



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixty-first session

### Summary record of the 1731st meeting

Held at the Palais des Nations, Geneva, on Wednesday, 19 September 2012, at 3 p.m.

*Chairperson:* Mr. Zermatten

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*Second, third and fourth periodic reports of Bosnia and Herzegovina* (continued)

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports of States parties** *(continued)*

*Second, third and fourth periodic reports of Bosnia and Herzegovina (continued)*  
(CRC/C/B/2-4; CRC/C/BIH/Q/2-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Bosnia and Herzegovina took places at the Committee table.*
2. **Ms. Sandberg** asked whether the new law on juvenile criminal justice had been adopted, whether measures other than detention could be used for minors in conflict with the law and whether, when they were in prison, they could continue their education and were held in separate quarters from adults. She also wished to know whether there were plans to put in place a national mechanism to monitor the execution of sentences imposed on minors, whether the Republic Srpska had adopted a set of rules for the treatment of juvenile detainees and whether prison personnel and social workers received specific training. Lastly, it would be useful to know whether the State party possessed data on the number of children in conflict with the law and whether reintegration mechanisms had been put in place.
3. **Ms. Nores de Garcia** asked whether the State party intended to promote the use of methods of cooking food that were less harmful to children's health than the burning of wood or coal.
4. **Mr. Koompraphant** requested further information about the protection offered to child victims of ill-treatment.
5. **Mr. Cardona Llorens** wished to know what steps the State party was intending to take to combat the discrimination and stigmatization from which children with disabilities suffered and what portion of the budget was assigned to their protection. Could such children receive schooling in the ordinary education system and did they have access to recreational activities?
6. **Mr. Pollar** asked whether the State party intended to increase the funding it provided for alternative care institutions in order to improve the living conditions of children, particularly in regard to health, in accordance with article 20 of the Convention. Additional information would be appreciated regarding the measures taken by the State party to give effect to the rights enshrined in article 31 of the Convention, particularly in the field of sport. Lastly, he wished to know whether mine clearance activities had been undertaken in the country and whether children who had suffered from the conflict in the 1990s had received medical and psychological care.
7. **Ms. Aidoo** asked whether parents were fully informed of the existence of preschool education programmes established pursuant to the Framework Law on Preschool Care and Education, given that only 10 per cent of children attended a preschool establishment. It would also be useful to learn whether the State party was planning a comprehensive early childhood development strategy and whether vocational or technical education programmes were proposed to pupils. Lastly, she wished to know what measures the Ministry of Education was intending to take to raise the overall educational level of pupils and, in particular, whether it was planning to improve teacher training and evaluation.
8. **Mr. Gastaud** asked whether there were any special juvenile courts in the State party.
9. **Mr. Kotrane** said that he was surprised to read in the periodic report that 6 per cent of children between the ages of 5 and 14 were involved in work and would like to know what the State party was doing to remedy the situation. He also wished to know whether

heavier penalties were being envisaged for violations of labour regulations for the protection of minors. He asked whether all children residing in the State party benefited from social security and could receive free medical care. Lastly, it would be appreciated if the delegation could indicate whether the State party had taken action on the concluding observations made following consideration of the State party's implementation of the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/BIH/CO/1).

10. **Ms. Wijemanne** asked whether all children were vaccinated against common diseases and whether the State party had taken steps to offset the harmful effects of uranium pollution in its territory. She wondered whether the promotion of breastfeeding formed an integral part of the new nutrition policy and whether an adolescent health strategy had been put in place, aimed in particular at combating substance abuse, through prevention campaigns and access to drug treatment services. Lastly, she wished to know more about HIV/AIDS prevention measures.

11. **Mr. Lepir** (Bosnia and Herzegovina) said that the social welfare centres run by municipalities were responsible for implementing the child protection strategy and managed all matters relating to special protection measures, particularly foster family placements. They also supervised adoption procedures, under the direction of the competent ministry. In the Republic Srpska, children could not be adopted beyond the age of 5 and the age limit for prospective foster parents was 45.

12. The Republic Srpska had adopted in May 2012 a new law on social protection which contained a definition of the child in line with the Convention and set out childcare and social protection measures. A new law on juvenile justice, in the process of adoption in the Republic Srpska, provided for a range of measures as non-custodial alternatives for minors.

13. **The Chairperson** asked what body had the power to authorize full adoption.

14. **Mr. Lepir** (Bosnia and Herzegovina) said that the social welfare centres carried out all the necessary checks prior to adoption, but that the decision to approve an adoption rested with judges. It was true that adoption procedures could sometimes last several years, but they were necessary in the interest of the child. In the Republic Srpska, a total of 600 children were deprived of parental care, 80 of whom had been placed in institutions. Children under the age of 3 could not be placed in institutions and adoption procedures for them were relatively fast.

15. **The Chairperson** wished to know why the State party had not ratified the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. It would also be useful to know whether all adoption procedures were successful, considering how long they lasted and the fact that children could not be adopted beyond the age of 5.

16. **Ms. Duderija** (Bosnia and Herzegovina) explained that the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption had not been ratified because of a lack of unanimity among the competent authorities, the question of adoption being a sensitive matter in Bosnia and Herzegovina. Children who were not adopted or placed in institutions could be placed in family shelters run by the non-governmental organization SOS Children's Villages.

17. **Ms. Smajević** (Bosnia and Herzegovina) explained that the new law on juvenile criminal justice was in the process of adoption in the Federation of Bosnia and Herzegovina and in the Republic Srpska. It had already been adopted in Brčko District, where it would take effect in December 2004. The new law contained several provisions to protect the rights of children during criminal proceedings, in accordance with the relevant international standards. It was based not only on best practices in neighbouring countries but also on the

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) and the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) and all the minimum rules for the treatment of detainees. The new law, which met the need for more flexible sentencing of minors, provided for a set of alternative measures to the detention of minors together with diversion measures, with emphasis being placed on the reintegration of juvenile offenders under a programme of individual care. Minors in conflict with the law enjoyed all the guarantees of due process.

18. The new law also laid down procedures for the protection of minors whose rights had been violated, particularly for the taking of evidence. Judges, prosecutors, social workers and prison personnel were required to undergo special training on the rights of the child.

19. **Ms. Sandberg** wished to know whether any children were currently in pretrial detention.

20. **Ms. Smajević** (Bosnia and Herzegovina) said that pretrial detention could not exceed 10 days for a minor and that the law on child protection, which was the subject of intense political debate, was expected to be adopted by Parliament by the end of 2012.

21. **Mr. Lepir** (Bosnia and Herzegovina) informed the Committee that there were juvenile magistrates in the Serbian Republic of Bosnia and that the authorities were currently working towards the introduction of special legal mechanisms.

22. **Ms. Bera** (Bosnia and Herzegovina) said that, according to the Institute of Public Health and the Meteorological Institute, pollutant concentration in the atmosphere had increased in 2011. Because of the very high cost of the investments required for the use of renewable energies, very few projects had been developed to that end. According to data collected in 2011 by the Institute of Public Health, water was of good quality and uranium levels did not exceed established standards.

23. Methadone treatment had been introduced in several cities and arrangements had been made to distribute sterile syringes. Mental health centres, attached to primary health-care centres, were easily accessible.

24. **The Chairperson** requested information about the measures taken to combat alcohol consumption and drug use.

25. **Ms. Bera** (Bosnia and Herzegovina) said that various strategies had been deployed and that prevention activities were organized in schools.

26. **Ms. Varma** said that she would welcome information about the measures taken by Bosnia and Herzegovina to put an end to drug trafficking in schools.

27. **Ms. Duderija** (Bosnia and Herzegovina) said that the situation had considerably improved in recent years thanks to the installation of video surveillance cameras in schools. A large number of traffickers had been identified and prosecuted.

28. **Ms. Bera** (Bosnia and Herzegovina), referring to paragraph 226 of the periodic report, explained that the 6 per cent of children between the ages of 5 and 14 said to be involved in a child labour activity in fact participated in household chores and did not, strictly speaking, have jobs. A new law on child labour was currently being prepared which provided for tougher penalties than were currently available. In order to avoid any administrative problem connected with parents' medical insurance coverage of children, measures had been taken to ensure continuing insurance coverage for children in all circumstances.

*The meeting was suspended at 4.35 p.m. and resumed at 4.50 p.m.*

29. **Ms. Bera** (Bosnia and Herzegovina) said that the population's vaccination coverage, the age at which vaccines were to be administered and the type of vaccine to be used were laid down by government decree. Vaccines were purchased following calls for tender. In 2011, despite extensive vaccination, however, there had been several epidemics of infantile diseases in Bosnia and Herzegovina.
30. **Ms. Wijemanne** asked whether the State party was guided by the World Health Organization's list of prequalified medicinal products when choosing a manufacturer.
31. **Ms. Bera** (Bosnia and Herzegovina) said that vaccines were purchased in accordance with a very strict procedure and that manufacturers had to be approved by the World Health Organization.
32. **Ms. Jurić** (Bosnia and Herzegovina) said that, since 2005, the date of the State party's initial report (CRC/C/11/Add.28) the Council for Children had organized a number of teacher training seminars on the right to education. The training of professionals who worked with children was ensured by the Ministry of Education and teacher training institutes. Guidelines to improve the situation of Roma children were currently being finalized.
33. The Action Plan for Children, which had gone into effect in 2011, provided in particular for changes to curricula, the preparation of a code of conduct for teachers and the establishment of monitoring mechanisms.
34. **Ms. Lee** (Country Rapporteur) asked if the State party was planning to put an end to ethnic segregation at school, known by the name of "Two schools under one roof".
35. **Ms. Duderija** (Bosnia and Herzegovina) said that the body responsible for preschool, primary and secondary education was working on a new curriculum, which should put an end to that situation. As for religious education courses, they were optional.
36. According to available statistics, 76 per cent of Roma children of primary school-going age were enrolled in school; the Ministry of Education took care of their transport and school textbooks. The Ministry of Human Rights, for its part, had established a project to give Roma children greater access to preschool education, which had benefited 240 of them.
37. The child members of the Council for Children were taken seriously. She had not heard of cases of them being ridiculed.
38. The Framework Law on Preschool Care and Education ensured free and compulsory preschool education from the age of 5. Nearly 80 per cent of children currently had access to such education, except in rural areas, which often lacked suitable premises. The goal for the end of 2012 was to reach 90 per cent of the age group.
39. **Ms. Aidoo** requested additional information about the multisectoral approach adopted by the State party to foster early childhood development, from birth to the age of 3.
40. **Ms. Duderija** (Bosnia and Herzegovina) said that she did not have any information or statistics on the subject but thought that very few children in that age group received preschool education, owing to the limited number of day-care centres. She would send the Committee the required information subsequently. Private day-care centres had recently been set up but they charged fees.
41. **Ms. Aidoo**, noting that preschool programmes for children under the age of 5 were only within the reach of well-to-do families, encouraged the State party to think again about its early childhood care arrangements.
42. **Ms. Duderija** (Bosnia and Herzegovina) said that her country believed in inclusive education and, accordingly, children with disabilities could attend ordinary schools if their

parents so desired, provided that they were up to the level. Ordinary schools had therefore had to hire specialized teachers and professionals in order to meet that new obligation. In three cases, the principals of ordinary schools had felt it necessary to go against the wishes of parents who had thought that their children were capable of following the traditional course; they had been vindicated by the competent authorities following a review. However, it was not uncommon for the parents of children with disabilities to prefer to enrol their children in specialized establishments.

43. **Mr. Cardona Llorens** asked how much it would cost to adapt ordinary schools so that they could receive children with disabilities.

44. **Ms. Duderija** (Bosnia and Herzegovina) said that she did not have that information but that most ordinary schools were capable of accommodating children with disabilities, except for those in rural areas, which were lacking in resources.

45. The use of corporal punishment at school was prohibited by law. No complaint had ever been lodged on that score against any personnel of homes for children deprived of family environment, but staff of reformatories for adolescents had been accused of such acts and had immediately been dismissed.

46. The law on domestic violence covered all acts of violence perpetrated within the family and therefore included corporal punishment. It provided for penal sanctions and separation from the violent parent.

47. To make up for shortcomings in the registration of Roma children, two projects had been carried out, by the United Nations Children's Fund and the Office of the High Commissioner for Refugees respectively, in collaboration with the Ministry of Human Rights and civil society organizations, which had led to the identification of nearly 6,500 children since 2009. The 1,000 cases still pending concerned children born outside the territory or who had sought asylum in a third State, thus making it necessary to apply to the authorities of the countries concerned to obtain birth certificates and other documents and check that the children involved were not victims of trafficking or exploitation. In any case, those concerned had been allowed temporary registration. The law on the registration of births, as revised by the Ministry of Human Rights and the Ministry of the Interior, simplified the registration procedure and made it free of charge.

48. **Ms. Lee** (Country Rapporteur) welcomed the progress made by the State party since consideration of the previous report, such as the withdrawal of the reservation to the Convention, the ratification of certain international human rights instruments and the adoption of new legislation prohibiting discrimination. It was, however, a matter for regret that the State party had not given all due attention to certain issues such as the situation of Roma children, children with disabilities, children of internally displaced persons and children belonging to ethnic minorities. A particular concern was the persistent lack of statistics, which would be necessary in order to draw up, implement and track programmes to promote the rights of all children in the State party. She urged the State party to adopt a more proactive approach and to address the problems that would be highlighted by the Committee in its concluding observations; those same problems had already aroused its concern when it had considered the initial report eight years earlier.

49. **Ms. Duderija** (Bosnia and Herzegovina) assured the members of the Committee that her country would spare no effort to honour its commitments under the Convention.

50. **The Chairperson** said that the Committee had completed its consideration of the second, third and fourth periodic reports of Bosnia and Herzegovina.

*The meeting rose at 6 p.m.*