



Convention on the Rights of the Child

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Consideration of reports of States parties

List of issues in relation to the combined fifth and sixth periodic reports of Bosnia and Herzegovina

Addendum

Replies of Bosnia and Herzegovina to the list of issues*

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* The present document is being issued without formal editing.



Part I

Reply to paragraph 1 of the list of issues

1. The Action Plan for Children of Bosnia and Herzegovina 2015–2018 was adopted at the 9th session of the Council of Ministers of BiH, held on 2 June 2015. The Action Plan is an operational document which establishes specific objectives and measures which simultaneously represent a reporting mechanism of the Council of Ministers of BiH and other levels of government in Bosnia and Herzegovina on international obligations and the level of their fulfilment, as well as the human rights situation in relation to children in Bosnia and Herzegovina.
2. The objective of this process is designing an appropriate process of monitoring the human rights situation of children and systems for improving the detection of the issues faced by children in Bosnia and Herzegovina, especially in cases of violations of the Convention on the Rights of the Child.
3. Based on previous three annual reports on implementation of the Action Plan and information collected in 2018, the Council for Children of BiH has drafted a Report on the ACBiH Implementation for 2015–2018, with assessment of the extent to which the measures were implemented, expressed in figures by specific objectives.
4. The report was submitted to competent institutions for their opinion, and based on the comments obtained, the text was completed and referred to the process of public consultations. In the coming days, it shall be submitted for adoption by the Council of Ministers of BiH. Following adoption of the report and submission of new recommendations of the Committee, and after consideration of the Combined Report in September, the focus will be on preparation of a new Action Plan for Children 2020–2023 for the purpose of full implementation of the Convention on the Rights of the Child and monitoring the human rights situation of children in Bosnia and Herzegovina by no later than March 2020.

In addition to the Action Plan for Children, there are a number of strategic documents at the state level

- Framework policy of early growth and development of children in BiH;
- Sexual and reproductive health policy of BiH;
- BiH Plan of Action to Sustain Polio-Free Status (2012–2015);
- A plan for the preparedness of pandemic influenza control in BiH;
- Response to HIV/AIDS in Bosnia and Herzegovina, 2011–2016 Strategy;
- Action Plan for Implementation of Strategic Response to HIV and AIDS in BiH in 2011–2016;
- Transitional plan for further implementation of prevention, control and fight against tuberculosis in Bosnia and Herzegovina, supported by the Global Fund to Fight AIDS, Tuberculosis and Malaria (2015–2017);
- Transition Plan for the Continuation of HIV and AIDS Prevention, Treatment and Care in Bosnia and Herzegovina 2015–2017:
 - Strategy for the Reception and Integration of the BiH Nationals who return under Readmission Agreements and Action plan for the period 2015–2018;
 - Revised Action Plan on the Educational Needs of Roma;
 - Standardized procedures in the treatment of victims of fattening and victims of trafficking in human beings;
 - Guidelines for dealing with violence against children;
 - Code of ethics on child welfare practice.

In order to better protect children, a number of strategies and plans have been adopted at entity levels

- Strategy of deinstitutionalization and transformation of social protection system in the FBiH (2014–2020);
- Strategy for combating violence against children in the FBiH (2015–2018);
- Strategy for Prevention and Combating Domestic Violence in FBiH (2013–2017);
- Strategy for the advancement of rights and status of persons with disabilities in the Federation of BiH 2016–2021:
 - Strategic Plan for Health Care Development in the Federation BiH, 2008–2018;
 - Policy for Improving Early Growth and Development of Children of the Federation of BiH;
 - Strategic Plan for Improving Early Growth and Development of Children in the Federation of BiH 2013–2017;
 - Policy for Improving Child Nutrition in the FBiH;
 - Guidelines for healthy nutrition for children up to age of three;
 - Strategy on Rare Diseases in the Federation of BiH (2014–2020);
 - Strategy on promotion of sexual and reproductive health in FBiH 2010–2019;
 - Policy and Strategy on Protection and Promotion of Mental Health in the Federation of BiH (2012–2020);
 - Tuberculosis Control Programme in the Federation of Bosnia and Herzegovina 2013–2017;
- Strategy for improving the social protection of children without parental care in RS (2015–2020) (2009–2014);
- Strategy for improving the social protection of children without parental care in RS (2015–2020);
- Strategy for the improvement of the social status of the persons with disabilities in RS (2010–2015);
- Strategy for the improvement of the social status of the persons with disabilities in RS (2017–2026);
- Policy for improvement of health of the population in RS until 2020:
 - Policy for Improving Early Growth and Development of Children in the RS;
 - Policy for Improving Child Nutrition up to the age of five in the RS;
 - Guidelines for Nutrition of Infants, Pre-school and School children;
 - Program for Rare Diseases in RS 2015–2020;
 - Program for Early Childhood Growth and Development in the RS 2016–2020;
 - Policy on promotion of sexual and reproductive health in RS 2012–2017;
 - Operational plan for improving the program of immunization and monitoring of acute phylloid paralysis in RS in 2016 and 2017;
 - Tuberculosis Control Program in RS adopted by the RS Government Decision;
 - Strategy for the Control of Drugs and Suppression of Drug Abuse in RS, 2016–2021;
- Family Development Strategy in RS (2009–2014);

- Strategy for combating domestic violence (2014–2019);
- RS Education Development Strategy (2016–2021);
- Protocol on the conduct in case of violence, abuse or neglect of children in RS;
- General Protocol on Treatment of Domestic Violence in the RS.

Reply to paragraph 2 of the list of issues

5. The Action Plan for Children does not explicitly state budget allocations, but it is precisely stated who is obliged to provide budget funds for each particular measure.

6. In 2015, the Children’s Council sent an initiative to the governments of the entities and the District, and to the federations of municipalities and cities within entities, to adopt action plans for children of BiH and to introduce program budgeting, in order to use budgetary funds in accordance with the priority needs of children and in order to, ensure the best effect of the assets spent.

7. In 2016, the Council for Children held a “round table” on the topic of program budgeting, where General Comments no. 19 on public budgeting for realization of children’s rights. Conclusions of the round table and GC no. 19 were submitted to all relevant institutions at all levels of government in BiH in order to get to know the possibilities of reducing poverty and social exclusion of the most vulnerable groups of children, by applying this principle. It is planned to hold educational seminars (June and September 2017) on program budgeting for finance officers at cantonal levels in the Federation of BiH.

8. The budget of the institutions of BiH is still adopted by economic categories, while the budget requirements in the program format are delivered to the executive and legislative authorities as an information, together with other necessary documents required for consideration and adoption of the budget (Article 6 of the Law on Financing of BiH Institutions: Implementation of Reform Processes is conditioned by continuous education of civil servants in order to acquire additional knowledge and skills in the field of program budgeting.

9. The 2017–2020 Public Finance Management Reform Strategy in the bh. Institutions, plans the introduction of program budgeting into institutions from the budget cycle for 2020.

10. Information provided by the competent cantons in the Federation and the Brčko District of BiH was submitted as an additional response:

(a) In accordance with constitutional competences of the cantons in the Federation of Bosnia and Herzegovina, from the position of the Ministry of Labor, Social Policy, Displaced Persons and Refugees of the Sarajevo Canton, rights in the field of protection of families with children are (continuously) funded from the budget of the Sarajevo Canton. Furthermore, funding is also provided for the work of social welfare institutions whose founder is the Sarajevo Canton Assembly, and which also carry out certain activities for children within their respective competencies. In addition, funding/co-funding is provided for various cultural-entertainment, sports, educational, inclusive and other activities intended for children within the celebration of “Children’s Week” in the Sarajevo Canton, as well as the activities of various associations which carry out various activities for children with disabilities;

(b) The Ministry of Labor, Social Policy and Refugees of Zenica-Doboj Canton has stated that, according to the Law on Social Protection, Protection of Civilian Victims of War and Protection of Families with Children (“Official Gazette of the Zenica-Doboj Canton”, number: 13/07, 13/11, 3/15 and 2/16 – hereinafter: the Cantonal Law), social protection is an organized activity in the Federation of BiH, Zenica-Doboj Canton and townsy/municipalities, aimed at providing social security to all its citizens and their families in need (Article 10, paragraph 4 of the Law). The Cantonal Law regulates that social protection of the child, in accordance with the provisions of the Convention on the Rights of Child, shall be realized in the best interest of children (Article 10, paragraph 4 of the Law).

11. The Cantonal Law provides for equality in access to and exercising the relevant rights, and forbids any type of discrimination on any ground such as race, gender, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 2, paragraphs 1 and 2 of the Law).

12. By authority of law, the municipalities/city also have the possibility and obligation of taking additional actions on prevention of the need of social assistance, i.e. extending the scope and contents of rights in the social protection area.

13. The activity of social protection, protection of civilian victims of war and protection of families with children is performed by the social protection institutions and municipal administration services, and it can also be performed by humanitarian organizations, associations, religious communities and organizations that can be established by a citizen, an individual and foreign natural or legal persons (Article 3 of the Law).

14. According to the Cantonal Law, children and families in the area of the Zenica-Doboj Canton (hereinafter: the Canton) may exercise the following basic rights via 10 Social Welfare Centres and Social Protection Services Doboj South and Usora:

- Social protection rights: financial and other material support (permanent financial support, one-off support, temporary support, in-kind support and similar), training for adult living and work, foster home placement (in accordance with the Law on Foster Care in the Federation of Bosnia and Herzegovina (“Official Gazette of the Federation BiH” number 19/17), placement to social protection institutions (placement to the institution “Sumero Centre for Support of Persons with Disabilities” – Branch Office Zenica, PI “Home-Family” Zenica and other institutions for placement of children without parental care, and day-care and early intervention in the PI “Centre for Children and Adults with Special Needs of ZDC”), temporary accommodation and care in the Safe House of the Association “Medica” in Zenica, under the Protocol on Mutual Cooperation in Prevention and Protection of Victims of Domestic Violence;
- Rights of civilian victims of war (in a proportion of 30% for the Canton, and 70% for the Federation BiH): personal disability allowance or monthly cash allowance, allowance for the care and assistance by another person, orthopedic allowance, family disability allowance and similar;
- Rights of families with children: child allowance, compensation in lieu of the salary of an employed woman-mother during her absence from work due to pregnancy, childbirth and care for the child, cash allowance during pregnancy and childbirth for an unemployed woman/mother, one-off support for layette of new-born children, assistance in child nutrition until six months of age and supplemental nutrition for mothers – breast-feeding women;
- Health protection of uninsured persons, inter alia: a) beneficiary of the right to permanent financial support, b) person over 65 years of age (male), i.e. 60 years of age (female), c) civilian victim of war, d) child from birth to the start of primary schooling if it does not have health insurance as a family member of the insured person, e) person placed in the social protection institution and a person which is to be placed, f) person who is a victim of domestic violence and community violence, g) unemployed single mother – postpartum woman during pregnancy, childbirth and with a child of up to 1 year of age, h) disabled person and persons with difficulties in mental or physical development in terms of Article 13 of the Cantonal Law, i) child and adult person placed in a foster home.

15. Right to health insurance shall also be exercised by family members referred to in points a), b), c) and g), provided that they are not able to work and that they do not exercise the right to health insurance.

16. The following transfers of the Ministry of Labor, Social Policy and Refugees are also funded from the Budget of the Zenica-Doboj Canton:

- Current transfers to individuals, inter alia: Civilian victims of war, placement to another family, parental leave allowance, health protection of uninsured persons, other social transfers (“Safe house” Project of the “Medica” Association Zenica, support for soup kitchens, one-off and cash assistance through the Social Welfare

Centre/Municipal Social Protection Services, support for the Parental home for childhood cancer patients of the FBiH, financial support of socially intervening character, etc.). Financial support for unemployed postpartum women, placement in Social Welfare Institutions, PI Centre for Children and Adults with Special Needs of the Zenica-Doboj Canton (in the Cantonal Budget for 2018, a new budgetary position has been included “Centre for Children and Adults with Special Needs of the Zenica-Doboj Canton” and budget funds in the total amount of 1.096.000,00 BAM have been earmarked. The institutional day-care service is free for children and adults. The Canton provides additional forms of assistance with the aim of improving the services), permanent financial support, training for adult living and work, child allowance, one-off support for layette of new-born children, assistance in child nutrition until six months of age and supplemental nutrition for mothers – breast-feeding women;

- Current transfers to non-profit organizations: Current transfer for Associations, Current transfer for Red cross, Current transfer from the funds for celebration of the Children’s Week.

17. Herzegovina-Neretva Canton has not established a Council for Children, but it is currently being considered. The budgeting process with a focus on the needs of children has been partially established.

18. Amendments to the Law on Social Welfare and Protection of Families with Children are currently being prepared, which will later be profiled by budgeting in the exercise of children’s rights.

Reply to paragraph 3 of the list of issues

19. The Family Laws in BiH do not provide for a definition of the child in terms of the Convention definition. The Family Laws in BiH determine that adulthood is reached at the age of 18 when a person acquires ability to work, which can also be acquired earlier, by marriage or if a minor who is over 16 years of age became a parent, which shall be decided by the court in the extrajudicial proceeding.

20. We have no information on measures taken to raise awareness of the harmful consequences of child marriage, especially among the Roma population and the impact of these measures.

Reply to paragraph 4 of the list of issues

21. The laws at all levels of government in BiH and all levels of education are based on the most relevant international declarations and conventions regulating the issues of human rights and freedoms, and guarantee equal rights of access, equal opportunities of participation in proper education and care and equal treatment to any child, without discrimination on any ground and no law shall contain discriminatory provisions.

22. The Council of Ministers of Bosnia and Herzegovina adopted the Law on Aliens (Official Gazette of BiH, No. 88/15) and the Law on Asylum (Official Gazette of BiH, Nos. 11/16 and 16/16). Both laws are harmonised with the Law on Prohibition of Discrimination, i.e. they provide for prohibition of discrimination against aliens on any ground, such as gender or sex, race, skin colour, language, religion, political or other persuasion, national or social origin, connection to a national minority, property status, status acquired by birth or other status.

23. The Law on Prohibition of Discrimination BiH establishes a framework for exercise of equal rights and opportunities for all persons in BiH and regulates the system of protection against discrimination. The relevant Law prohibits any direct or indirect discrimination on any ground.

24. Provisions on the prohibition of discrimination on any ground are contained in the Statute of the BDBiH, but also in the laws on education, children, social and health protection, criminal legislation, the Law on Protection and Treatment of Children and Minors in Criminal Procedure, special rules are also established for treatment of children who act contrary to the law, children who are victims or witnesses under the jurisdiction of

the courts, prosecutors, including authorized officials, foster care authorities, families, schools, institutions at all levels of the social community, as well as other participants involved in a criminal procedure in a way that promotes the feeling of dignity and personal value of a child without discrimination.

Reply to paragraph 5 of the list of issues

25. The Law on BiH Citizenship, Article 7, stipulates that the BiH citizenship will be awarded to a child born or found on the territory of BiH following entry into force of the Constitution and whose both parents are unknown or whose citizenship is not known or who are stateless, and to a stateless child. This is also indicated in the Law on Citizenship of the Federation of BiH and the Law on Citizenship of Republika Srpska. In this way, in accordance with the Convention on the Reduction of Statelessness from 1954 and 1961 and the Convention on Rights of the Child, it is provided for these children to acquire the citizenship of Bosnia and Herzegovina.

26. Entry of children into the birth registers and the registers of nationals, i.e. the registration of children in BiH, is regulated by the Law on Civil Registries of the Federation of Bosnia and Herzegovina, the Law on Civil Registries of Republika Srpska and the Law on Civil Registries of the Brčko District of Bosnia and Herzegovina, considering the best interest of a child in accordance with international conventions, so that every child has the right to register and own the documents.

27. According to the relevant regulations, the method of entry into birth registries of children born in medical institutions, outside institutions, as well as children born abroad is envisaged. Also, in accordance with current regulations, provision of free legal aid is envisaged and, for example, the Law on Civil Registries in the Federation of BiH prescribes the establishment of special free legal aid departments in cities and municipalities by whose regulations national minorities and the Roma population were exempted from paying taxes.

28. Good cooperation was established with UNHCR, non-governmental organisations and all levels of government, including cooperation with the Ministry of Foreign Affairs of BiH, for the purpose of obtaining documents-birth certificates for children born abroad in case their parents are not able to obtain them for entry into the civil registries in Bosnia and Herzegovina.

29. Due to the large influx of migrants into Bosnia and Herzegovina, activities aimed at facilitation of registration of children born in Bosnia and Herzegovina, and whose parents have no documents (asylum seekers and migrants) are being taken.

30. All competent authorities in Bosnia and Herzegovina carry out ongoing activities on improvement of legislation regulating the issue of entry into the birth registries and entry of citizenship, especially when it comes to entry and registration of every child.

31. Special attention is being paid to cases of registration of children from socially vulnerable categories, and it is important to highlight good cooperation of all bodies with the NGO sector and UNHCR in BiH, and Bosnia and Herzegovina will continue its activities on improving the legal solutions in order to ensure that every child is registered.

32. Building on information sought by questions 8 and 9 in the context of inclusive education, we underline that, at the end of 2017, competent educational authorities of Bosnia and Herzegovina with the support of UNICEF, have defined general recommendations for inclusive education, namely: establishment of inclusive education glossaries and tools for assessing the needs of the child in inclusive education; analysis of data on children with special needs in BiH, and defining guidelines for support of inclusive education (mobile expert team and teaching assistant).

33. During 2018, UNICEF and the World Health Organization in cooperation with the Ministry of Civil Affairs of BiH have organised workshops for competent ministries of education, health and social welfare, as well as direct service providers from these sectors on the topic "International Classification of Functioning, Disability and Health of Children and Youth (ICF-CY) – common glossary for understanding disability". The key objectives of these workshops were: review of ICF-CY as common terminology and a classification; learning of the key ICF-CY concepts and their relevance for children and young people;

learning how ICF-CY is applied at the level of policies and at the level of service providers; potential use of ICF-CY in different sectors; develop a simple application of ICF-CY for field studies.

34. Also, the project “Quality Inclusive Education now! Recommendations and indicators for successful realization and monitoring of inclusive education in Bosnia and Herzegovina” is being implemented by the Associations “Duga” and “MyRight-Empowers people with disabilities” in cooperation with the competent education bodies in BiH. The initiation of the project was especially triggered by publication of the General Comment on Article 24 on Inclusive Education of the UN Convention on the Rights of Persons with Disabilities, which contains a detailed interpretation of the provisions on the right to inclusive education of persons/children with disabilities, and the Project is intended to strengthen the capacity of educational authorities and institutions for quality implementation of inclusive education in Bosnia and Herzegovina in accordance with international conventions and recommendations.

35. In the context of measures taken in order to improve quality of education, Joint Action of the European Union and the Council of Europe entitled “Quality Education in Multi-Ethnic Societies” was initiated in early 2018 for duration of 17 months, and in addition to the Ministry of Civil Affairs of BiH, all relevant ministries of education in Bosnia and Herzegovina, as well as the Agency for Pre-school, Primary and Secondary Education, and the Ministry of Human Rights and Refugees of BiH have been involved in the implementation. The main objective of the action is education quality improvement by preventing ethnic segregation in formal education through implementation of anti-discriminatory approaches based on standards and practices of the Council of Europe. The action is in its final stage, and the main result is the document “Recommendations for the action policies that are materialised in a Roadmap for quality education in multi-ethnic societies”, which should help competent education authorities in BiH to work on BiH education quality improvement with a detailed plan of activities, responsible institutions and deadlines in the forthcoming period.

36. There were no problems in Bosnia and Herzegovina when it comes to registration of births of children in BiH and outside BiH, since electronic data exchange system has been established. In most cases, this was the problem faced by members of the Roma minorities. By adopting new laws on entry into the birth records and introducing the practice of tax exemption for all families and individuals in cases of subsequent entry into the birth records, so that this problem was solved in most cases with the support of civil society organizations. Current data indicate that 97 remaining cases related to cases requiring data on parents from other countries in the region are currently being handled.

Reply to paragraph 6 of the list of issues

37. The Laws on Protection from Domestic Violence of the Federation of BiH, Republika Srpska and Brčko District of BiH prescribe the protection from domestic violence or violence in a family unit, persons considered to be members of a family or a family unit, the subjects of protection and the procedure for the protection of victims of domestic violence, misdemeanour sanctions imposed on perpetrators of the domestic violence and other important issues for the protection against domestic violence in Bosnia and Herzegovina.

38. The main purpose of these Laws is to protect victims of domestic violence by preventing and suppressing domestic violence.

39. The protection against domestic violence is realized through implementation of these Laws and the laws regulating administrative, misdemeanour and criminal proceedings, the protection of children and juveniles in criminal proceedings and the procedure for the execution of criminal sanctions.

Reply to paragraph 7 (a, b, c, d and e) of the list of issues

40. In BiH, social, family and children protection is being handled through legislative activities, as well as support for settlement of their family circumstances and family relations, and various types of financial support and family support have been secured

(permanent basic financial support, child allowance, maternity allowance, allowance for layette of new-born children, compensation for the salary during maternity leave).

41. Child protection of children without parental care is exercised under the Family Laws and the Laws on Social Protection of the Federation of BiH, Republika Srpska and the Brčko District of BiH.

42. The Family Laws prescribe that a child has the right to live with his/her parents and that the parents are obliged to take care of the life and health of the child.

43. A child deprived of a family surrounding shall be provided with appropriate care by family-legal and social protection measures (guardianship, adoption, foster care and care in a social welfare institution in case that it is in the child's interest).

44. According to positive family legislation, adoption is defined as a special form of family-legal protection of children without parents or appropriate parental care, on which parental or kinship relationship is based. Family laws stipulate that adoption must be in the best interest of the child.

45. Guardianship is the form of protection of minors without parental care and adults who are not able to look after themselves, their rights, interests and obligations.

46. Pursuant to the Law on Social Protection, the right to placement in another family can be exercised by persons who, within the meaning of this Law, have the right to be placed in the institutional care.

Reply to paragraph 8 of the list of issues

47. The Ministry of Civil Affairs of BiH collects information in accordance with the Protocol on cooperation for fulfilling the obligations of Bosnia and Herzegovina with respect to international reporting in the field of health of 12 September 2007, signed by the Ministry of Civil Affairs of BiH, the Federal Ministry of Health, the Ministry of Health and Social Protection of Republika Srpska and the Department for Health and Other Services of the Brčko District of Bosnia and Herzegovina, and upon consolidation, they shall be submitted to the World Health Organisation. Plans for vaccination of children are brought by the competent entity ministries of health in Bosnia and Herzegovina.

48. In the Federation of BiH, Republika Srpska and the Brčko District of BiH, in terms of legislation and policies, all children are included in the system of social inclusion, education and health services under equal conditions and additional family support is provided through the child and social protection system.

49. Regarding the Federation of BiH, West Herzegovina Canton, Zenica-Doboj Canton, Herzegovina-Neretva Canton and Posavina Canton provide information on the activities carried out in relation to data collection, the implementation of measures to ensure access to insurance, health and social services:

- According to the Law on Elementary School Upbringing and Education ("Official Gazette of the West Herzegovina Canton", No. 20/17) and the Law on Secondary School Upbringing and Education ("Official Gazette of the West Herzegovina Canton", No. 20/17), upbringing and education of students with developmental disabilities shall be performed in school with appropriate implementation of individualized procedures and after-school programmes, and, when necessary, in special educational groups and class departments in school. Free transport of students with disabilities shall be organized. Teaching assistants shall be at the disposal to students with developmental disabilities that are able to attend the classes with their assistance. The integration of children with developmental disabilities in regular schools, from a pedagogical point of view, is quite complex and its complexity and current relevance pose a series of questions, ranging from the realization possibilities to the problems of integration of children with developmental disabilities in regular schools. For this very reason, the Ministry seeks to include, as far as possible and wherever possible, children with developmental difficulties in regular departments and only in exceptional cases in special departments where students attend the Education and Training Program for

Children and Young People with Intellectual Disabilities and Combined Disorders. In the last two years, teaching assistance were mostly included in regular departments where there are children with developmental disabilities and where it was necessary as indicated by schools. Currently, there are 9 teaching assistants involved in the education system who provide support both to students and parents;

- Provisions of Article 25 of the Law on Health Insurance (“Official Gazette of the Federation BiH”, number: 39/97, 7/02,70/08 and 48/11) stipulate that students of elementary and secondary schools who are the citizens of the Federation BiH and are residing at the territory of the Federation, but do not have health insurance as the family members of the insured person, have the right to health protection to the same extent as the family members of the insured person and they can exercise that right as long as they have the status of students, which is also valid for children with developmental disabilities. Provisions of Article 11, point 4, indent 1 of the Decision on base amounts and contribution rates for compulsory health insurance in Posavina Canton (“Official Gazette of the Posavina Canton”, number 6/07) regulate that the competent administration authority, i.e. the Ministry, is a payer of contributions for students who are not insured on other ground in the amount of 10.00 BAM a month;
- The Ministry of Education, Science, Culture and Sport of the ZE-DO Canton has adopted laws and bylaws which are completely adjusted to the Convention on Rights of the Child. Accordingly and in relation to Article 5, paragraph (8) of the Law on Elementary School of the Zenica-Doboj Canton (“Official Gazette of the Zenica-Doboj Canton”, number: 3/18) and Article 7, paragraph (3) of the Law on Secondary School of the Zenica-Doboj Canton” (“Official Gazette of the Zenica-Doboj Canton”, number: 9/17) “rights of the child related to education, proper care for the well-being of his/her physical and mental health and security in schools and any other educational institution, shall prevail over any other rights, and in case of conflicts of laws, the law, interpretation or action which is in the best interest of the child shall prevail”.

50. Inclusive education is related to the practice of including all students, regardless of their talent, difficulty, socio-economic status or origin in regular schools and classes where all their individual needs can be met.

51. Individualised approach as an approach in work with students who have special educational needs which takes into account their individual capabilities while determining teaching methods and forms, assessment methods, study activities, and selection of teaching materials and aids, is applied in all elementary and secondary schools of the Zenica-Doboj Canton and prescribed by the relevant laws and other regulations in the field of education in the area of the Zenica-Doboj Canton.

52. For students with special educational needs, that is students that have difficulties in keeping up with the teaching process due to disability or difficulty, as well as talented students (causes being physical, sensory or intellectual disability, behavioural disorders, severe chronic illnesses, emotional disorders, speech-language communication disorders, combined disorders, long-lasting illnesses and may be permanent and transient), individual educational programmes are being prepared (document prepared for a student which provides for detailed description of his/her educational goals, planned time frame, as well as learning strategies, resources and support necessary for accomplishment of such goals). The Rulebook on Inclusive Education of Students with Special Educational Needs in the Elementary and Secondary School (“Official Gazette of the Zenica-Doboj Canton”, number: 10/18) defines that students with special educational needs are the students with disabilities, the students with developmental disabilities and the disadvantaged students. The same Rulebook stipulates that schools should form inclusive teams in which parents of these students would be included, in addition to teachers and expert associates. Parents of these students will participate in the decision-making process of inclusive teams, which will contribute to educational improvement of these students. We have established cooperation with the Network of Parents of the City of Zenica, whose role is to provide support to parents in terms of strengthening parental competencies.

53. We have introduced assistance in schools for students who need a teaching assistant and we have engaged expert associates of various profiles. The Ministry of Education, Science, Culture and Sport of the Zenica-Doboj Canton has launched an initiative on multi-sectoral and interdepartmental action which has resulted in a Protocol on Multi-Sectoral Action with an aim of inclusion promotion, and all for the purpose of joint action with health care centres, social welfare centres, the Ministry of Labor, Social Policy and Refugees of the Zenica-Doboj Canton.

54. Vaccination plans and programs are under the responsibility of the Federal Ministry of Health and are adopted each year. They are being properly implemented in the local community, and so far, there was no need for additional plans and programs for the vaccination of children in HNC.

Reply to paragraph 10 of the list of issues

55. Article 29, paragraph (1), of Law on Asylum provides for guarantees which, during the procedure upon the asylum application, are given to asylum seekers in Bosnia and Herzegovina, irrespective of their age. This provision stipulates, inter alia, that during the procedure the asylum seeker will be informed about the requirements and the procedure for granting a refugee status or the status of subsidiary protection, the rights and obligations, the consequences of non-compliance with those obligations or of refusing to cooperate with the competent authority, access to free legal aid, etc.

56. Paragraph (3) of the same Article stipulates that the Ministry shall prioritize the applications of asylum-seekers whose movement is restricted and shall prioritize and treat with special attention minors, unaccompanied minors, single parents with minor children, survivors of torture, rape or other forms of physical or mental violence, pregnant women, elderly persons, persons with diseases and mental disorders and disabled persons.

57. Furthermore, the Law on Asylum defines in Article 76, paragraph (1) that the asylum seekers shall have the right to:

- Residence in BiH;
- Information in accordance with Article 15 of the Law;
- Accommodation in the centre for asylum-seekers;
- Primary health care;
- Access to primary and secondary education;
- Access to the labour market;
- Access to legal aid;
- Follow the procedure in a language they can understand or for which it is reasonably assumed they can understand it;
- Psycho-social aid.

58. Asylum-seekers shall exercise the aforementioned rights on the basis of their asylum-seeker cards. The funds for the expenses incurred thereby shall be provided by the Ministry from the budget of the BiH institutions, which has been approved for this purpose, or through donations for asylum in BiH.

59. Asylum seekers in Bosnia and Herzegovina shall exercise the right to primary health care on the basis of an issued asylum-seeker card, which proves the asylum-seeker status, while the Ministry shall be responsible for the costs incurred during the provision of primary health care.

60. According to the foregoing Law, minor asylum-seekers shall be granted the right to access primary and secondary education not later than three months from applying for asylum. The Law also defines that a minor asylum-seeker shall not be denied the right to secondary education if he/she comes of age during the duration of the procedure upon the asylum application.

61. All asylum seekers, during the asylum procedure up to its completion, shall have the right to free legal aid. In this regard, within the procedures prescribed by law, it is defined that apart from the asylum seeker, inter alia, his/her legal representative shall also have the right to access the asylum application procedure, registration and interviews with the asylum-seeker. The asylum-seeker and his /her legal representative shall have the right to access the registration form and also to access the Interview Record.

62. The right to psychosocial aid is also one of the rights guaranteed to the asylum-seeker during the asylum procedure, in a manner as prescribed by the Law on Asylum.

63. The right to free legal aid and psychosocial aid to asylum-seekers shall be ensured through non-governmental organisations, with which the BiH Ministry of Security has signed cooperation protocols.

64. The issue of guardianship for an unaccompanied minor asylum-seekers in BiH is defined by Article 12 of the Law on Asylum, which, inter alia, stipulates that a guardian shall be appointed for an unaccompanied minor and a legally incapacitated alien who has expressed the intent to apply for asylum or has filed the asylum application, under the same conditions as for BiH nationals. The request for appointing a guardian shall be submitted by the Ministry to a centre for social work, while unaccompanied minor shall be immediately notified of the appointment of a guardian, who shall execute his/her duties in accordance with the principle of the best interests of the child. By way of derogation from the paragraphs above, a guardian shall not be appointed for an unaccompanied minor older than 16 years of age, who is legally married or is in a common-law marriage.

Replies to paragraph 11 and 13 of the list of issues

65. In the past period, training of judges and law enforcement officers was carried out by the CESTs of the Federation of BiH and Republika Srpska and the Police of the BD BiH.

Response of CEST F BiH

66. The Centre for Education of Judges and Prosecutors of the Federation of BiH has a very good, significant and quality cooperation with UNICEF and components related to the judiciary, strengthening of judicial institutions and capacities, in the area of the children's rights protection, the best interest of the child and the Convention on the Rights of the Child. In this regard, several educational activities, seminars and workshops were organized on the topic of "Violence against children", whereby topics such as prosecution of criminal offenses of the child abuse, labor exploitation and begging have been elaborated in detail.

67. According to the necessity of a multidisciplinary approach in the fight against human trafficking, during the last two years /2017 and 2018/, in continuous education of judges and prosecutors, the Centre has organized seminars on the following topics: human trafficking; distinction between the criminal offence of trafficking in human beings and the criminal offence of neglect and child abuse; modern technologies and human trafficking techniques; in the scope of which begging and labor exploitation of children is present; and understanding the human trafficking as a business activity with an emphasis on forced begging and forced marriages. The relevant activities were realized in cooperation with domestic and international partners and organizations such as OPDAT, the OSCE Mission and EMMAUS. Educational materials in the form of a human trafficking handbook were prepared and published for holders of judicial functions.

68. In 2019, a workshop was organized for the holders of judicial functions on the topic: Human Trafficking and Migrations, March 2019, and educational activities were planned on the topics: Information Technologies Serving for Human Trafficking; Criminal Offences against Children; Exploiting and Abusing Children in a Digital Environment and Systematic Approach of Protecting the Best Interests of a Child in Contact with the Law.

Response of CEST of Republika Srpska

(a) In 2017, in Republika Srpska, new Criminal Code of Republika Srpska was adopted (Official Gazette of RS 64/17), which contains several criminal offences related to human trafficking.

69. Article 145 of the Criminal Code regulates a criminal offence of Human Trafficking, which, in accordance with its specific features, provides for punishment of persons abusing children for the purpose of forced begging. Article 146 of the CC RS regulates a criminal offence of Child Trafficking and Article 147 of the CC RS regulates a criminal offence of Association for the purpose of committing criminal offences of trafficking in adult persons and children. The relevant provisions also provide for custodial sentences for perpetrators of criminal offences.

(b) The professional development and initial training programme of the Centre for Education of Judges and Prosecutors in Republika Srpska for 2019 provides for trainings for judges, public prosecutors and other persons involved in prosecution and implementation of laws in the relevant fields:

Human Trafficking and Migrations

- (a) Definitions of human trafficking and smuggling of migrants;
- (b) Review of international legal framework in the field of human trafficking;
- (c) International cooperation in investigations and criminal prosecution;
- (d) Mutual legal assistance and;
- (e) Joint investigation teams.

70. The two-day seminar for judges and public prosecutors was organized on 21 and 22 March 2019 in cooperation between the Centre and IOM and OSCE.

Information Technologies Serving for Human Trafficking

71. The two-day seminar for public prosecutors, witness support staff and police officers organised by the Centre, IOM and OSCE, will be held on 30 and 31 May 2019.

72. The seminar's objective: develop the topics related to information technologies as the means used for recruitment, control and exploitation of victims, information technology as a transaction channel between human traffickers, and international legal provisions, as well as the relevant case law of the European Court of Human Rights.

Smuggling of Migrants and Other Persons

73. The two-day seminar organised on 20 and 21 February 2019 in cooperation between the Centre and GIZ for target groups: judges, prosecutors and representatives of police agencies.

74. Seminar topics and method: review of the applicable legislative framework, practical workshop attended by local and international experts.

Response of the Brčko District Police

75. Pursuant to the aforementioned, we hereby inform you that we have taken measures and actions, whereby in 2013, we have amended the Criminal Code of the Brčko District of BiH ("Official Gazette of the Brčko District of BiH", number 9/2013), and included the following Articles 207, 207a and 216 related to persons exploiting children for forced begging and child prostitution, i.e. child trafficking.

Part III

Data, statistics and other information, if any

Reply to paragraph 16 of the list of issues

76. In accordance with valid laws respecting budgets, budgets are still considered, adopted and implemented in line-item format, so it is still not possible to monitor budget execution by programmes.

77. Below is an example of how this is implemented in the Brčko District Finance Directorate.

78. Consolidated information of children's and social sectors and percentage of share in the budget and GDP (gross domestic product) from 2016 to 2018 for the Brčko District in millions.

<i>S. number 16</i>	<i>Year</i>	<i>Children and social sector</i>	<i>Budget Execution</i>	<i>GDP</i>	<i>%</i>	<i>%</i>
	1	2	3	4	5(2/3)	6(2/4)
	2016–2018	28 292	549 693	2 375 758	5.15	1.19

<i>S. number 16</i>	<i>Year</i>	<i>Children and social sector</i>	<i>Budget Execution</i>	<i>GDP</i>	<i>%</i>	<i>%</i>
	1	2	3	4	5 (2/3)	6 (2/4)
	2018	9 722	199 012	823 457	4.89	1.18
	2017	9 192	180 934	787 997	5.08	1.17
	2016	9 378	169 747	764 304	5.52	1.23
	Total 2016–2018	28 292	549 693	2 375 758	5.15	1.19

Reply to paragraph 17 (a to j) of the list of issues

Reply to paragraph 18 (a to c) of the list of issues

Reply to paragraph 19 (a to g) of the list of issues

Response of the Statistics Agency BiH: Reference number 17, 18 i 19

79. According to data of the Statistics Agency of Bosnia and Herzegovina social protection institutions for disabled children, youth and adult persons with mental and physical developmental disabilities.

<i>Residents by sex and age</i>											
<i>Age of residents</i>											
	<i>Total</i>	<i>0–2</i>	<i>3–6</i>	<i>7–10</i>	<i>11–14</i>	<i>15–17</i>	<i>18–21</i>	<i>22–35</i>	<i>35 and older</i>		
2015	Total	1 742	-	55	152	124	116	105	264	926	All
	Men	1 041	-	42	95	80	65	68	160	531	Males
	Women	701	-	13	57	44	51	37	104	395	Females
2016	Total	2 742	13	179	295	299	293	267	378	1 018	All
	Men	1 668	8	129	192	186	171	193	222	567	Males
	Women	1 074	5	50	103	113	122	74	156	451	Females

		<i>Residents by sex and age</i>									
		<i>Age of residents</i>									
		<i>Total</i>	<i>0–2</i>	<i>3–6</i>	<i>7–10</i>	<i>11–14</i>	<i>15–17</i>	<i>18–21</i>	<i>22–35</i>	<i>35 and older</i>	
2017	Total	2 748	4	135	264	306	309	295	446	989	All
	Men	1 643	2	87	170	195	178	195	253	563	Males
	Women	1 105	2	48	94	111	131	100	193	426	Females

Response of the Department for Health and Other Services of the Brčko District

80. Number of children placed in foster families classified by age, gender, socio-economic status, ethnic origin and geographic position (2016–2018).

Number of children – twelve (12)

<i>Year</i>	<i>Gender/Age</i>	
	<i>F</i>	<i>M</i>
2016	2 (11 and 14 years old)	2 (9 and 15 years old)
2017	2 (14 and 15 years old)	1 (12 years old)
2018	2 (1 and 14 years old)	3 (10, 11 and 16 years old)

Reply to paragraph 21 of the list of issues

81. The information on planning the implementation and monitoring of measures for achieving sustainable development goals including an integrated approach to child's rights is given below as an example which illustrates what activities to that end Canton Sarajevo and Zenica-Doboj Canton in the Federation of BiH, which provided official information about the topic, have been carrying out.

82. Similar activities are carried out in other cantons in this Entity and in the Republika Srpska and the Brčko District of BiH.

83. The Ministry of Labor, Social Policy, Displaced Persons and Refugees of the Sarajevo Canton has proposed the adoption of strategic documents, adopted by the Sarajevo Canton Government, and participated in drafting and signing protocols that are completely or to a certain extent related to children, namely:

- Action plan for reform and development of the social welfare system in Sarajevo Canton 2018–2020;
- Action plan for enhancement of the status and rights of persons with disabilities in Sarajevo Canton (2018–2021);
- Action plan for prevention of juvenile delinquency and work with juveniles in contact with the justice system in Canton Sarajevo 2017–2019;
- Protocol on cooperation and treatment in cases of unlawful behaviour at the detriment of children in Sarajevo Canton;
- Protocol on work and cooperation of the Coordination Body on prevention, protection and fight against domestic violence;
- Protocol on cooperation between SOS Kinderdorf and the Ministry of Labor, Social Policy, Displaced Persons and Refugees of Sarajevo Canton;
- Protocol on cooperation in the procedure of receiving, accompanying and temporary placement of unaccompanied children returning to BiH under readmission agreements.

84. The Development Strategy of Zenica-Doboj Canton (2016–2020), that is Action Plan for realization of the relevant strategy, contains measures for achievement of the

priority goal to increase quality and efficiency of reform activity services in the field of social welfare.

85. The Ministry supports the initiated social protection reform processes with an emphasis on deinstitutionalization processes and transformations of social welfare institutions and adequate exercise of rights with positive legal solutions and international documents, which is reflected in the following activities performed:

- The Ministry participates continuously in the reform process activities in the field of social welfare in the Federation BiH, as well as preparation of strategic, analytical and other planning documents and preparation of new statutory regulation in the Federation BiH. These activities were carried out in accordance with the options available to the Ministry, with continuous cooperation with the Federal Ministry of Labor and Social Policy and other competent ministries at the cantonal, entity and state level, as well as the direct cooperation with competent social welfare centres/municipal social protection services and civil society organizations with a focus on non-governmental organizations;
- In accordance with its capabilities, the Ministry provides support for strengthening the capacity of the social welfare centres and competent municipal services for the purpose of improving the quality of services for users from the area of the Zenica-Doboj Canton;
- In 2018, a brochure “Guide to the Realization of Social Protection Rights” was produced in cooperation between the Ministry and the Association of Social Workers of the Zenica-Doboj Canton for the purpose of increase awareness of users when it comes to realization of their rights to social welfare, protection of the civilian victims of war and protection of families with children in the area of the Zenica-Doboj Canton;
- Data on beneficiaries of social welfare, protection of civilian victims of war and protection of families with children are recorded and updated via a single database SOTAC V2 in the Ministry and social welfare centres and competent municipal social welfare services;
- The Ministry follows a practice of giving consents for temporary accommodation to most of its beneficiaries where possible, with the obligation of first-instance authorities to intensify the activities with an aim of enabling the beneficiaries’ return to their biological families or finding alternative ways of providing care (placement to foster home, adoption, placement to the institution “Sumero Centre for Support of Persons with Disabilities in a Community”, day-care and early intervention services in the PI “Centre for Children and Adults with Special Needs of the Zenica-Doboj Canton”), Room and board facility for single unemployed pregnant women and single unemployed mothers with children of up to 12 months of age within the PI “Home-Family” Zenica);
- The Ministry has a continuous cooperation with the social welfare centres and competent social welfare services, as well as the Federal Ministry, with an aim of improving and implementing regulations;
- Contractual cooperation with the PI “Home-Family” Zenica, between the Ministry, the city of Zenica and the PI “Home-Family” Zenica, which enabled continuity in providing new services in the above-mentioned institution, such as: social housing with the objective of social integration of young people without parental care, Room and board facility for single unemployed pregnant women and single unemployed mothers with children of up to 12 months of age in the Canton and the Room and Board Station;
- In 2018, the Mayor of the city of Zenica has appointed a working group including the Ministry’s representative, which implements activities on preparation of a new Plan for Transformation of the PI “Home-Family” Zenica;
- Support for young people without parental care who are not covered by the public care system, during the period 2016–2018, projects for the support of young people

for independent living in the community have been realized under the contract between the Federal Ministry of Labor and Social Policy, this Ministry and the PI “Home-Family” Zenica;

- Activities on implementation of “Proposed measures for enforcement of the Policy for Protection of Children Deprived of Parental Care and Families at Risk of Separation in FBiH (2006–2016) in the area of the Zenica-Doboj Canton for the period 2014–2016”, annual reports were adopted by the Zenica-Doboj Canton Government;
- Implementation of the Protocol on Actions and Cooperation with an aim of improving the protection of children without parental care and families at risk of separation with accompanying forms and the Roadmap, number: 09-35-21055-1-1/14 of 10 December 2015. Signatories of the relevant Protocol are: the Ministry, all social welfare centres and competent municipal social welfare services, PI “Home-Family” Zenica and the Institution for reception and upbringing of children “Mala škola” Vareš. Under the Protocol, the Ministry has adopted an Instruction on the manner of treatment in institutions and competent social welfare services in the implementation of measures for the protection of children without parental care and families at risk of separation with the obligation to use the prescribed forms in the Zenica-Doboj Canton, number: 09-35-21055-1-2/15 of 28 November 2016, thus enabling uniform treatment in the protection of children without parental care and families at risk of separation. The instruction applies to other beneficiaries who are introduced to social welfare rights and the protection of families with children;
- In relation to support of young people in conflict with the law, in the period from 2017–2019, projects concerning actions and implementation of disciplinary recommendations for minors were implemented under the contract between the Federal Ministry of Labour and Social Policy, this Ministry and the Association of Social Workers of the Zenica-Doboj Canton;
- Continuous support for the development of day-care services and services of early encouragement of development and early intervention via the PI Centre for Children and Adults with Special Needs of the Zenica-Doboj Canton for disabled persons and persons with physical or mental development delays. The relevant institution consists of: the Department for early encouragement and early intervention in Zenica (with a mobile team providing services in local communities of the Canton), business units, day-care centres in Visoko (with a branch office of the day-care centre for adults in Zenica), Tešanj and Žepče/Maglaj (with a branch office of the day-care centre for adults in Maglaj). Simultaneously with the activities of the institution, prevention in terms of institutional placement is being carried out. In 2018, the institution has organized a Children’s Week Celebration Program in the area of the Zenica-Doboj Canton, in cooperation with other institutions and associations, with the financial support of the Zenica-Doboj Government, upon the proposal of the Ministry;
- Contractual cooperation with the institution “Sumero Centre for Support of Persons with Disabilities in a Community”, branch office Nemila, Zenica, within which social inclusion is being performed, i.e. the beneficiaries are being relocated from the institutions of closed/semi-closed type or are being placed in the residential units in the area of the city of Zenica with the assistants’ support;
- The Ministry also has successful cooperation with the Association “Medica” Zenica, the member of the Safe House which consists of a non-formal network of non-governmental organizations whose scope of work includes the domestic violence field. The Association “Medica” Zenica is implementing the project “Safe House for Women Victims of Domestic and Community Violence from the city/municipality area of the Zenica-Doboj Canton” providing services of placement to the “Safe House” and enabling actions for the prevention and protection of the domestic and community violence victims. Under the Protocol on Mutual Cooperation in Prevention and Protection of Victims of Domestic Violence, signed in 2010 by line ministries, institutions, agencies and non-governmental organisations and 10

municipalities/cities from the Zenica-Doboj Canton area, the Canton i.e. the Ministry is obliged to provide 30% of the funds necessary for the “Safe House” operation co-financing, while 30% of funds shall be provided by municipalities/cities and 40% by the Federation BiH. Upon a proposal of the Ministry, the Government has appointed the Coordination Body for development and implementation of a two-year Program of measures for prevention, protection and fight against domestic violence for the area of the Zenica-Doboj Canton 2016–2017 (hereinafter: Program of measures). With the support and cooperation of the Association “Medica”, the Ministry has organized the activities of the Coordination Body. In the last quarter of 2017, the Coordination Body collected data for preparation of the Report on Implementation of the Program of measures from the relevant institutions. This Report was adopted by the Zenica-Doboj Canton Government in February 2018. According to the Program of measures, the Ministry continuously provides funding/co-funding for the projects submitted by the Association “Medica” Zenica, as well as the Children’s Week Celebration Project 2017;

- On a continuous basis, the Ministry implements programs which enable better quality and improved access to services for the disabled persons, children without parental care and families under a risk of separation, for women and children victims of violence, other persons in need and raise awareness in the community. Also, the Ministry has an ongoing cooperation with cantonal social welfare centres and social welfare services, but also with other interest entities, and numerous civil society organisations/associations.
