, Ms. Čajo, Ms. Đuderija, Ms. Kremenović-Kusmuk, Mr. Nagradić and Ms. Radić (Bosnia and Herzegovina) took places at the Committee table.
2. Mr. ZERMATTEN asked whether the State party planned to create specialized juvenile courts, and whether the Government had considered introducing restorative justice for juveniles in conflict with the law. The reporting State should indicate whether it planned to abolish the minimum prison sentence and lower the maximum sentence for juveniles. He would welcome further information on plans to separate minors from adults in prisons. The State party should clarify whether juveniles were held in pre-trial detention at police stations or in correctional facilities. The delegation should explain the discrepancy between the juvenile crime statistics in Republika Srpska and those in the Federation of Bosnia and Herzegovina (CRC/C/11/Add.28, para. 382).
3. Mr. FILALI requested additional information on the proposed measures to reduce violence among minors. It would be useful to learn what steps were being taken to prevent trafficking in women and children. Additional information should be provided on measures to protect the best interests of the children of divorced parents from different ethnic backgrounds. He would welcome further details on efforts to clear mines. The reporting State should clarify whether there was sufficient political will to achieve the proposed reform of juvenile criminal law.
4. Mr. KOTRANE asked whether the State party intended to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, and enact relevant domestic legislation. He wished to know why a child's right to social security depended on his or her parents' insurance contributions, particularly in the light of the high unemployment rate. The delegation should clarify the obligation of parents to send their children to school. The reporting State should indicate the minimum age at which a child could be brought before the courts.
5. Ms. SMITH requested information on programmes to increase recreational, leisure and cultural opportunities for children and young persons.
6. Ms. ORTIZ asked whether there were sufficient day-care facilities, and whether training for professionals and caregivers working at children's institutions and day-care centres was in accordance with the provisions of the Convention. The delegation should indicate whether there were regulations governing the functioning of such institutions and, if so, whether they were in line with the Convention. The reporting State should explain what authorities and legislation dealt with intercountry adoption.

7. Mr. POLLAR asked whether the State party would consider allowing displaced persons to enter the formal school system and sit the same examinations as other citizens. It would be useful to learn whether the Government planned to introduce a debriefing and counselling programme for all children who had witnessed the traumatic events of the conflict in Bosnia and Herzegovina.
8. Ms. VUCKOVIC-SAHOVIC asked whether the Government recognized the importance of the social work centres, and whether it planned to update the social work system.
9. Mr. SIDDIQUI asked whether people from different ethnic and religious backgrounds worked together in political and civil society organizations. The State party should indicate whether the international community had contributed to the reconciliation process. Further data on the number of orphans inside and outside the State party should be provided. It would be useful to know what steps were being taken to care for orphans in Bosnia and Herzegovina. Additional information on the differences between public and private schools, particularly with regard to quality of education, access and curricula, would be welcome. He asked whether English and information and communication technology were taught in both public and private schools.
10. Mr. NAGRADIĆ (Bosnia and Herzegovina) said that many people of different ethnic and religious backgrounds worked together in State and civil society organizations and institutions. There was a real belief among the population that all sectors of society could live in harmony. Measures to facilitate the reconciliation process had included education programmes, civil society activities, television broadcasts and the establishment of the Inter-Religious Council of Bosnia and Herzegovina.
11. The return of displaced persons was a difficult process. The first step, the return of property, was almost completed. The challenge for people returning to their homes was currently economic rather than one of security. A fund had been set up to rebuild the homes of displaced persons, and much reconstruction work had been carried out with assistance from the international community. Legislation on the recognition of refugee and displaced person status had been harmonized. Precise data on the number of children who had not yet returned would be available in the summer of 2005.
12. Ms. ĐUDERIJA (Bosnia and Herzegovina) said that the information on domestic violence in the initial report was incomplete. Recent data indicated that, while domestic violence had increased across all social classes, it was most predominant among the poor. The Government recognized the importance of taking measures to counteract that trend.
13. The Ministry of Civil Affairs was responsible for the Government's anti-drug campaign and coordinated questions pertaining to health, social issues and education.
14. While there were no juvenile courts, there were judges who specialized in juvenile justice. Prosecutors, judges and other legal staff received training in juvenile justice, particularly in the areas of violence, trafficking in persons, and organized crime. While all juvenile detention centres had been destroyed during the war, separate wings of adult prisons had been set aside for

juvenile offenders. There were currently 15 juveniles in prison; their sentences ranged from one to five years. The Government was reconsidering the length of sentences for juvenile offenders, and was contemplating a wider range of sanctions.

15. The Government had criminalized several activities, especially those involving international organized crime and trafficking in persons and drugs. Those crimes had increased both within Bosnia and Herzegovina and across its borders.

16. Health legislation had been brought into line with the Convention to ensure that all children had the right to health care, regardless of their parents' insurance contributions. However, given the lack of resources, it was difficult to implement the amended legislation.

17. Ms. KHATTAB requested the delegation to clarify the status of the laws listed in the written reply to question 5 in the list of issues (CRC/C/RESP/85, p. 37).

18. Ms. ĐUDERIJA (Bosnia and Herzegovina) said that, apart from the Law on Prevention of Violence, those laws had entered into force. The Law on Prevention of Violence, which provided for special protection measures, had been submitted to Parliament for consideration. The Family Law had been adopted in Republika Srpska and was under review in the Parliament of the Federation of Bosnia and Herzegovina.

19. She said that 18 was the minimum age for recruitment into the army. However, medical examinations to determine suitability for military service could be conducted at the age of 17. The Government intended to abolish compulsory military service by the end of 2005.

20. Ms. ALUOCH asked whether the Family Law that was already in force in Republika Srpska could be applied in the Federation of Bosnia and Herzegovina.

21. Ms. ĐUDERIJA (Bosnia and Herzegovina) said that the Federation of Bosnia and Herzegovina and Republika Srpska had separate laws and territorial jurisdiction. The Federation would continue to apply the old Family Law until the new one was adopted.

22. Steps were being taken to reform the health-care system, which had previously consisted of primary health care, specialized health care and hospitalization. In order to strengthen family protection, the concept of a family physician was currently being introduced. In addition, special institutions provided psychological counselling to families and children.

23. The Government was taking a number of measures to promote breastfeeding, including through the establishment of child-friendly hospitals and special courses for future parents.

24. Mr. LIWSKI asked how health services were funded at the national, regional and local levels.

25. Ms. ĐUDERIJA (Bosnia and Herzegovina) said that the Government did not have the resources to ensure adequate health care for all categories of the population. Hospitalization was very expensive, hospitals lacked facilities and staff, and certain health-care services were inaccessible to many people. However, primary health care was available to everyone.

26. While the unemployed, the needy and other vulnerable groups were entitled to financial allowances, such allowances were very small, unequally distributed and often not paid at all. In addition, social work centres lacked the financial and human resources to meet the needs of their beneficiaries. Reforms were being implemented to improve that situation.

27. Under the Family Law, foreign citizens were permitted to adopt a child from Bosnia and Herzegovina when no citizen of Bosnia and Herzegovina wished to adopt the child; when the child could not be placed in a foster family; when all other types of care had been exhausted; when a team of experts had decided that the adoption would be in the best interests of the child; and when the adoption was authorized by a competent authority.

28. Although most children were placed in institutions, the Government was increasingly giving priority to foster care. Steps would have to be taken to ensure that social work centres had sufficient financial and human resources. It would also be necessary to draw up a list of potential foster families.

29. Ms. VUCKOVIC-SAHOVIC said that she was concerned about the understaffing of the social work centres, particularly because they were responsible for deciding whether a child should be separated from his or her parents. She wished to know who was responsible for monitoring decisions taken by social work centres.

30. Ms. ČAJO (Bosnia and Herzegovina) said that disputes arising from a decision taken by a social work centre concerning the separation of a child from his or her parents were referred to one of the ministries and then to the cantonal court.

31. The CHAIRPERSON asked whether the courts dealt only with child abuse and neglect cases. He also wished to know why the Government could not withdraw its reservation to article 9, paragraph 1, of the Convention. The explanation given in the replies to the list of issues implied that, under the Convention decisions concerning separation of children from their parents had to be made by a court. However, that was not the case since the Convention referred to a competent authority. He asked why the Government did not consider the social work centres as a competent authority in that field.

32. Ms. VUCKOVIC-SAHOVIC (Bosnia and Herzegovina) said that, in the Bosnian version of article 9, paragraph 1, of the Convention, the words “subject to judicial review” had been translated as “by court procedure”. The State party could therefore, withdraw its reservations.

33. Ms. ČAJO (Bosnia and Herzegovina) said that social work centres could decide to separate a child temporarily from his or her parents, following a request to that effect by the parents. A social work centre would proceed with the separation only after an expert team had concluded that separating the child from his or her parents was in the best interests of the child. Cases of child abuse or neglect were submitted for consideration to a court, which then decided whether parental rights should be revoked.

34. Ms. LEE requested information on the composition of the expert teams. She wished to know how they evaluated each case and whether the child’s views were taken into account.

35. Mr. KOTRANE asked whether every citizen had the legal obligation to report cases of child abuse to a social work centre, and whether mechanisms were in place to help parents take better care of their children.
36. Ms. ČAJO (Bosnia and Herzegovina) said that, although expert teams should ideally be composed of psychologists, teachers, social workers, lawyers and experts from other fields, that was rarely the case in practice, owing to a lack of resources. The teams organized special activities with the parents, children, relatives and other persons concerned. Any person could report cases of child abuse to a social work centre.
37. Ms. ORTIZ said that, according to the written replies, very few adoptions took place over the course of a year. She asked why children placed in foster families could not be put up for adoption. She expressed concern that the Government had little control over international adoptions and suggested that it should ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.
38. Ms. ČAJO (Bosnia and Herzegovina) said that the Government's data on adoption were incomplete and that the actual number of adopted children was probably much higher than the number provided in the written replies. In order to be eligible to adopt a child, the prospective parent had to be able-bodied, have no criminal record and be capable of caring for the child in the best possible manner.
39. Many children from Bosnia and Herzegovina were living abroad, and her Government was dissatisfied with the lack of information provided by receiving States on the whereabouts and fate of those children. The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption identified as "State of origin" the country in which a child was habitually resident; that country was therefore responsible for overseeing the intercountry adoption process. The authorities of Bosnia and Herzegovina were therefore excluded from decision-making processes concerning the intercountry adoption of children living abroad. That was one of the main reasons for the Government's reluctance to ratify the Hague Convention.
40. Ms. ALUOCH said that, since the State party's authorities did not maintain contact with children living outside its territory, she did not consider that to be a valid reason for not ratifying the Hague Convention.
41. Ms. ORTIZ said that, despite the State party's legitimate concerns over certain intercountry adoption procedures, the Hague Convention was an important framework that could facilitate the implementation of international standards with regard to both domestic and intercountry adoption of children habitually resident in the reporting State.
42. The CHAIRPERSON said that ratification of the Hague Convention could help the reporting State to obtain information on children from Bosnia and Herzegovina living in other States parties to the Hague Convention. If it became a party to that Convention, Bosnia and Herzegovina could request notification of each adoption application concerning a child of Bosnia and Herzegovina that was submitted to the authorities of another State party and could ask to be consulted in the process.

43. Ms. ČAJO (Bosnia and Herzegovina) said that the legal provisions governing the rights of civilian victims of war also applied to child victims. In the immediate aftermath of the war, many non-governmental organizations (NGOs) had provided post-trauma counselling and other assistance to such children. The number of child victims had declined considerably, and such services were offered mainly through regular social care institutions.
44. Ms. ĐUDERIJA (Bosnia and Herzegovina) said that uncharted landmines continued to be a cause for grave concern, and Bosnia and Herzegovina relied on international assistance in its demining activities. The Government had launched mine-awareness campaigns in educational institutions. Mine accident rates had fluctuated, with a notable increase in rural areas in connection with agricultural activities at certain times of the year.
45. Mr. LIWSKI asked whether State assistance to child victims of war included staff training in post-trauma counselling. He wondered whether the experience of NGOs working in the field was taken into account in the formulation of relevant programmes.
46. Mr. NAGRADIĆ (Bosnia and Herzegovina) said that the Government engaged in an ongoing dialogue with NGOs, and was intent on addressing issues raised by that sector. However, the country's limited capacities made it necessary to identify priority areas. Any reform effort must take account of the general political and socio-economic situation. Bosnia and Herzegovina was a young State and had ratified a significant number of international instruments, the implementation of which placed a strain on its scarce resources.
47. After an extensive debate, ratification of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption had been deferred. His delegation would take up the matter again with the Government and communicate the Committee's recommendations in that regard.
48. Ms. KHATTAB requested information on European Union assistance in harmonizing Bosnia and Herzegovina's domestic legislation with European standards. She wondered what mechanisms existed to facilitate government cooperation with NGOs.
49. Mr. NAGRADIĆ (Bosnia and Herzegovina) said that the European Union provided support for public administration reforms, which included training programmes for public servants, including police officers.
50. The large number and diversity of NGOs working in Bosnia and Herzegovina made it difficult to coordinate cooperation and select appropriate NGO partners. In recognition of the importance of a well-functioning cooperation mechanism, the Government would review the current arrangements.
51. The transition period affected all aspects of life, and the need to change traditional patterns of behaviour and value systems posed considerable challenges.

52. Ms. RADIĆ (Bosnia and Herzegovina) said that the reforms of the education system included the extension of primary education from eight to nine years. The implementation of the new system was currently under way. Legislation had been drafted to reduce school dropout rates; it provided for systematic monitoring of attendance, and measures to encourage children to return to school.

53. Pre-school education was offered mostly in urban areas and covered some 4 per cent of the total pre-school population. While the Government recognized the value of pre-school education for early childhood development and considered it a crucial part of the education system, attendance was not compulsory. Many pre-school facilities had been destroyed during the war and the socio-economic situation of many families in Bosnia and Herzegovina precluded the enrolment of children in pre-school education, which was not free of charge. Government subsidies for pre-school activities were extremely limited. Measures to remedy those shortcomings would include the adoption in 2005 of a strategy to develop the pre-school education system and to draft legislation on pre-school education.

54. The shortage of qualified teaching staff during and in the immediate aftermath of the war had largely been addressed. Qualified teachers who had left during the war had been encouraged to return to their places of residence. There was no current data on the number of unqualified teachers remaining in the system. One key element of the ongoing education reform was the introduction of continuous education for teachers in order to facilitate the introduction of modern curricula in conformity with European standards.

55. The most recent data on the Brčko district indicated a pupil/teacher ratio of 7,634 to 445 for primary schools and 3,826 to 239 for secondary schools.

56. Since 1999, a number of legislative and other measures had been taken to harmonize Bosnia and Herzegovina's three different education systems. The various cantons were currently taking measures to bring their educational legislation into line with the new common framework legislation. Legislation on secondary vocational education was in the final drafting stages.

57. Ms. ĐUDERIJA (Bosnia and Herzegovina) said that, in 2001, the Government had adopted a national action plan for combating trafficking in persons. The plan called for the establishment of institutional mechanisms and for broad-based cooperation, particularly between NGOs and key public institutions. In addition, the Government had established the Office of the State Coordinator to prevent trafficking in persons. The Office monitored implementation of the action plan, received complaints, conducted awareness-raising campaigns and protected victims. Ongoing training in the various aspects of trafficking was provided to law enforcement officers, migration officials, judges and prosecutors. Moreover, new legislation had been enacted to incorporate the provisions of the United Nations Convention against Transnational Organized Crime. Although some progress had been made, trafficking was a form of international organized crime and therefore difficult to eradicate.

58. Research by local NGOs indicated that the number of child beggars was not very high; however, 90 per cent of such children were being coerced to beg in the streets. The action plan called for procedures to determine to what extent that type of exploitation was linked to organized crime.

59. Bosnia and Herzegovina did not have appropriate juvenile detention facilities, and convicted juvenile offenders were currently held in the same facilities as adults. The question of reducing sentences for juvenile delinquents would be addressed and the relevant legislation would be amended. Juveniles in conflict with the law were detained at police stations; those arrested near prison facilities were detained in prisons. Despite the lack of dedicated juvenile facilities, regulations concerning the length of detention and the best interests of the child were respected, and free legal assistance was provided to juvenile detainees. With the assistance of various NGOs, the Ministry of Justice was in the process of drafting regulations that would apply to special juvenile courts.

60. The CHAIRPERSON asked whether the Government was taking steps to establish juvenile correctional facilities that offered education programmes.

61. Ms. ĐUDERIJA (Bosnia and Herzegovina) said that the lack of special correctional facilities for juveniles had made it difficult for judges to handle juvenile delinquency cases. Efforts were currently under way to open a juvenile section in a new correctional facility in Sarajevo canton, and the Government was seeking funding for the reconstruction of two large facilities that had been destroyed during the war.

62. The CHAIRPERSON wished to know whether the Government had taken any steps to address the increase in juvenile delinquency.

63. Ms. ĐUDERIJA (Bosnia and Herzegovina) said that the increase in juvenile delinquency between 2003 and 2004 was in part attributable to the difficult economic situation in Bosnia and Herzegovina, since most juvenile offences involved theft. The practice of mediation had recently been introduced, and the Government was currently allocating resources and training staff in that practice.

64. Ms. ČAJO (Bosnia and Herzegovina) said one of the goals of the Framework Law on Primary and Secondary Education was to improve the quality of education for children with special needs. That would require the establishment of standard levels of achievement, specially adapted curricula, teacher training and the inclusion of parents in the educational process. Greater efforts were needed to provide adequate infrastructure for children with disabilities. An action plan for children with special needs was currently being considered by educational authorities and was expected to be approved in the near future.

65. No official statistics were available on the number of children with disabilities in mainstream schools. A study on inclusive education, involving a sample of 30 per cent of primary and secondary schools in Bosnia and Herzegovina, or 230 institutions, had found that some 8 per cent of the pupils in the sample had mental and physical disabilities.

66. The CHAIRPERSON asked whether the Government planned to take steps to improve the availability of leisure facilities and cultural activities for children.

67. Mr. NAGRADIĆ (Bosnia and Herzegovina) said that the Government intended to make improvements in that area.

68. Ms. KHATTAB, Country Rapporteur, said that the complex structure of Bosnia and Herzegovina's population and the devastating effects of the war posed major challenges. In continuing to promote the rights of children, the Government should focus its efforts on effectively implementing its large body of legislation, producing better statistics and according more authority to the Children's Council. The Committee stood ready to maintain its constructive dialogue with the delegation and to provide its ongoing assistance.

69. Mr. NAGRADIĆ (Bosnia and Herzegovina) said the human rights situation in Bosnia and Herzegovina was improving. He wished to express his gratitude to the many local volunteers who had devoted their efforts to strengthening the rights of children. He looked forward to receiving the concluding observations of the Committee.

The meeting rose at 6 p.m.