



# Convention on the Rights of the Child

## Committee on the Rights of the Child

### Fifty-fifth session

13 September-1 October 2010

### Written replies by the Government of Bosnia and Herzegovina concerning the list of issues (CRC/C/OPAC/BIH/Q/1) related to the consideration of the initial report of Bosnia and Herzegovina under article 8, paragraph 1, of 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)\*

[24 August 2010]

#### Reply to the issues raised in paragraph 1 of the list of issues (CRC/C/OPAC/BIH/Q/1)

1. Ministry of Human Rights and Refugees of Bosnia and Herzegovina is responsible for monitoring and implementation of international conventions and other documents on human rights and fundamental freedoms. Also, responsible is for coordination and preparation of reports to competent national bodies and institutions and international institutions and organizations regarding the implementation of commitments under international conventions and international instruments.

2. Ministry of Human Rights and Refugees is responsible for monitoring the Optional Protocol to the Convention on the Rights of the Child in terms of involvement of children in armed conflicts, in a way it has a coordinating role when reporting on the implementation of this protocol and monitoring in this area. To implement the provisions of the Optional Protocol to the Convention on the Rights of the Child regarding the involvement of children in armed conflicts, responsible are all state legislative, executive and judicial bodies in the part related to their jurisdiction.

3. **The Council for Children of Bosnia and Herzegovina** was established in late 2002, with the aim to monitor the implementation of the National Action Plan for Children for the period 2002-2010. After the expiration of the mandate of the Council for Children of Bosnia and Herzegovina in 2007, a new convocation of Council should have been established. In order to strengthen the mandate and powers of the Council new decision was made on the Council for Children and adopted by the Council of Ministers July 2007. But due to different interpretations of the relevant entity ministries of new competencies of the Council which are in the interpretation ranged from strengthening the mandate of the Council to convert the Council into a political body, the Council of Children has not yet been established in the new convocation. During the 2009th the possibility of establishing the Council for Children of Bosnia and Herzegovina was re-actualized, with the primary aim to eliminate current holdup. At the joint meeting of representatives of entities held in June 2009. It was agreed upon the concept on which would be the basis for agreement on a new convocation of the Council for Children of Bosnia and Herzegovina. The views of the entities ministries are getting closer on this issue and hope is that they will reach re-establishment of the Council for Children of Bosnia and Herzegovina in the near future.

4. In 2006 Government of Republic Srpska adopted the Decision on the establishment of the Council for Children of the RS, as a permanent advisory body to the Minister in charge of matters of children rights, in accordance with the UN Convention on the Rights of the Child and other international legal documents on human rights. (Official Gazette of RS no.66/06). Council consists of the 11 members from various ministries, institutions and organizations from the government sector, and representatives of Republika Srpska` NGOs.

5. In the Federation, there were not similar initiatives in respect of the Council for Children.

#### Reply to the issues raised in paragraph 2 of the list of issues

6. There are no persons from Bosnia and Herzegovina under the age of 18 years who attend military training in secondary schools abroad. Bosnia and Herzegovina and the Entities do not have formalized agreement with any country that allows the organization of such educational activities and the proportion between academic education and these types of schools, stating that Bosnia and Herzegovina doesn't have an organized military secondary school or military academy.

#### Reply to the issues raised in paragraph 3 of the list of issues

7. Even before the initial report of Bosnia and Herzegovina on implementation of the Optional Protocol to the Convention on the Rights of the Child regarding the involvement of children in armed conflicts, there were entity regulations in Bosnia and Herzegovina which forbade the inclusion of children in armed conflicts. Prior to the adoption of the Law on Defense of Bosnia and Herzegovina (Official Gazette; No. 88/05) and Law on Service in the Armed Forces of Bosnia and Herzegovina (Official Gazette BiH, No. 88/05, 53/07 and 59/09), there were entity regulations in force which banned involvement of children in armed conflicts or military service to persons under 18.

#### **Reply to the issues raised in paragraph 4 of the list of issues**

8. Criminal legislation of Bosnia and Herzegovina regulates that the criminal legislation of Bosnia and Herzegovina shall be applied to anyone who outside the territory of Bosnia and Herzegovina commits:

(a) Any crime against the integrity of Bosnia and Herzegovina from Chapter XVI (Crimes against the integrity of Bosnia and Herzegovina) of this Act;

(b) A crime of counterfeiting currency or counterfeiting of securities of Bosnia and Herzegovina, the criminal offense of counterfeiting of instruments of value, or counterfeiting of Trademarks, weights and measures regulations issued on the basis of the institutions of Bosnia and Herzegovina;

(c) A criminal offense that is Bosnia and Herzegovina obliged to punish according to the rules of international law, international or intergovernmental agreements;

(d) A crime against an official or responsible person in the institutions of Bosnia and Herzegovina in connection with his duty.

(1) Criminal legislation of Bosnia and Herzegovina applies to citizen of Bosnia and Herzegovina who, did any other crime except those covered by the provisions of paragraph 1 this article outside the territory of Bosnia and Herzegovina.

(2) The criminal legislation of Bosnia and Herzegovina shall apply to a foreigner who committed the crime outside the territory of Bosnia and Herzegovina to Bosnia and Herzegovina or its citizen or did any criminal offense that is not covered by the provisions of paragraph 1 this article.

(3) The criminal legislation of Bosnia and Herzegovina shall apply to a foreigner outside the territory of Bosnia and Herzegovina as a foreign state or alien to make a criminal offense for which by that legislation may impose a sentence of five years or a more severe penalty.

(4) In the cases referred to Paragraph 2 and 3 this Article, the criminal legislation of Bosnia and Herzegovina shall be applied only if the offender is found on the territory of Bosnia and Herzegovina or has been extradited, and in the case referred to in paragraph 4 this article only if the offender is found within the territory of Bosnia and Herzegovina and is not extradited to another state.

#### **Reply to the issues raised in paragraph 5 of the list of issues**

9. By the decision of appointment of the Coordination Board for Control of Small Arms and Light Weapons, which was passed and approved by the Council of Ministers on 7/14/2005, at the 86th session, the Coordinating Committee for the Control of Small and light arms of Bosnia and Herzegovina has been established.

10. According to the report of the Coordination Committee for the Control of Small Arms and Light Weapons of BiH (CC-SALW) for 2009, independent studies and analysis that were undertaken in Bosnia and Herzegovina indicate the presence of significant quantities of small arms and light weapons (SALW) in the possession of civilian structures and Armed Forces, which poses a serious threat to the security of citizens and imposes the need for its control and reduction. In accordance with the conclusions of the document entitled "Programme of the United Nations to prevent, combat and eradicate the illegal trade of SALW in all aspects"; of July 2001., and the Regional Plan for Implementation of fight on spread of SALW "Stability Pact for South Eastern Europe from November 2001. The Coordination Committee of BH was formed to control SALW in 2003.

11. The primary role of CC- SALW is planning, coordinating, directing and supervising overall activities on implementation of the Strategy and Action plan for control of small arms and light weapons in BiH for the period 2008-2012. years, aiming to secure control of SALW in the society and thus creating safe environment.

12. With technical support from United Nations Development Programme Office in BiH, CC- SALW has revised the existing Strategy and Action Plan which is as "Strategy and Action plan of control of small arms and light weapons in Bosnia and Herzegovina during the period 2008-2012 "; adopted by the Council of Ministers of Bosnia and Herzegovina on the 90-session on 11 June 2009. UNDP enabled the printing of revised strategy and supported the identifying process of institutions responsible for implementing the strategy.

13. Strategy and action plan for control of small arms and light weapons in BiH for the period 2008-2012 represent upgrade of the national efforts aimed at strengthening the capacity of BiH for the destruction of surplus, regulatory control of SALW, raising awareness on the dangers related to SALW and possible impact of the process of destruction of SALW on human health and ecology.

14. CC- SALW will continue to constantly update and Implement the Strategy , which includes comprehensive approach and long-term process with a goal to adopt the highest standards in this area, in accordance with national commitment to join the Euro-Atlantic integration processes.

15. Recorded is a significant cooperation on a local and regional level between government and NGOs in the field of arms control. Launched is a series of thematic round tables in order to confirm the readiness and clarify the role of individual actors in the implementation of the Strategy. The first thematic round table was held with the entity civil protection agencies. Also, representatives of CC- SALW have actively participated in the preparation of regional report on the export of arms and military equipment, which was prepared and published in cooperation with the SEESAC (South East Europe Small Arms Control).

15. In accordance with the established practice, representatives of CC-SALW, participated in the work of Regional Steering Group, an International seminar on export control UGA / CITS-USA, and the Regional seminar on implementation of the Convention on the

Prohibition of the use of chemical weapons.

16. In collaboration with UNDP, and the United Nations Fund for Children (UNICEF) is launching a joint campaign to raise awareness on SALW, which will raise and strengthen awareness of population in Bosnia and Herzegovina on the risks and threats posed by SALW in all aspects. Call for proposals submission was published in the period from August to September and includes a detailed project proposal for the development and implementation of communication strategies, media campaigns, round tables and risk education. Later this year, after undertaken procedure, a contract with Viamedia agency was signed, and is currently being established which will be based on a survey by the Center for Security Studies on the topic "Impact of armed violence on children safety".

17. International commitments aimed at combating the spread of illegal SALW, organized crime and terrorism in the area of SALW (according to surveys of the UN, OSCE), CC- SALW regularly prepares and submits annual reports on: the OSCE Document on the exchange of information and the UN Programme of Action to combat illegal arms.

18. CC-SALW has participated in establishing project of control and reduction of weapons and ammunition in BiH, which UNDP Office in BiH conducted jointly with the Ministry of Defense of BiH, and also reviews and approves the changes and amendment, ie revision of this project. UNDP office in BiH as a presenter and the author of the material in cooperation with the Ministry of Defense of Bosnia and Herzegovina launched and finished the audit of the Project Document Control and reduction of small arms and ammunition last year.

19. Revision of the document included the following changes:

(a) Extension of time frame of the program from 4 to 6 years, instead of period from 2005-2009., to the period from 2005-2011.

(b) Within the components of the development of institutional capacities in SACBiH project includes a new activity "community policing",

(c) Within the components of the destruction of SALW and associated weapons systems includes the improvement of four industrial facilities for destruction of ammunition instead of previous one,

(d) Within the development of institutional capacity includes budgeting funds in total of 695, 000 USD

(e) Within the destruction of SALW and associated weapons systems includes budgeting by the European Commission in total of 2.72 million euros.

### **Support to process of bringing up and coordination of laws related to weapons**

20. CC-SALW supports the started process of legal regulations in the field of SALW. It continues to provide support to the process of harmonization and coordination of law with the EC Directives. BiH Parliament approved the Law on State Control of movement of weapons and military equipment, which involves the transfer of responsibilities from the EUFOR in BiH authorities in the field of controlling the movement of weapons and military equipment, and has signed a Memorandum of Understanding between EUFOR and the competent institutions in BiH has been signed, thus BiH has completely taken over the function of controlling the movement of weapons and military equipment.

21. In 2009, CC has supported the working group for drafting the Law on Arms, which has successfully completed its work and the bill was sent to Parliament. Since the bill did not receive support in the parliamentary procedure, the Council of Ministers considering this issue, decided to carry out the harmonization of laws on weapons of entities and Brčko District with the EC directives.

22. In 2009, there was limited destruction of weapon. Total destroyed 20 tons of weapons and military waste which was collected during the Operation Harvest in the smelter Jelsingrad in Banja Luka. There was no destruction of surplus military weapons, because the decision on the amount for sales and donations is not finalized.

23. In 2009, 1172 tons of ammunition is destroyed by deactivation in TROM Doboje and OBOD (open burning and destruction open) polygons Manjača and Glamoč. Destroyed is the ammunition from 5.45 caliber to 155 mm caliber.

24. Procurement of highly specialized and complex equipment for industrial processing of ammunition through the process of saving energy and recycling is initiated and conducted in a very transparent and in terms of cost efficient manner in accordance with UNDP procedures. Activities to improve industrial capacity are related to the installation of three different devices for destruction of munitions, namely (a) device type autoclave, (b) high water pressure device, and (c) device for disassembly of ammunition. Industrial capacity TROM-Doboje- Pretis - Sarajevo and Vitezit-Vitez will be upgraded and improved for the destruction of ammunition in accordance with the security rules of the EU and NATO standards for demolition and the process of storage. The assistance will result in increasing the capacity for demilitarization. The capacity will increase from 3300.00 to 6700.00 tons per year. Also, the purchase of protective equipment for staff is realized, and it is distributed to the above facilities for demilitarization.

25. Also, the State takes all necessary measures to enable that the storage of surplus ammunition is performed in accordance with international standards.

### **Reply to the issues raised in paragraph 6 of the list of issues**

26. Bosnia and Herzegovina, according to Article 5. of Ottawa Convention (Convention on the Prohibition of the Use, Stockpiling, Production and transport Landmines and their destruction), as a signatory country, pledged to remove all Landmines in mine fields in their territory until 01/03/2019. year.

27. In the previous phase of anti-mine action the general danger of mines is significantly eliminated, demined are the priority urban locations the first category of priority in order to facilitate the return of refugees and displaced persons, and reconstruction of infrastructure. Also established is a state structure, operational capacity and standards for humanitarian demining, a permanent and sustainable educational facilities for mine risk education in the educational system in BiH have been established, while government institutions and NGOs are involved in assistance to victims of mines.

28. Since the beginning of anti-mine action in Bosnia and Herzegovina, since 1996., in Bosnia and Herzegovina mine suspected area was reduced through different mine action for 2617 km<sup>2</sup>, through the operations of humanitarian de-mining 117 km<sup>2</sup>, where 52,230 anti-personnel mines, 7491 anti-tank mines and 44,320 pieces of NUS was found and removed.

29. Within the activity on warning of mines since 2000 year, in Bosnia and Herzegovina 182,770 children (from 7 to 14 years of age) are warned of the danger of the mine safety presentations on mine risk to vulnerable communities and educational institutions.

30. Since 1996 year, in Bosnia and Herzegovina mine killed a total of 1665 persons, of whom 238 children, age to 18 years.

31. The size of mine suspected area in Bosnia and Herzegovina is 1.482 km<sup>2</sup>, which represents 2.90% of the total area of Bosnia and Herzegovina. NOTE: These data are derived from the database of the Centre for Mine Action in Bosnia and Herzegovina (BHMAIS) as of the 30.06.2010.

## Reply to the issues raised in paragraph 7 of the list of issues

### Children asylum-seekers

32. As it is known, until the 30 June 2004 UNHCR was, according to mandate in BiH in accordance with the procedures, responsible for determining refugee status and standards of treatment of asylum seekers for international protection.

33. Since 01.07.2004., the Department for asylum has undertaken the procedure for determining refugee status in BiH (based on the provisions regulated by the Act and Regulations and the provisions of the Protocol on the transfer of determining refugee status and other related responsibility for asylum from the UNHCR to the Ministry of Security of BiH).

34. Since 01.07.2004 until today, in the bases at disposal of Sector for Asylum of Ministry of Security of Bosnia and Herzegovina, there were a total of 475 minors (immediate family members accompanying the applicant of the international protection), from different backgrounds and of different gender and age structure.

### Republic of Serbia

Sex	Male																	
Age	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Number	17	17	17	11	12	22	12	15	10	18	17	15	10	15	5	9	13	6
Sum	241																	
Sex	Female																	
Age	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Number	10	16	21	17	18	19	8	16	15	7	16	7	14	9	9	5	5	3
Sum	215																	

### Republic of Macedonia

Sex	Male																	
Age	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Number						1			1	1	1							
Sum	4																	
Sex	Female																	
Age	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Number	1		1	1	1		1	1		2	1							
Sum	9																	

### Poland

Sex	Male																	
Age	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Number															1			
Sum	1																	

### Syria

Sex	Male																	
Age	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Number							1											
Sum	1																	

### Palestine

Sex	<i>Female</i>																	
Age	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Number													1					
Sum	1																	

### Cameroon

Sex	<i>Female</i>																	
Age	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Number			1															
Sum	1																	

### Russia

Sex	<i>Female</i>																	
Age	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Number											2							
Sum	2																	

Note: The above information is of minors as well as immediate family members accompanying the applicant of the international protection (asylum) in Bosnia and Herzegovina.

Specified age refers to age at the time of receipt of an application for international protection.

### Refugee children

35. According to official records, which is based in the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, the total number of persons below 18 years is 60 (by day 27.7.2010) registered as refugees in BiH.

<i>Year of birth</i>	<i>MF TOTAL</i>		
1992	0	1	1
1994	1	1	2
1995	2	4	6
1996	3	3	6
1997	1	4	5
1998	2	3	5
1999	3	1	5
2000	1	1	2
2001	1	1	2
2002	2	5	7
2003	2	1	3
2004	1	0	1
2005	3	0	3
2006	3	2	5
2007	0	1	1
2008	2	2	4
2009	2	1	3
<i>Summ</i>	29	31	60

Note: Of the total number of persons below 18 years of age who were in Bosnia and Herzegovina registered as refugees 90.8% is origin from the Republic of Serbia-Kosovo while only 9.2% from other countries.

### Abandoned children

36. See below a tabular display of the number of children without parents.

#### Welfare in Bosnia and Herzegovina, custody and adoption of a minor beneficiaries of social protection in BiH.

	2005	2006	2007	2008
Custody and Adoption	4.471	5.285	4.650	3.234
Guardianship	2.056	4.044	2.009	1.744
Guardianship for special cases	2.333	1.174	2.554	1.421
Adoption	82	67	87	69

Source: Agency for Statistics BiH

#### Minor beneficiaries of social protection directed to the accommodation facilities in Bi

	2005	2006	2007	2008
Placement in institutions	2.323	2.276	2.160	1.839
In preschool	142	285	110	36

In the home for children and adolescents	129	160	187	150
In an institution for children without parental care	669	595	661	679
Placed in another family	934	821	742	610
In student or Dorm	80	59	66	80
In an institution for rehabilitation and protection	208	177	241	158
In other social protection	161	179	153	126

Source: Agency for Statistics BiH

### Users homes for children and youth without parental care, by sex and age groups in Bosnia and Herzegovina

until 3 years	<i>In total</i>		<i>Age users</i>					
	3 - 6	7 - 10	11 - 14	15 - 18	above 18 years			
2005	total	721	66	96	124	123	143	169
male	362	36	61	76	65	78	46	
female	359	30	35	48	58	65	123	
2006	total	763	64	91	133	130	167	178
male	358	35	56	77	61	97	32	
female	405	29	35	56	69	70	146	
2007	total	790	96	78	128	144	165	179
male	384	59	45	85	75	83	37	
female	406	37	33	43	69	82	142	
2008	total	794	78	69	120	165	189	173
male	407	61	45	79	99	100	23	
female	387	17	24	41	66	89	150	

Source: Agency for Statistics BiH

Brcko District has no information on homes for children and youth without parental care.

37. Admission for children and youth without parental care provide a temporary or permanent care, nutrition, health care, training, education and continuing training for children and youth in need of this kind of protection.

### Users of homes for children and youth without parental care by parents in BiH

		2005	2006	2007	2008
TOTAL		721	763	790	794
Without both parents		108	138	136	122
Only with mother		331	312	324	318
Only with father		71	72	74	64
With both parents		211	241	256	290
Of that, children of divorced parents		114	130	137	144

Source: Agency for Statistics BiH

### Users homes for children and youth without parental care to education in BiH

all	<i>Total</i>		<i>Type of school they attend</i>		<i>Do not attend school</i>			
	primary school	high school	high school	College or university				
2005	721	438		290		138	10	283
2006	763	464		308		147	9	299
2007	790	486		315		161	10	304
2008	794	518		354		158	6	276

Source: Agency for Statistics of BiH