



Convention on the Rights of the Child

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Summary record of the 1552nd (Chamber A) meeting

Held at the Palais Wilson, Geneva, on Thursday, 16 September 2010, at 10 a.m.

Chairperson: Ms. Lee

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (continued)

Initial report of Bosnia and Herzegovina under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/BIH/1, CRC/C/OPAC/BIH/Q/1 and Add.1)

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

2. **Ms. Djuderija** (Bosnia and Herzegovina) said that the Optional Protocol, which her Government had adopted and ratified in 2003, took precedence over other national legislation. The Government had made no reservations in ratifying the Protocol, thus underlining its commitment to implementing its provisions. It had also deposited a binding statement with the Secretary-General, which committed the State to prohibiting the enlistment or recruitment in the armed forces of any person under 18. The Defence of Bosnia and Herzegovina Act of 1 January 2006 abolished conscription.

3. None of the people indicted for war crimes by the International Criminal Court or national courts had been children or had recruited or used children.

4. The report to the Committee had been prepared by the Ministry of Human Rights and Refugees, with contributions from other ministries and Government institutions. Public debates had subsequently been organized in order to inform the general public of the obligations assumed by Bosnia and Herzegovina under the Protocol.

5. **Mr. Gurán** (Country Rapporteur for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC)) said that he would begin by asking a number of questions relating to the Convention rather than the Optional Protocol. First, he asked how the decentralization of Bosnia and Herzegovina affected the implementation of the Convention and the Protocol. The Committee understood that the powers of the central authority were fairly limited and, in that connection, he asked what ministry was responsible at the national level for implementation of the Protocol. Secondly, he would be grateful for further information on the structure of the independent monitoring procedures and whether it was possible for a child to make requests or lodge complaints with the authorities. Although an ombudsman had been in existence for some time, the Republika Srpska had appointed a special children's rights ombudsman. He wondered how the two officers coordinated their work and whether all children had equal access to independent institutions. Thirdly, it appeared that some of the country's achievements had been due more to the work of foreign powers than of the Government itself and he wondered whether that work would be carried forward. For example, the Council for Children of Bosnia and Herzegovina, set up in 2003, had apparently ceased its activities in 2007. It was appropriate for the Committee to request guarantees from the Government, before the forthcoming elections, that it would build on earlier achievements.

6. He welcomed the fact that, with its ratification of the Optional Protocol, the Government had committed itself to the non-recruitment of children and the voluntary recruitment of adults. He wondered, however, what the situation would be if a child decided to join the armed forces from outside the country. Secondly, the Committee understood that there were no military schools in Bosnia and Herzegovina, but it was possible for children to attend such schools in, for example, Belgrade. He wondered whether agreements had been concluded with other countries — perhaps Croatia, but most particularly Serbia — which had military schools that could be attended by children from Bosnia and Herzegovina. He also asked whether protection was still provided for child victims of the

conflict of 1992–1995. Lastly, he requested further information about the country's activities with regard to the removal of landmines.

7. **Ms. Ortiz**, after commending the country's ratification of the Optional Protocol without reservations, asked how the Protocol was disseminated and to whom. The most important recipients were the armed forces, as well as children and parents; those were the groups that most needed to be aware of the ban on recruitment of persons under 18. The report, while full, did not provide enough information specific to the Protocol. She further asked whether the relevant officials were given training in the provisions of the Protocol and what the outcome of such training had been.

8. **Mr. Puras** recalled that, in its concluding observations following its consideration of the initial report of Bosnia and Herzegovina (CRC/C/15/Add.260), the Committee had recommended that the State party should continue carrying out mine-awareness campaigns and extend assistance to children affected by the explosion of mines and other consequences of the armed conflict. The urgency of the problem had, perhaps, faded, but he would be grateful for further information on the current situation with regard to the mental health and physical rehabilitation centres. It seemed that they were not used as fully as they could be and he wondered whether attending them was stigmatized. A more cross-sectoral approach was required. He also wondered about the current funding and operational situation of the mine action centres established as part of the Government's strategy on landmines. Lastly, he asked the delegation to comment on the role of NGOs in providing services to child victims of landmines.

9. **Ms. Al-Asmar** asked whether it was a criminal offence to recruit children into the armed forces. She also asked whether the delegation knew of children who attended military schools in other countries and whether it was a criminal offence to be instrumental in facilitating such attendance. Lastly, she asked whether there was any legislation against the trading or export of arms to countries involved in armed conflict.

10. **Ms. Aidoo** said that the Committee needed much more information on how well the Optional Protocol was known within the country. She wished to be reassured that such knowledge was not restricted to officials. In particular, she wished to hear of any systematic programme by the State to incorporate peace education into the education system. She understood that NGOs were carrying out such work, but official action was also required.

11. **Mr. Kotrane**, after commending the States party's efforts in implementing the Convention and the two Optional Protocols, said that the Committee might recommend that Bosnia and Herzegovina, which had ratified nearly all the international human rights instruments, should ratify also the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. He welcomed the fact that the country had adopted legislation on asylum-seekers and provided assistance to NGOs working with such vulnerable groups as the Roma. He asked, however, what training programmes existed to ensure that the best interests of children were always observed and whether the Optional Protocols had been properly disseminated. He also asked whether legal aid was available for victims of child trafficking. Lastly, he noted that, in its concluding observations on the State party's initial report (CRC/C/15/Add.260), the Committee had called for the Council for Children of Bosnia and Herzegovina to be strengthened. The opposite seemed to have occurred. Moreover, the Council was variously described as being "independent" and as having a coordinating role. He failed to understand how it could fit both those descriptions. Lastly, he noted that the Criminal Code did not specifically prohibit the conscription of minors. The State party should amend its legislation accordingly.

12. **Mr. Citarella** asked whether there was any law in the State party prohibiting children from participating in armed conflict in countries outside Bosnia and Herzegovina.

He wished to know whether there was any law prohibiting the sale of arms to countries where it was suspected that they could be used by children in conflict areas.

13. **The Chairperson** asked whether the process to unify the roles of the three ombudsmen in the State party had been completed. Turning to the issue of discrimination, she believed that there was discrimination in the amount of social benefits received by civilian and child victims of war. It appeared that a significant proportion of households in the State party possessed legal or illegal light weapons or small arms, a fact that allowed for the possibility of involvement in illegal military groups. It also appeared that there were about 1 million mines in 30,000 minefields close to school and play areas and she wondered what efforts were being made to demine those areas.

The meeting was suspended at 10.45 a.m. and resumed at 11.10 a.m.

14. **Ms. Djuderija** (Bosnia and Herzegovina) said that under the 1995 Dayton Peace Accords the State party had been formed of two entities: the Federation of Bosnia and Herzegovina and Republika Srpska, with the addition of the Brčko District. Each of the 10 cantons of the Federation had been given its own constitution, and the whole formed a complex structure in which many responsibilities were devolved to local authorities and municipalities and few were maintained by the State.

15. Child protection was the responsibility of the Ministry of Human Rights and Refugees, which dealt with all matters pertaining to international human rights instruments in the State party, including monitoring implementation, preparation of periodic reports and data collection. A department had been set up within the Ministry specifically to deal with human rights petitions and complaints from adults and children. The newly unified institution of Ombudsman for Human Rights of Bosnia and Herzegovina had a separate department devoted to the protection of children's rights that received petitions relating to discrimination against children. The work of the Council for Children of Bosnia and Herzegovina, an advisory body of independent experts, had been suspended in 2007 following the withdrawal of the representatives of Republika Srpska. A new body focusing on the rights of the child would be set up and the Committee would be kept updated on progress in that regard.

16. The rights of the child would continue to be monitored in the State party. The Constitutional Court could receive petitions and complaints concerning violations of the rights of adults and children, including children in social care, and could order the repeal of laws where necessary. All individual cases of discrimination were recorded by the various authorities and collected centrally in the Ministry of Human Rights. Of the 6,000 individual discrimination cases currently on file, 15 concerned children. The Protocol was given parity with Bosnian legislation and was disseminated in schools and universities as part of the curriculum on human rights and democracy.

17. Psychosocial rehabilitation for victims of war was still in demand some 15 years after the end of conflict. The existing services were decentralized and therefore it had been difficult to build a unified approach to treating victims of physical or psychological trauma. In 2009, the Council of Ministers of Bosnia and Herzegovina had begun work with the United Nations Development Programme (UNDP) on a State strategy on transitional justice which would cover, among other topics, the development of institutional capacity across the country to assist the victims of war, including child victims. Existing mental health and social protection services in the State party were insufficient to deal with current demand. Given the complex political and administrative structure in Bosnia and Herzegovina, coordinating services and elaborating new strategies to assist the victims of war was a difficult task.

18. **Mr. Gurán** (Country Rapporteur for OPAC) said that the State strategy on transitional justice would be an extremely important document in terms of providing

assistance to the victims of war: he wished to know which ministry would be responsible for guaranteeing its implementation at the national level.

19. **Ms. Djuderija** (Bosnia and Herzegovina) said that the ministries with principal responsibility for administering the various elements of the strategy on transitional justice would be: the Ministry of Human Rights and Refugees; the Ministry of Justice; and the Ministry of Civil Affairs. The strategy would deal with the problems of reparations; establishing the facts and setting up memorials; and building institutional capacity at State level and in the cantons. The working group developing the strategy also included representatives from the Ministry of Health, non-governmental organizations and UNDP. It was helpful to work on a single, State-level project that brought together all the actors: in the past, the international community had demonstrated a somewhat fragmented approach to the problems in Bosnia and Herzegovina.

20. **Mr. Gurán** (Country Rapporteur for OPAC) said that it had been very important to learn about the involvement of the various ministries in elaborating the strategy and he placed particular emphasis on the role of the Ministry of Health given that many victims of war in the State party did not have health insurance.

21. **Ms. Taraba** (Bosnia and Herzegovina) said that many international human rights instruments had been adopted under the law in her country. She agreed that it was important to ensure the independent monitoring of implementation of international human rights laws. Independent institutions to which a child or their guardian could apply to ensure the protection of their legal rights included the newly formed and fully independent office of the Ombudsman for Human Rights which had established a separate department to examine issues associated with the violation of children's rights. In addition to the powers of the Constitutional Court, an independent military commissioner had been appointed to the Parliament in 2009 to work with the general inspectorate of the armed forces and he would inform the Ombudsman for Human Rights of any irregularities affecting children's rights in the armed forces.

22. Concerning dissemination of human rights law, she explained that all laws ratified by the Parliament were published in the Official Gazette, including the Protocol, and a text of the Protocol was available on the websites of all of the ministries concerned with human rights. It was mandatory for civil servants and the judiciary to receive training on the Convention and its Protocols and the public was informed through community education programmes.

23. **Mr. Kotrane** asked what steps had been taken to ensure that the principles enshrined in the Optional Protocol were disseminated to children, that children were involved in the preparation of the State party's report and that specific peace education programmes were available for children, especially for those who had been involved in armed conflict.

24. **Ms. Djuderija** (Bosnia and Herzegovina) said that there was no specific training programme on the Optional Protocol but that school curricula included a subject that taught the values enshrined in the Convention and its Optional Protocols, including the culture of peace, coexistence and democratization. Learning about the international obligations of Bosnia and Herzegovina was considered important at all levels of the education system.

25. **Ms. Taraba** (Bosnia and Herzegovina) said that school curricula included a compulsory subject dealing with the basics of democracy and human rights, which covered certain aspects of the Convention on the Rights of the Child, the Universal Declaration on Human Rights and other instruments guaranteeing children's rights. The subject was taught in greater depth in higher education.

26. **Mr. Citarella** wished to know whether specific training on the Optional Protocol was provided to military personnel, which he deemed to be essential.

27. **Ms. Aidoo** asked what human rights training was provided to military personnel from Bosnia and Herzegovina taking part in peacekeeping operations, specifically with regard to children's rights. Such training was vital to ensure that they had a good appreciation of the requirements of protecting the rights of children in armed conflict.

28. **Mr. Radojčić** (Bosnia and Herzegovina) said that all categories of personnel in the armed forces, namely professional soldiers, non-commissioned officers (NCOs) and officers, underwent training once a year. Following the abolition of conscription into the armed forces, recruitment was conducted through a selection process. Once recruited into the armed forces, personnel attended a three-month training course, with a clearly defined curriculum that covered international humanitarian law, the laws of war and all international conventions relating to armed conflict, including the Optional Protocol. Since Bosnia and Herzegovina's recent involvement in peacekeeping operations, notably in Afghanistan, training had been provided to NCOs and officers on international humanitarian law, the laws of war and protection of children in accordance with all the treaties and conventions to which Bosnia and Herzegovina was a signatory.

29. **Mr. Hadžikadunić** (Bosnia and Herzegovina) said that four rounds of training had taken place to date. No one under the age of 18 could apply to join the army but in practice the average age of applicants was 27 and professional soldiers could serve up to the age of 35. Potential recruits either applied through regular open recruitment drives or by applying for specific vacancies advertised in the press.

30. **Ms. Taraba** (Bosnia and Herzegovina), responding to the Chairperson's question on efforts to clear landmines, said that details had been provided in the State party's report (CRC/C/OPAC/BIH/1), including information on the adoption of the "Mine Action Strategy for Bosnia and Herzegovina" by the Council of Ministers in 2004. The strategy would require long-term financial support from the international community and country donors. As a signatory to the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction, Bosnia and Herzegovina had pledged to clear all landmines from its territory by March 2019, and a State operational structure had been established to that end. In addition, government institutions and NGOs were working in partnership to implement long-term preventive measures, such as awareness-raising campaigns in schools on the dangers of landmines.

31. **Ms. Djuderija** said that the mine action centres were also conducting ongoing campaigns in schools on landmine risks.

32. **Ms. Horic** (Bosnia and Herzegovina), turning to the subject of international cooperation, said that Bosnia and Herzegovina was assisting other countries in accordance with the European Convention on Mutual Assistance in Criminal Matters and other relevant conventions, which included provisions on extradition and extraterritorial jurisdiction. It had also concluded Memorandums of Understanding (MoUs) with neighbouring countries, including Serbia, and had enacted legislation prohibiting citizens of Bosnia and Herzegovina from undertaking military service and training in other countries. Under its MoUs with neighbouring countries, government ministries had to inform one another of their current legislation and provide information of mutual interest. For example, there would be an obligation to provide information on any citizens of Bosnia and Herzegovina currently performing military service in Serbia.

33. **The Chairperson** asked whether, as a result of its MoU with Serbia, Bosnia and Herzegovina could identify children who were being sent to military schools in Serbia.

34. **Ms. Horic** (Bosnia and Herzegovina) said that, under the terms of the MoU, a government ministry of one signatory party would have to provide information at the request of the ministry of the other party and therefore the relevant ministry of Bosnia and Herzegovina would have to request its Serbian counterpart to provide information on children attending military schools in Serbia.

35. **The Chairperson** asked whether Bosnia and Herzegovina had requested and received such information from Serbia.

36. **Ms. Djuderija** (Bosnia and Herzegovina) suggested that it would be pertinent at that juncture for Mr. Radojčić to explain the situation regarding dual citizenship in Bosnia and Herzegovina and Serbia.

37. **Mr. Radojčić** (Bosnia and Herzegovina) said that dual citizenship in Bosnia and Herzegovina and Serbia had given rise to certain problems in the education system. Until 2006, all children had been allowed to attend secondary schools and military academies in Serbia, but the practice had been halted in 2007 and, during the transitional period, children already enrolled had finished their education in Serbia before returning to Bosnia and Herzegovina. No new students were enrolled in Serbian military academies, even if they or their parents had dual citizenship. The situation was similar in relation to Croatia, but with fewer people involved.

38. **Mr. Hadžikadunić** (Bosnia and Herzegovina) said that there were no military training agreements with neighbouring countries and all officers came from civilian schools in Bosnia and Herzegovina. The role of the armed forces in clearing landmines should not be overlooked; a special demining battalion in the armed forces had already achieved significant results but needed more funds to enable it to be even more effective.

39. **Mr. Radojčić** (Bosnia and Herzegovina), responding to concerns about the trade and export of small arms and light weapons, said that the armed forces were dealing with the problem through the Coordinating Committee for the Control of Small Arms and Light Weapons of Bosnia and Herzegovina, established by the Council of Ministers in July 2005, which worked in close cooperation with the South-Eastern and Eastern Europe Clearing House for the Control of Small Arms and Light Weapons (SEESAC). As for the significant number of civilians in the State party who possessed small arms and light weapons, a campaign known as “Operation Harvest” had been launched in 1996 to encourage civilians to surrender their weapons for destruction. The Ministry of Defence, together with the United Nations Development Programme (UNDP), was working to destroy surplus ammunition, explosive devices and all small arms and light weapons in Bosnia and Herzegovina.

40. **Ms. Aidoo** asked for information on the results achieved thus far, as there was a high volume of small arms and light weapons, surplus ammunition and explosive devices to destroy.

41. **Mr. Hadžikadunić** (Bosnia and Herzegovina) said that a report by the Coordinating Committee for the Control of Small Arms and Light Weapons of Bosnia and Herzegovina in 2009 had indicated that a large number of small arms and light weapons and surplus ammunition were in the possession of the armed forces and civilians but that “Operation Harvest” was achieving good results.

42. **Mr. Radojčić** (Bosnia and Herzegovina) said that efforts had been intensified recently to destroy all small arms, light weapons, surplus ammunition and explosive devices. UNDP had provided funds to increase capacity at a special facility where small arms and light weapons were being destroyed. The Ministry of Defence had also concluded an agreement with a civilian company in Sarajevo to destroy landmines and explosive devices.

43. **The Chairperson** said that the Committee was concerned about reports that 16 per cent of households possessed small arms and light weapons. How effective had “Operation Harvest” been and was it really being enforced?
44. **Mr. Radojčić** (Bosnia and Herzegovina) said that the operation was successful but there was a high volume of weapons to destroy. Nevertheless, every effort was being made to accelerate the process.
45. **Ms. Djuderija** (Bosnia and Herzegovina) said that the operation had not achieved its ultimate goal of destroying all illegal weapons in the possession of civilians but the recovery campaign was ongoing and more time was needed to complete the operation.
46. **The Chairperson** asked for clarification as to which ministry was in charge of implementing the Optional Protocol.
47. **Ms. Djuderija** (Bosnia and Herzegovina) said that the Ministry of Human Rights was the lead ministry in charge of monitoring implementation of the Optional Protocol and cooperating with other authorities but that the Ministry of Defence, the Ministry of Interior Affairs and the Ministry of Education and Science also played a role.
48. **Ms. Taraba** (Bosnia and Herzegovina) said that, although the Criminal Code did not specifically prohibit the involvement of children in armed conflict, an indirect prohibition was contained in article 162 (a) of the Criminal Code and article 9, paragraph 1 (h), of the Armed Services Act. Moreover, under the Constitution, the provisions of the Optional Protocol could be invoked directly in the domestic courts.
49. **Ms. Djuderija** (Bosnia and Herzegovina) said that, despite the indirect nature of the prohibition, there was no doubt that, in Bosnia and Herzegovina, the involvement of minors in armed conflict was contrary to the law.
50. **Mr. Kotrane** said that, even if the State party’s domestic law allowed for the direct invocation of international law provisions in the courts, in order for the invoked provisions to serve as a basis for criminal prosecution and punishment, they had to specify penalties for the offences they defined. The provisions of the Optional Protocol, however, did not specify any penalties but left that task to the discretion of States parties.
51. Furthermore, it was important for penalties for acts relating to the involvement of children in armed conflict to be specified explicitly in the State party’s criminal legislation, since such acts were regarded by most States as warranting more severe punishment than those corresponding to the unlawful mobilization of a military force involving adults, such as was described in article 162 (a) of the State party’s Criminal Code.
52. With regard to the question of extraterritorial jurisdiction, in order to ensure compliance with the Optional Protocol, the State party should expressly prohibit acts described in the Optional Protocol that were committed outside the territory of the State party by its nationals, regardless of the nationality of the victims.
53. He welcomed the ratification by Bosnia and Herzegovina of the Rome Statute of the International Criminal Court, which defined as war crimes the conscripting or enlisting of children under the age of 15 into the national armed forces or using them to participate actively in hostilities.
54. All of the foregoing pointed to the need for the State party to amend its criminal legislation in order expressly to prohibit the recruitment of children in armed conflict and to enlarge the scope of its jurisdiction to include the prosecution of offences enumerated in the Optional Protocol that were committed outside its territory.
55. **Ms. Djuderija** (Bosnia and Herzegovina) explained that Bosnia and Herzegovina had only recently begun assuming extraterritorial jurisdiction for prescribed offences, given

that its legal system had its origins in the continental law — not common law — tradition. The Ministry of Human Rights and Refugees had the authority to review laws and file requests for their harmonization with international instruments, including the Optional Protocol. Mr. Kotrane's suggestions would certainly be taken into consideration.

56. **Ms. Taraba** (Bosnia and Herzegovina) said that article 12, paragraph (1) (c), of the Criminal Code prescribed that the criminal legislation of Bosnia and Herzegovina applied to anyone who, outside the territory of the State, perpetrated a criminal offence that Bosnia and Herzegovina was bound to punish according to the provisions of international law and international treaties or intergovernmental agreements.

57. Recalling the important role played by civil society organizations in the promotion and protection of children's rights in Bosnia and Herzegovina, she noted that cooperation between governmental and non-government sectors was regulated through a Memorandum of Understanding signed by the Government and the Council of NGOs. It provided for NGO participation in all the activities of the Ministry of Human Rights and Refugees.

58. **Ms. Djuderija** (Bosnia and Herzegovina) said that, since its inception 10 years previously, the Ministry of Human Rights and Refugees had always included NGO representatives in its working groups for the preparation of legislation, strategies or plans. In both the initial and later stages of drafting exercises, NGO representatives were free to express comments or objections or to make alternative suggestions. In addition, the Ministry often organized conferences and other events in conjunction with NGOs. A number of NGOs had, in fact, originated the idea to establish the Council for Children. NGOs were currently working jointly with the Ministry to establish criteria for a number of strategies relating to children's rights, such as combating violence against children and child exploitation.

59. Central to its relations with civil society was Bosnia and Herzegovina's excellent collaboration with the United Nations Children's Fund (UNICEF), with which it conducted joint research and studies, some of which had been developed in response to recommendations by the Committee on the Rights of the Child. The Government was continually collating information on the status of children so as to operate on the basis of reliable statistics, which had been lacking in the past.

60. Responding to a question concerning psychosocial rehabilitation centres, she indicated that Bosnia and Herzegovina was a country burdened not only by the trauma of war but also by tradition, as there were a number of strong negative stereotypes surrounding institutions that, as part of the process of transition, operated differently than they had in the past. Such institutions were sometimes considered undesirable mechanisms for helping children, owing perhaps to parents' attitudes towards child-rearing. In recent years, the Government's efforts had focused on promoting, through the formal education system, the services offered to children in mental health centres.

61. The new generation of children enjoyed improved access to the health sector, except in the area of social protection, since Bosnia and Herzegovina, like many other countries in transition, did not have the resources to provide adequate social protection for certain categories of children. However, at the local level, all services, such as social welfare centres and primary health-care centres, were available to all categories of children.

62. She recalled that it was more than 15 years since the war had ended, and many of the children who had been exposed to war trauma had now reached adulthood. Services for victims of war trauma therefore primarily meant services for adults. One new area of psychosocial rehabilitation involved addressing the phenomenon of post-traumatic stress syndrome, which was widespread in Bosnia and Herzegovina, through on-site therapy in the actual places where large numbers of people had suffered during the war. Initiatives were currently under way to build institutional capacity for addressing the syndrome in that

manner, but they posed major challenges with regard to obtaining the necessary political will and placed a large demand on already stretched public resources. Although the Social Protection Act was able to respond partially to those challenges by providing for direct cooperation with NGOs in implementing such programmes, the Government wished to give priority to strengthening its own capacities, so that services provided by NGOs were merely an addition to those provided by the State, contrary to the situation that had prevailed in the initial post-war recovery period.

63. **Mr. Puras** asked whether the Government had identified or addressed problems encountered by the children of persons who had suffered directly from war trauma, who might have been affected by the effects of their parents' traumatic experiences.

64. **Ms. Djuderija** (Bosnia and Herzegovina) said that the problem definitely existed, but that the Government did not have the capacity to cover all families affected. It was currently in the process of developing an early warning system in schools, whereby preschool teachers would identify problems and bring them to the attention of social protection centres. Bosnia and Herzegovina was still a traditional community that was not accustomed to dealing with psychological problems outside the family, since they were considered private and since a stigma was often attached to them. Added to those difficulties was the increasing number of economic and social problems affecting children. The Government was attempting to build professional capacity in order to provide psychosocial services in all the communities but did not have the financial resources to do so. Regrettably, war trauma was a phenomenon that affected most of the population, and the Government had not yet found the way to deal with it adequately. Efforts were being made to deal with it through the implementation of the transitional justice strategy; however, that was a long and arduous process.

65. **The Chairperson** requested additional information concerning reports that entitlements to social benefits for civilian victims of war were not uniform throughout the territory.

66. **Ms. Djuderija** (Bosnia and Herzegovina) said that the Government was in the process of formulating a national framework law on the protection of civilian victims of war and victims of torture. Its aim was to harmonize the procedures for providing the social benefits to which such victims were entitled in order to ensure that all victims had equal rights across the territory of the State. Such legislation required political will, and it was hoped that, after the forthcoming elections, the new Parliament and Council of Ministers would approve the legislation. Victims of war did enjoy protection, but differences in Entity legislation had resulted in obstacles to the mobility of benefits when a citizen moved within the country from the Republika Srpska to the Federation of Bosnia and Herzegovina, or vice versa. There was no question but that a common legislative framework or a harmonized Entity approach was needed, but such solutions required the prior consent of both Entities, and to date, no such consent had been forthcoming. Nevertheless, negotiations to that effect were under way.

67. **The Chairperson** asked whether the Government planned to establish special departments within its ministries to deal with children's rights or whether it planned to re-establish the defunct Council for Children.

68. **Ms. Djuderija** (Bosnia and Herzegovina) said that there had been attempts to reach a compromise in order to revive the work of the Council, and negotiations were continuing along those lines. The idea would be to give the Council an independent mandate that would enable it to devote itself entirely to such tasks as institutional coordination, advisory work, data collection and the development of measures for children in the areas of prevention and promotion.

69. **Mr. Gurán** (Country Rapporteur for OPAC) said that it had been 15 years since the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina. While much progress had been made in the State party at the legislative level, it was time for it to build on its internal strengths rather than to continue to rely on international assistance. The first order of business was to improve domestic support and coordination between the Entities in order to avoid a situation in which the State was overly decentralized and could no longer ensure compliance with its international obligations, including those under the Convention and the two Optional Protocols. The transitional justice strategy was an important first step, which should then be followed by the rebuilding of institutional structures. It was also important to maintain the regional cooperation framework as a means of ensuring peace in the Balkans, and children's issues could provide a useful rallying point. While no major problems appeared to have been raised by the implementation of the Optional Protocol in the State party, there was room for improvement in the implementation of children's rights in general and in guaranteeing equality in the enjoyment of those rights by all children throughout the territory of the State.

The meeting rose at 1 p.m.