

Annual Shadow Report for Bosnia and Herzegovina
in scope of EU negotiations process and annual EC 2019 Country Report

Rights of vulnerable children groups

January 2020.



THIS PROJECT IS FUNDED BY THE EUROPEAN UNION

Content

List of abbreviations	3
Introduction.....	4
I Report Executive Summary	6
II Overview of chapters in membership criteria dealing with children rights	7
III State of children rights in BiH expressed in EU Commission Country Report 2019 and other relevant reports and analyses	8
IV Progress in the Chapters and overall situation of vulnerable children rights	20
V Recommendations	27
Annex I - Example of positive practice – Eradication of begging of children in Tuzla Canton	31
Annex II - Monitoring of progress related to child rights situation in the country	31

LIST OF ABBREVIATIONS

BHWI - The Women of Bosnia and Herzegovina Initiative

BiH – Bosnia and Herzegovina

CRC - Convention on the Rights of the Child

CSO's – Civil society organisations

CSW – Centre for Social Work

DEI BiH - Directorate for European Integration

EC – European Commission

EDUS - Association for advancement of education and support for children with and without developmental delays

EU – European Union

FBiH – Federation of Bosnia and Herzegovina

IOM - International Organization for Migration

MHRR - Ministry for Human Rights and Refugees

NWB – North West Balkans

OSCE – Organisation for Security and Cooperation in Europe

RS – Republic of Srpska

TPO Fondation - Transcultural Psychosocial Educational Foundation

UN – United Nations

UNHCR – UN Refugee Agency

UNICEF - The United Nations Children's Fund

INTRODUCTION

As stated in 2005 EU strategy paper, enlargement is one of the EU's most powerful policy tools. All European citizens benefit from their neighbours being stable democracies and advanced economies. Still, enlargement is carefully managed process that takes time in order to help transform the countries involved and contributes to stability, democracy, human rights and rule of law. The European Union has expanded several times since its foundation. Last country that joined Union is Croatia, in 2013, so today EU has 28 Member States.

The entire Western Balkans has a European perspective. Albania, the Republic of Northern Macedonia, Montenegro, Serbia and Turkey have the status of candidate countries, while Bosnia and Herzegovina and Kosovo are potential candidate countries. Future enlargements will depend on the pace of meeting each country's strict standards.

Relations between the EU and Bosnia and Herzegovina have been developing since the signing of the Dayton Peace Agreement in 1995. Bosnia and Herzegovina has been participating in the Stabilization and Association Process, have been using the visa-free travel option to Schengen countries since 2010 and the Stabilization and Association Agreement has been in force since 2015.

A key date in the history of relations between Bosnia and Herzegovina and the European Union is February 15, 2016, when Bosnia and Herzegovina applied to the Presidency of European Council for membership.

Article 2 of the Treaty on European Union states that "the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society dominated by pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men. "

This is the legal framework within which the Commission delivers its Opinion on state enlargement progress¹.

EU requirements for BiH as a potential member are based on the European Council conditions made at the 1993 Copenhagen meeting, so called "Copenhagen criteria":

1. Political criteria: Stability of democratic institutions and the rule of law - respect for civil rights and protection of national minorities;
2. Economic criteria: Firmly chosen market instruments, functional use of market economies, as well as the ability to resist competitive pressures,

¹COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL, Commission Opinion on Bosnia and Herzegovina's application for membership of the European Union; Brussels, 29.5.2019; COM(2019) 261 final

3. Ability to assume the obligations of membership: obligations set out in the Stabilisation and Association Agreement and the level of progress with adoption, implementation and enforcement of the EU acquis.

Besides this, as defined by the 1995 Madrid European Council, applicant country is expected to develop firm administrative structures in order to be integrated as an EU member and as regards the Western Balkans, applicant countries need to fulfil the Stabilisation and Association process conditions, mostly relating to good neighbourly relations and regional cooperation.

After submitting the application for EU membership in 2016, BiH received a Questionnaire - formal instrument through which the Commission assesses the situation and readiness of applicant country to move forward in the accession process. Within the Questionnaire and its additional questions, Bosnia and Herzegovina received a total of 3,897 questions covering all EU policies. BiH took 22 months to answer the initial and additional questions received. Despite the established coordination mechanism for EU-related issues, the authorities could not agree to provide answers to 22 questions: one from political criteria, four from regional policy and 17 from education policy.

CSO's, citizens and all private parties were also called to provide alternative answers to Questionnaire which were collected, translated and submitted by DEI BiH.

Based on the answers from the Questionnaire and the continuous monitoring of progress made in BiH so far (EC Progress Reports, EC Country Reports) in May 2019, the European Commission gave a positive opinion on our country's accession to the EU, but with a number of preconditions that we need to fulfil before the start of negotiations on joining and obtaining candidate status.

This report will give overview of Commission opinion related to status of vulnerable children in BiH, mainly presented in Political criteria and covered by EU acquis chapters 23, 19, 24 and 26, current situation of these children rights in BiH and provide recommendations and best practices that can contribute to improvement of child rights situation in the country.

I Report Executive Summary

Annual Shadow Report for Bosnia and Herzegovina assessed the state and progress of the implementation of national and local policies and legislation related to promotion and protection of vulnerable children rights especially in a light of 2019 EC Country Report and state presented in relevant EU negotiations chapters (chapter 23, 19, 24, 26). Focus in this report is given to issues related to children affected by violence, migrant children, Roma children, children with disability and children without parental care/in risk of separation, including recommendations that were drafted with participation of IRIS network members working with and for targeted groups of children.

Since our country declared willingness to take steps in obtaining EU candidate status, progress in fulfilling accession criteria was and is very slow. In the latest EC Country report from May 2019 it is stated that "Bosnia and Herzegovina still does not sufficiently meet the criteria for stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities set by the European Council.

State of children rights in BiH is not different from overall state of human rights. Children in BiH face discrimination, social exclusion, deprivation of basic human rights which prevents them from reaching their full potentials, especially minority groups in risk. Since EC Country Report for BiH 2019 was made available, we detected very little progress. This report is providing recommendations for each targeted group of children separately but some common obstacles and recommendations are fundamental for all children in BiH in order to fulfil their economic, social and cultural rights:

- Implementation of existing laws, strategies and action plans still remain a huge challenge. Bosnia and Herzegovina is a signatory to the Convention on the Rights of the Child (CRC) and its protocols, rights are incorporated in number of laws but complex state structure represents an obstacle for the equal formulation and implementation.
- Most positive legislative is also lacking implementation mechanism, regulation and standards such as a case in the Anti-Discrimination Law, which leaves open space for violation of rights, very often without sanction or needed protection and rehabilitation.
- Insufficient budget allocations for implementation of above mentioned acts as well as needs of children and family are evident in all segments of life. Investment in children, their education and social support have to be a priority.
- BiH must take serious steps in developing preventive programs for children in risk, which will be continuous, sustainable and based on relevant data which we lack.
- Raising awareness of citizens in light of respect,
- Human rights and freedoms are foundations for improvement of attitudes toward vulnerable groups of children.
- Raising an overall awareness of citizens about responsibilities of government and demanding accountability for their actions will contribute to improvement of life conditions in country, accelerate process of EU accession and hopefully slow down the alarming outflow of people from Bosnia and Herzegovina.

II Overview of chapters in membership criteria dealing with children rights

Chapter 23 - Judiciary and Fundamental Rights / Political criteria

The area of children's rights, as part of a broader set of fundamental rights, is most directly covered by Chapter 23 - Judiciary and Fundamental Rights. Chapter 23 consists of four thematic sections: judicial reform, anti-corruption policy, fundamental rights and the rights of EU citizens. In substance, this chapter is about meeting the political criteria that are a basic prerequisite for further integration. Fundamental rights are the foundation of every civilized society and the rule of law. Their realization must be guaranteed and unimpeded.

This area contains a number of conventions, protocols, charters and declarations that the candidate country must introduce into its legal system, while ensuring effective implementation. Particular attention is drawn to the topics of anti-discrimination, the right to a fair trial, the right to a trial within a reasonable time and the protection of personal data.

Alto basic for our analyses, Chapter 23 does not cover all aspects of child rights implementation.

Chapter 19 - Social policy and employment

After Chapter 23, the crucial importance for the advancement of the welfare of the child is contained in Chapter 19 - Social policy and employment. European legislation in the field of social policy and employment is aimed at creating equal opportunities for all, prohibiting discrimination on any basis and strengthening social dialogue.

This Chapter is of the utmost importance for the protection of the rights and well-being of the child, since the *acquis communautaire* in this chapter addresses issues such as fight against poverty, the protection of the rights of young people and parents in employment relations, the promotion of social inclusion, the promotion of the status of persons with disabilities etc.

Chapter 24- Justice, Freedom and Security

The main objective of the implementation of all the activities recognized under Chapter 24 - Justice, Freedom and Security is to enable the free movement of persons while guaranteeing their security. Such a broad framework covers a range of issues - from managing the EU's external borders, through judicial cooperation in civil and criminal matters, to issues and areas in the fight against organized crime, migration and asylum issues.

This chapter is incorporated in this report as one of burning issues in BiH are migrations, which include more than 1653² unaccompanied children and children registered in our country and not receiving proper or on-time assistance.

Chapter 26- Education and culture

² UNHCR Inter Agency operational update, BiH, December 2019

Chapter 26 covers education, training, youth programs and culture. These areas are the responsibility of the Member States of the European Union, which implement them in a spirit of cooperation and voluntary benchmarks. The Treaty on the Functioning of the EU mandates that the Union foster cooperation between Member States, as well as assist and supplement their activities, while respecting their responsibility for teaching content, the organization of education and training systems, and their national and regional cultural diversity.

The importance of Chapter 26 - Education and Culture is reflected in the fact that in developed EU economies it is recognized that the main development resource is human capital, and its quality depends primarily on the provision of appropriate education and training. The legal framework, which sets out the guidelines for creating a knowledge society in the EU, is reflected in a large number of EU documents (Bologna Declaration, Lisbon Strategy, Copenhagen Declaration, etc.).

This chapter will be analyzed in this report as many children in BiH have restricted or no right to free and assessable education.

III State of children rights in BiH expressed in EU Commission Country Report 2019 and other relevant reports and analyses

The EU in BiH and EU Commission has organized a number of expert missions, consultations with various stakeholders, national and international CSO's and agencies, and all other relevant parties in order to assess administrative and all other capacities of the institutions of Bosnia and Herzegovina to implement membership criteria and identify remaining challenges and priorities for future action.

The EU Commission has analyzed the current situation and provided guidance to address the issues. Detailed analysis is contained in the Commission Analytical Report for BiH 2019 from which we will present findings related to rights of vulnerable children groups.

Overall conditions for protection of children

Area of children rights is very broad. It includes rights from pregnancy (maternal leaves) to child adulthood. These rights are incorporated in numerous laws, by-laws, and conventions and regulated through protocols and acts on all levels of governance. Because of this, in this report we will only focus on situation and concerns expressed in EC Country report for BiH 2019, linked to vulnerable children. Comprehensive review of laws, regulations and strategies on children rights can be observed in several recently published reports and analyses³.

³-The Combined Fifth and Sixth Report of Bosnia and Herzegovina on its Implementation of the Convention on the Rights of the Child, BiH Ministry for Human Rights and Refugees, September 2017

-Gap Assessment of Human Rights of Vulnerable Children, LIR CD/ASB, September 2019

-Alternative report on the situation of children's rights in Bosnia and Herzegovina for the period 2011– 2018, Nasa djeca Sarajevo/Network Stronger Voice for Children, October 2018

Bosnia and Herzegovina is a signatory to the Convention on the Rights of the Child (CRC), the most comprehensive document treating issues related to children in all segments of their life and upbringing. BiH also signed CRC's three optional protocols related to protection of children from sexual exploitation and trafficking, protection of children in armed conflicts and third protocol which was ratified in 2018 – Protocol on communication procedures which allow children and their caregivers to seek protection directly from UN Committee on the Rights of the Child.

BiH legislative is mostly adjusted to CRC but implementation remains huge challenge in most areas. Complex state structure represents an obstacle for the equal formulation and implementation of rights as they are guaranteed by laws on entity, cantonal or municipal level. This also influenced huge differences in, for example, social benefits, as they depend on financial situation of each canton in Federation BiH (FBiH), also differencing from social benefits in Republic of Srpska (RS). Human and children rights should be exercised equally by all, not depending on geographical, political or any other condition. Budgets for child rights on all levels of government are not based on children or family needs.

The most important strategic document relevant for children in BiH is the Action Plan for Children 2015 – 2018 which implementation is initiated and monitored by Children's Council. Viewed by EC 2019 Report, Children's Council is working but not meeting regularly and Action Plan has not been adequately implemented due to insufficient funding and coordination. According to the latest report on implementation, 50% of planned measures have been partly or fully implemented⁴.

EU Country report⁵ gave most space to overall children protection and social system:

“In terms of social inclusion and protection, there is no nation-wide strategy for poverty reduction and social inclusion and protection, nor a system for monitoring policy implementation across the country. At the entity level, there is a wide range of strategies and laws related to social inclusion and protection and systems for their implementation. However, they are not implemented due to lack of resources, inadequate procedures, standards and referral practices, and generally lack of coordination.

Almost a third (31.6%) of children between the ages of 5 and 15 are at risk of poverty. Among the poor, there are a significantly higher number of children in families where the woman is the head of the family and children in families with two or more children. Four percent of children are both poor and materially and housing deprived at the same time. Despite the great poverty and consequent social challenges, the social protection system is underdeveloped, while the effectiveness of social transfers is limited.

⁴Alternative report on the situation of children's rights in Bosnia and Herzegovina for the period 2011– 2018, Nasa djeca Sarajevo/Network Stronger Voice for Children, October 2018.

⁵ COMMISSION STAFF WORKING DOCUMENT; Analytical Report Accompanying the document Communication from the Commission to the European Parliament and the Council Commission Opinion on Bosnia and Herzegovina's application for membership of the European Union; Brussels, 29.5.2019, SWD(2019) 222 final

Social benefits are extremely low and insufficient to meet basic needs. Targeting social transfers is inadequate, and therefore their effects on poverty reduction are very limited. Only about one quarter of social assistance is granted on the basis of needs assessment, while the other three quarters are granted on the basis of status, mainly for war categories of beneficiaries.

There is no adequate system for collecting data. Authorities must collect accurate and consistent data on rates of child poverty and violence against children, including children with disabilities, Roma children and girls.

In the area of non-discrimination policies, the Anti-Discrimination Law has been in force since 2009, amended in 2016 but not truly applied, lacking mechanisms for full implementation. There are no adequate and reliable statistics on discrimination cases collected. Discrimination is one of the main problems faced by groups of children which will be subject of this report.”

Vulnerable children and families are those who are at risk of poverty, discrimination, separation, children without parental care, children with disabilities, children affected by violence and children in conflict with the law. Problems of several vulnerable groups of children were especially highlighted in EU Country Report:

- Children affected by violence
- Roma children
- Migrant children
- Children with disabilities
- Children without parental care/in risk of separation

Children affected by violence

EU Country Report findings

Only a small number of cases of violence against children are reported, resulting in a small number of cases before the courts.

Subject of children affected by violence is unjustifiably neglected in EU Country Report for BiH. For illustration, according to a Multiple Indicator Cluster Surveys conducted by UNICEF between 2010 and 2011, 55 % of children aged 2-14 experienced violent discipline (physical punishment and/or psychological aggression) at home. According to anecdotal evidence, we know that many children in BiH experience neglect, domestic violence and peer violence. There are also increased risks associated with Internet use, such as sexual exploitation and abuse of

children online⁶. Also, in preparation of Children report on the situation of children rights in BiH or UN Committee of the Rights of the Child, topic of violence has been addressed by children as number one problem that children face⁷.

According to BH statistic, in 2017 there were 2.546 of children neglected or molested by parents⁸. Estimate for year 2018 only for Canton Sarajevo was that around 700 children is indirectly affected by violence in family setting⁹. In 2018, the Ombudsman for Children RS handled a total of 137 cases of violence against children, of which 50 are peer-related cases, 10 domestic violence cases involving children as victims, and 12 sexual violence cases¹⁰. Barring in mind that only small percent of violence cases is reported and consequences that violence leave on a child, this problem should have more attention from national and international institutions and organisations. There are no specialized interdisciplinary public services for the recovery, rehabilitation and reintegration of children victims of violence in BiH. Children victims of violence are placed in CSO's shelters for all victims of violence, as well as in social welfare institutions for children without parental care.

Peer-violence is a huge concern in BiH, especially after several cases ended tragically. Research of peer violence carried out in FBiH on a nationally representative sample in 2016 examined the widespread use of peer violence and the characteristics of children who participated in such violence in various ways. The study included 1195 children aged 15, 16, 17, 18 and 19 years. 69% (825 students) stated that they experienced some form of violence. Among the perpetrators of violence, number of girls was bigger, 68.6% but also girls are more than boy's victims of violence¹¹. Concerning forms of violence, (example of children of first grade secondary school) most children pointed sexual violence (51.9%), emotional (35.98%) and then physical (13.1%).

A survey conducted by the Ombudsman for RS in 2010 showed that peer violence is equally territorially distributed in primary and secondary schools in RS, with more than 50% of schools that have registered cases of violence¹².

The Association "Kap" has been doing research for two years in primary and secondary schools in BiH in 2016/2017, within which 6,957 questioners have been analyzed. More than 2,339 children stated that they experienced some form of violence (every third child)¹³. From this number, 702 children did not seek help from anyone, and only 66 approached to police. Almost all these reported cases of peer violence took place in school. "Based on the statistics, unfortunately, we can say that every single child is a victim of violence in school setting and that we keep our eyes closed and do not recognize the problem."

⁶<https://www.aa.com.tr/ba/balkan/bih-nema-jedinstven-registar-mnogi-slu%C4%8Dajevi-nasilja-nad-djecom-ostaju-neprijavljeni/1314559>

⁷Children Report on the Situation of Children Rights in BiH, Naša djeca Sarajevo/Stronger Voice for Children, October 2018.

⁸http://www.bhas.ba/tematskibilteni/SOC_00_2012_Y5_0_SR.pdf

⁹<https://www.radiosarajevo.ba/vijesti/bosna-i-hercegovina/nasilje-nad-djecom-mnogi-slucajevi-ostaju-neprijavljeni-u-nasoj-zemlji/318752>

¹⁰<http://www.djeca.rs.ba/uploaded/2018.%20Godisnji%20izvjestaj%20LAT.pdf>

¹¹ Peer violence in secondary schools in the Federation BiH; LejlaKuralić-Čišić, MelihaBijedić, ZamirMrkonjić, RankoKovačević, MirelaDuranović, EdinMuftić, Alma Dizdarević, Adela Čokić, Univerzitet u Tuzli, Edukacijsko-rehabilitacijskifakultet, 2016

¹²<http://lircd.org/wp-content/uploads/2019/11/ANALIZA-NEDOSTATAKA-WEB.pdf>

¹³ <https://www.danruzcistihmajica.ba/?p=1840>

Ombudsman for Children RS and Institution of Ombudsmen for Human Rights in BiH very actively participated in drawing attention of public and relevant government institutions on subject of peer violence. Very significant was a role of Ombudsman for Children RS in drafting, adoption, implementation and monitoring of Protocol on the Treatment of Peer Violence among Children and Youth in the Republic of Srpska Education System¹⁴. Another important document that is providing procedures in cases of violence against children for all professional was issued by MHRR – “GUIDELINES for dealing with violence against children in BiH”¹⁵.

Roma children

EU Country Report findings

The Roma are the most vulnerable minority in BiH. Despite recent improvements, housing conditions for the Roma population in Bosnia and Herzegovina are inadequate, as many live in informal settlements without access to water and electricity. Prejudice and formalistic attitudes continue to hamper Roma social integration.

The Roma face the highest degree of discrimination in employment opportunities and are virtually absent from the workforce.

Not all children in Bosnia and Herzegovina are covered by compulsory health insurance and marginalized groups, such as Roma, face multiple discrimination.

Compulsory school enrolment rates have risen to 72% in recent years, but the number of dropouts is very high. The completion rate of compulsory education is 42%, which is less than half the rate for non-Roma people. Very few Roma are involved in secondary and higher education.

There is no teaching in the Roma language, and awareness of the Roma culture in the rest of the population is very limited. About two thirds of Roma have access to health care services.

Child exploitation and child begging are issues of concern.

The administrative capacity of social work centres needs to be strengthened

According to the 2018 report 'The Wall of Anti-Gypsyism - Roma in Bosnia and Herzegovina' by Civil Rights Defenders, Roma population is in a particularly poor position. "Existing employment figures for the Roma population indicate a very poor situation. In a country with high unemployment, widespread corruption and nepotism and widespread informal labour markets

¹⁴http://www.novageneracija.org/literatura/protokoli/protokol_o_postupanju_u_slucajevima_vrsnjackog_nasilja.pdf

¹⁵http://www.mhrr.gov.ba/ljudska_prava/djeca_bih/Smjernice%20za%20postupanje%20u%20slucaju%20nasilja%20nad%20djecom%20-%20HRV.pdf

due to high taxes and social security contributions, it is even harder for Roma to get a job or find legal channels for self-employment¹⁶

Most of the measures in the Revised Action Plan of BiH for Educational Needs of Roma, are not implemented because no funds are provided to the lower levels of the government. System support for Roma families in the education of their children is still absent (subsidizing the cost of staying in preschools, obtaining textbooks, school supplies, school meals, transportation to school)¹⁷.

Significant progress has been made in the registration of Roma families and children upon birth, which introduced bigger population of Roma into the health care system. Also, according to Ministry for Human Rights and Refugees (MHRR) the biggest step forward was made in the field of Roma housing. In period 2011-2017, 865 housing units were built for Roma, out of which 614 were constructed from the budget of the Ministry of Human Rights, and 102 through the SIDA project and 149 through the IPA¹⁸.

Still, implementation of the Revised Housing Strategy for Roma has several key problems: unresolved property and legal issues when it comes to real estate, lack of basic infrastructure, location for new housing units, and lack of communication with Roma community representatives¹⁹.

In the document "Education reform in Bosnia and Herzegovina through the prism of inclusion of the Roma minority - Public Policy Analysis and Proposal for a New Action Plan for Competent Institutions" from January 2018, stated that only 1.5% of pre-school Roma children are covered by some form of early education childhood, that is, pre-school education. By independent sources, enrolment of Roma children in pre-school education is even smaller, 0,5%.

When it comes to the percentage of Roma children attending primary education, as well as the percentage of Roma children outside the primary education system, the last available percentage indicators are from the Multiple Indicators on Roma Population 2011-2012 in Bosnia and Herzegovina. According to the survey, the rate of primary education for Roma children is 69.3%²⁰. In the Report on the Implementation of the Revised Action Plan of Bosnia and Herzegovina on the Educational Needs of Roma for the 2015/16 school year, it is stated that the Roma language as an optional subject, has not been introduced in any school in Bosnia and Herzegovina, nor alternative solutions for the teaching of the Roma language has been provided.

According the Republic of Srpska authorities, they are ready to introduce the Roma language into the education system, but the problem is in the teaching staff²¹.

Good example of cooperation between governmental institutions and CSO's is establishment of Coalition for Cooperation and Joint Action. The aim of the Coalition is to establish a

¹⁶<https://crd.org/wp-content/uploads/2018/02/The-Wall-of-Anti-Gypsyism-%E2%80%93-Roma-in-Bosnia-and-Herzegovina-BiH.pdf>

¹⁷<http://snaznijglaszadjecu.org/wp-content/uploads/2019/07/Alternativni-izvjestaj-BH-2018.pdf>

¹⁸THE COMBINED FIFTH AND SIXTH REPORT OF BOSNIA AND HERZEGOVINA ON ITS IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD, Ministry for Human rights and Refugees BiH, 2017

¹⁹<http://snaznijglaszadjecu.org/wp-content/uploads/2019/07/Alternativni-izvjestaj-BH-2018.pdf>

²⁰http://www.fmon.gov.ba/Upload/Ostalo/8e6f18a9-1315-4c9b-a914-aadd08c6825b_Informacija%20o%20uključenosti%20dijeca%20romske%20nacionalnosti%2016072018.pdf

²¹<https://srpskainfo.com/projekti-za-bolji-status-roma-u-republici-srpskoj-obrazovanje-na-prvom-mjestu/>

constructive and systematic dialogue between local and national authorities and Roma civil society organizations, with the aim of improving policies for integration, social inclusion, non-discrimination, interethnic dialogue, socio-economic development and civil rights. Coalition members are 10 Roma and pro-Roma organizations from across BiH, which in partnership in year 2017/2018 implemented 14 initiatives aimed at Roma inclusion in BiH²².

Some local communities are actively involved in projects related to the inclusion of Roma children in which local CSO's have a huge role.

Analyses of situation of Roma children and families can't be fully accessed without question of economic exploitation of children/begging. Alto this problem does not exclusively affects Roma children, it is significant for this population. In BiH, there is no national framework for intersectoral cooperation in dealing with the economic exploitation of children/begging. Only few local communities in BiH have reference mechanisms for dealing with the cases of child begging. In the greater part of the country, mostly police respond to the begging of children, exclusively on report, and in a way that they 'remove' the children from the street²³. Children who are exposed to begging in the FBiH are still not recognized as beneficiaries of social protection service. In RS children who are victims of economic exploitation, violence and trafficking have been assigned the status of beneficiaries of social protection. Data on number of children affected by economic exploitation in BiH is still unknown. The only adequate protection and assistance for the recovery and reintegration of children victims of beggary is provided by NGOs through the Day-care Centres for Children, 11 in BiH (Tuzla, Sarajevo, Bijeljina, Banjaluka, Modriča, Mostar, Bihać, Brčko, Zenica). According to BiH Statistic, number of children involved in begging is 1.441, 693 male and 748 female²⁴.

Migrant children

EU Country Report findings

Unaccompanied migrant children face specific difficulties, such as access to safe accommodation and asylum procedures.

In 2018, 324 unaccompanied migrant children were identified. Only 29 of them received the legal guardian appointed, as required by law.

Alternatives to detaining irregular migrant families with children must be found and registration of undocumented migrant children must be ensured.

The Government of BiH has ratified relevant international conventions related to migration and asylum and most of the legal and regulatory framework has been harmonized accordingly. However, the identification and referral mechanism for unaccompanied and separated children remains a key challenge for BiH authorities, which should develop and adopt the necessary

²²<http://otaharin.org/en/index.php/2018/11/23/koalicija-za-saradnju-i-zajednicko-djelovanje/>

²³<http://snaznijglaszadjecu.org/wp-content/uploads/2019/07/Alternativni-izvjestaj-BH-2018.pdf>

²⁴BiH Statistics; Social protection 2011-2016.

guidance²⁵. Although part of the procedures implies that unaccompanied minors must be assigned a guardian to be present during interviews with officials, unaccompanied children do not have adequate access to caregivers, and procedures for determining the best interests of the child are often delayed, if implemented at all.

In 2016 and the first half of 2017, the total number of children with refugee status and subsidiary care was 46. All children had health insurance. In accordance with their age, 27 (100%) children are included in the education system²⁶. But in 2018, as migrant crises escalated, number of unaccompanied migrant children was 324 and only 29 of them received the legal guardian appointed, as required by law.

The extent of the migrant crisis in BiH is best shown by UNHCR Inter-agency report from November 2018. In 2018 there were 23.132 migrants that entered our country, 21.320 issued certificates of intent to seek asylum but only 1.356 applied for asylum²⁷. It is estimated that some 4,500 to 5,000 refugees and migrants remain in BiH and need humanitarian assistance, and are located in various locations, mostly in Sarajevo and the Una-Sana Canton in particular. In November 2018, International Organization for Migration (IOM) expanded its facilities at the Camp Bira in the USK from 440 to 1,800 places and organized the space to separate unaccompanied minors and children separated from family from the rest of the population. The IOM, with support from the EU, expanded accommodation capacity in camp Miral, Velika Kladuša, from 300 to 700 places. Camp Sedra, in Una-Sana Canton opened by IOM in July with the financial support of the EC provide accommodation for families with children who have priority for voluntary transfer from other locations in partnership with UNHCR. The Ushivak Transit/Reception Centre in the Sarajevo Canton, Hadzici initially had a capacity for 400 people, and expanded to additional 300 places.

In all, we can say that BiH government was not prepared to cope with these crises, especially in the beginning when most humanitarian efforts were provided by citizens, international volunteers and later on Red Cross Association.

In Jun 2018 coalition of organization working in the child rights sector in BiH (International Forum of Solidarity - Emmaus (IFS-Emmaus), Save the Children NWB, SOS Kinderdorf, UNICEF and World Vision in BiH) announced results of assessment that was made of the situation of migrant and refugee children. A total of 381 questionnaires were completed, which included 29 unaccompanied and separated children, 34 accompanied by children aged 15 and over (four of whom were 18 and one, 20), 40 children of unspecified age, and guardians accompanying 278 children ages 0-14. In Velika Kladusa, another 37 unaccompanied male children were identified who did not consent to the interview. It has been identified that 12 children have various forms of physical and/or intellectual disability, of which five are unaccompanied or separated from their parents. There were approximately equal numbers of girls and boys with their families. All unaccompanied children were boys (24% are 14 years old, 35% are between 15 and 16 years old and 38% are 17 years old).

²⁵<http://snaznijglaszadjecu.org/blog/2020/01/15/index-djecije-zastite-za-bosnu-i-hercegovinu-2-0-2/>

²⁶<http://snaznijglaszadjecu.org/blog/2020/01/15/index-djecije-zastite-za-bosnu-i-hercegovinu-2-0-2/>

²⁷<https://www.undp.org/content/dam/unct/bih/PDFs/UNCTBiHSitReps/Inter-agency%20refugee%20and%20migrant%20operational%20update-%20November%20BHS.pdf>

Key recommendations included urgently ensuring that all unaccompanied and separated children, as well as children with families have accommodation and shelter, emergency medical care, necessary clothing, hygiene products and adequate food, insuring that all unaccompanied and separated children immediately receive legal guardianship and that all unaccompanied and separated children, as well as children with families have access to ongoing psychosocial counselling²⁸.

The first children's corners were formed in Una-Sana Canton, the Salakovac Camp near Mostar, Sarajevo and later the Ushivak Camp near Hadzic, with the support of the international organizations and agencies mentioned above. In June 2018, there were approximately 200 migrants in Salakovac, of which 56 were children under the age of 16. In December 2018, 15 migrant children started going to school in Sarajevo²⁹. In January 2019, about 200 children situated in camps in Bihać and surrounding area started their school year.

Children's corner proved to be crucial for children wellbeing, health and social rights, access to protection and rights to learn and play. For example, till November 2018 Children Corner that is run by CSO Žene sa Une, Save the Children and World Vision, supported by UNICEF, has been able to reach 866 children in total, and has provided close to 5,000 services, including support to victims of violence, abuse and exploitation.

UNICEF supported work of the Social Work Centres (CSWs) in Bihać and Cazin by appointing additional social workers whose attention is focused on the protection of refugee and migrant children, especially unaccompanied minors and separated from their parents. BHVI also ensured the presence of social workers at the Kid's Corner in the Una-Sana Canton who are set up for caregivers, who do the Best Interest Assessment and provide psychosocial support; other social workers are available in Sarajevo for the same reason. In November 2018, 120 unaccompanied and separated children were referred to social workers to be appointed guardians³⁰.

In order to prevail additionally observed difficulties in protection of children, UNICEF, in cooperation with the Cantonal Ministry of Health, Labour and Social Policy, in November 2018 organized a workshop for all participants working with unaccompanied and separated children to clarify and strengthen the protective referrals of unaccompanied minors. Also, Save the Children, with the support of UNICEF, organized two training at Camp Sedra on topic of psychosocial assistance (training for staff that works at this site) and training on child protection mechanisms (for representatives of all agencies working at Camp Sedra).

Children with disabilities

EU Country Report findings

People with disabilities are among the most vulnerable groups. - support is limited and varies depending on the origin of the disability. Such discriminatory status-based approach must be abolished.

²⁸<https://www.sos-ds.ba/novosti/završena-procjena-situacije-djece-migranata-i-izbjeglica/>

²⁹<https://www.unicef.org/bih/pri%C4%8De/prvi-dan-%C5%A1kole-za-djecu-izbjeglice-i-migrante-na-ilid%C5%BEi>

³⁰<https://www.undp.org/content/dam/unct/bih/PDFs/UNCTBiHSitReps/Inter-agency%20refugee%20and%20migrant%20operational%20update-%20November%20BHS.pdf>

Although the law prohibits discrimination, people with disabilities still face difficulties in accessing education, health care and social assistance. Very few public buildings are accessible to people with physical disabilities.

When it comes to people with disabilities, institutional protection still prevails. There is no adequate support for community-based services that enable independent living, nor is there a comprehensive deinstitutionalization strategy.

BiH still does not have an integrated database on children with disabilities so it is hard to say what percentage of children does or does not exercise their basic rights. There are databases on children in institutions. According to BH Statistics, 1.079 children were in residential care in 2016³¹. Health services, like others, depend on places (urban/rural) and types of disabilities. Specialized dental services for children with disabilities until 2017 were only available in Mostar, Sarajevo, Banja Luka, Zenica and Foča.

Inaccessibility of physical environment, along with inadequate or lacking orthopaedic and other aids, lack of public transportation for disabled persons, as well as lack of information adapted to persons who are blind, deaf or have intellectual difficulties contribute to their exclusion from all social activities. All above mentioned problems are especially emphasized in rural areas.

The right to inclusive education guaranteed by law for children with disabilities is most frequently violated in practice, since funds for the provision of such services have not been allocated. In pre-school education for the 2016/2017 school year there were 491 children with disabilities³². Situation in primary education was slightly improving but far from satisfying. In September 2018 parents of children with disabilities, aged 2-7 organized protests as 151 children couldn't continue education, provided by CSO EDUS, due to lack of finances and educated professionals for work with children³³.

Habilitation and rehabilitation services are rare and where they exist is limited in duration and resources. Services are usually provided by non-governmental organizations and associations of persons with disabilities that are not part of the system and also have limited resources and support, mainly project basis or supported by governmental sector but with inadequate funding. Most of daily centres for children with disabilities are again mainly located in urban areas.

The Law on Social Welfare in RS introduced the right to day care for children with disabilities as a kind of support for the stay of children with disabilities in the family environment/place of living of the child and preventing the institutionalization of children and their stigmatization. The Ombudsman for Children RS supported the opening of the Centre for Specialist Social Services "For mother and child" in city of Banja Luka as the only institution of its kind in the region, intended for helping children with disabilities and their parents. The Centre works on principle of day care for children with disabilities and early intervention from the early age³⁴.

³¹BH Statistic - Social protection 2011-2016

³²<http://snaznijglaszadjecu.org/blog/2020/01/15/index-djecije-zastite-za-bosnu-i-hercegovinu-2-0-2/>

³³<https://avaz.ba/vijesti/bih/412155/gdje-je-moja-skola>

³⁴<http://www.djeca.rs.ba/uploaded/2018.%20Godisnji%20izvjestaj%20LAT.pdf>

Social benefits/allowance for children with disabilities is not sufficient for the basic needs, it vary depending on geographical area/place of living and baring in mind that usually at least one parent is staying at home, caring for a child, it leaves families in very difficult position.

Children without parental care/in risk of separation

EU Country Report findings

There are about 1,640 children without parental care in the country, of which 49% live in homes, as well as 71% of children with disabilities without parental care and 87% of very young children without parental care (0-3 years).

Foster care and alternative solutions for children should be promoted.

Financial benefits and access to social services for disadvantaged children need to be improved to prevent families being separated, resulting in poor economic conditions or labour migration in one-third of cases.

Support should be provided to children leaving care facilities at the age of 18 years.

The transformation of social care institutions and, in particular, institutions for children without parental care is underway.

Most common reasons why children are separated from their families include death of a parent, unknown parents, poverty, anti-social behaviour of parents and unresolved housing issues. Most children without parental care (64%) have at least one living parent, while this percentage among children with disabilities without parental care is 72%³⁵.

CSWs are the main resource for coordinating child protection and support services for families in BiH. 23% of CSWs have signed protocols on cooperation in the field of preventive protection of children at risk of separation. Family support services include material support programs as well as counselling and professional work, home visits, and separation case audits. The extent of support and preventive work with families in each municipality depends primarily on the capacity of CSWs, as well as on the existence of referral mechanisms and other services of NGOs and local authorities in the community³⁶. There are only a small number of CSWs who have a database for monitoring children and families at risk of separation and there is no single database at the BiH level. Social work centres do not have a unique methodology for registering socially disadvantaged families with children. Most of mentioned activities by CSW's (counselling, financial and material assistance, etc.) have no significant impact on the return of children to the family, since only a small number of children (below 10%) have returned in the last two to three years to their families after being placed in alternative care³⁷.

Children in BiH are exempted from their parents on the basis of expert opinion and a thorough assessment of the multidisciplinary CSR team (capacities, processes and criteria vary from

³⁵<https://europa.ba/wp-content/uploads/2018/07/Situaciona-analiza-For-Web.pdf>

³⁶<http://snaznijglaszadjecu.org/blog/2020/01/15/index-djecije-zastite-za-bosnu-i-hercegovinu-2-0-2/>

³⁷<http://snaznijglaszadjecu.org/blog/2020/01/15/index-djecije-zastite-za-bosnu-i-hercegovinu-2-0-2/>

centre to centre), with priority being given to some form of institutional placement where even very young children (0-3) are more often placed in institutions, contrary to UN guidelines for alternative child care. BiH legislation still does not explicitly prohibit placement of children up to three years in institutions.

Despite the commitment of the governments of both entities, institutional care is still the most commonly used option for placement of separated children. Social norms and poorly developed alternatives to institutional care are just some of the reasons for this also it is noted that there are greater financial allocations for institutional placement of children in relation to alternative forms and prevention³⁸.

Foster care as a possible resource for children without parental care is underutilized by CSWs. About one-third of potential foster parents did not have children housed at the time of the study conducted by UNICEF. Few children without parental care are adopted (about 40 per year). Children involved in the adoption program mostly were under the age of three. There is no data that shows that any child with disability has been adopted in BiH. Many children remain in the alternative care system until adulthood.

Three-quarters of the 144 youth who exited the alternative care system in the two and a half years prior to the survey³⁹ were 18 to 26 years old at the time of leaving the system. Two-thirds of all these children did not receive employment assistance, and only half received housing assistance.

Also transformation of social care institutions, in particular, institutions for children without parental care is underway this process has been long and slow.

International organization Hope and Homes for Children is one of the lead initiator of transformation and has been participating in the implementation of the Foster care law, which was adopted in 2017, providing training for professionals from CSW's on assessment procedures, training, monitoring and support for new foster parents, developing procedures, forms and resources that contribute to the development of a professional and effective system of recruitment, selection and monitoring of foster care, among other activities. Their first successful project of closing the institution was carried out in Zenica when they successfully implemented the closure of the institution "Most" in June 2008. By the joint efforts of the government sector and Hope and Homes for Children in BiH, 33% of children from that institution were successfully reintegrated into their biological families, and 15% of children were adopted. Care for 18% of children and young people continued in a small family home as the only optimal residential form of care. Other children are cared through fostering (13%), and 21% were young people who have become independent with the support of Hope and Homes for Children in BiH. Currently, organization is implementing projects of transformation of institutional care for children without parental care in the Canton Tuzla and Sarajevo into a

³⁸<http://snaznijglaszadjecu.org/blog/2020/01/15/index-djecije-zastite-za-bosnu-i-hercegovinu-2-0-2/>

³⁹<https://europa.ba/wp-content/uploads/2018/07/Situaciona-analiza-For-Web.pdf>

system of care consisted of series of new services that will support the growing of children in families⁴⁰.

Data from December 2017 testify that without parental care in Republic of Srpska, there were a total of 454 children, 365 of whom were placed in foster families, 115 of them with relatives who became foster parents. The trend of reducing the number of children growing up in the institutions has been going on for years, and in 2017/2018 the number of children in institution for children without parents "Rada Vranješević" decreased from 100 to 73 toddlers and teens⁴¹. A positive example of alternative childcare is the scale of children in institutions compared to alternative care in the City of Prijedor. CSW Prijedor records 32 foster families, with 39 people being cared for, 8 of whom are adults and 31 are minors. There are 7 children on placement in social care institutions⁴².

In August 2018, it was announced that institution "Rada Vranješević" would soon be transformed with the support of UNICEF, which developed transformation plan. Transformation also involves creating new services within the institution to provide more support to children and families, as well as to provide new engagement for skilled professionals.

IV Progress in the Chapters and overall situation of vulnerable children rights

Since our country declared willingness to take steps in order to get closer to obtaining EU candidate status, progress in fulfilling accession criteria was and is very slow. In the latest EU Country report from May 2019 it is stated that "Bosnia and Herzegovina still does not sufficiently meet the criteria for stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities set by the European Council in Copenhagen in 1993. In this regard, the country must make considerable efforts to sufficiently fulfil these criteria through the strengthening of institutions to guarantee democracy, the rule of law, human rights and respect for and protection of minorities"⁴³

Progress in meeting criteria is often affected by political situation and conditions that unfortunately block lot of processes in the country, especially on national level where a lot of international obligations are adopted. There is evident lack of political will to speed up reform processes in the interest of citizens. Rhetoric of nationalism and interests of ethnical groups and elites prevailed and until common interests for better life conditions are put in focus, it is hard to expect mayor progress in EU accession process.

⁴⁰<https://hhc.ba/en/closing-down-institutions-for-children-without-parental-care/>

⁴¹<https://blmojgrad.com/uskoro-transformacija-doma-rada-vranjesevicilj-manje-djece/>

⁴²<https://www.frontal.ba/novost/91258/deinstitucionalizacija-domova-za-djecu-bez-roditelja-u-bih-578-djece-smjesteno-u-hraniteljske-porodice>

⁴³ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL, Commission Opinion on Bosnia and Herzegovina's application for membership of the European Union; Brussels, 29.5.2019; COM(2019) 261 final

Since EU Country Report for BiH 2019 was made available, we detected very little progress in the situation of vulnerable groups of children. Some even escalated, remarkably, on a day that we celebrated 30th anniversary of CRC adoption.

2019 marks the 10th anniversary of the adoption of the Law on Prohibition of Discrimination in Bosnia and Herzegovina. According to institution of the Ombudsman for Human Rights in Bosnia and Herzegovina which have status of central institution competent for protection against discrimination, some progress has been made, but key mechanisms and institutional actors still face many challenges and problems.

Amendments to the Anti-Discrimination Act from 2016 improved the legal framework for protection against discrimination but even though the Law on Prohibition of Discrimination in 2009 stipulates the obligation to have a special budget line for the work of the Department for the Elimination of All Forms of Discrimination, this has not been implemented until today, 10 years after the prescription of the legal obligation. The limitation of the financial and human resources of the Department did not significantly affect the work on individual complaints of citizens, but to some extent limited the exercise of other legally vested responsibilities, such as proactive and preventive action against discrimination⁴⁴.

In November 2019, organized by the OSCE Mission to Bosnia and Herzegovina, a presentation of Guidelines on Discrimination Recognition in the Field of Education was held in Banja Luka. The guidelines were drafted by a Working Group composed of representatives of all relevant ministries of education in BiH from December 2015 to May 2017. The guidelines provide instructions for identifying and recommending protection against discrimination in education and creating an inclusive and safe environment in schools, with full respect for the ethnic diversity of Bosnia and Herzegovina⁴⁵.

As government on national level and BH Council for Ministries were formed only in early January 2020, Children's Council was not operate for a whole year 2019 even though MHRR announced that Action plan for Children 2015-2018 was extended to 2019. In September 2019 BiH Delegation presented report on child rights situation in BiH in front of UN Committee of the Rights of the Child and in received Recommendations we encounter more than 50% of repeated recommendations from previous cycle which in best shows how progressive we are concerning improvement of child rights situation in the country.

On 23rd of January 2020 Federal Parliament adopted amended Law on Support for Families with Children in FBiH, under which all eligible children will receive the same amount of child support that will be paid from the federal budget, unlike the previous situation where only some cantons paid it in different amounts, depending on the financial the situation of the canton or political will and understanding. This law will also allow all unemployed mothers will be entitled to the same financial compensation⁴⁶.

In remaining of this chapter, we will look at the progress made in connection to vulnerable groups of children presented in this report, highlighting positive practices or mayor setbacks in area.

⁴⁴<https://www.ombudsmen.gov.ba/Novost.aspx?newsid=1192&lang=BS>

⁴⁵<http://www.djeca.rs.ba/index.php?p=4443&lang=1>

⁴⁶https://parlamentfbih.gov.ba/v2/bs/aktuelno.php?akt_id=758

Children affected by violence

BiH is faced with the problem of violence relativisation, especially for peer violence, neglect of children and forced begging, which is why there are no early and adequate reactions, recognition of these phenomena nor sanctions for the perpetrators. There is no official data indicating number of these children in BiH either. Based on data provided by CSO's⁴⁷ and their services, there is an increase in the number of children who are users of the Day Care Center, as well as the number of children who are placed in the Reception Station for vagrancy and/or begging. This increase is also seen by increase in the number of calls made to the Blue Phone, SOS help line for children by 3000 calls more compared to 2018⁴⁸.

In December 2019 CSO TPO Foundation Sarajevo presented results and impact of a three year project aiming violence against children and gender based violence and its prevention. Baseline studies entitled "Peer and Gender Based Violence in Primary Schools in Bosnia and Herzegovina" were conducted in 31 primary schools in Sarajevo, Herzegovina-Neretva and Central Bosnia Cantons. The project involved over 1,000 teachers, over 5,000 students and 10,000 parents who were involved in a series of trainings to strengthen school staff, parents, students and the wider community in the area of coping, prevention and addressing violence.

One of the concrete results in the field of Integrating the Content of Peer and Gender-Based Violence into the Curriculum of the University is that in cooperation with the Džemal Bijedić University of Mostar and the Faculty of Political Science of the University of Sarajevo, five modules have been designed on these topics, which in 2019 became an integral part of teaching for students in sector. In this way, future educators will be aware of these issues and be more prepared to work in a school that also includes working to prevent all forms of violence. Three very useful handbooks were also result of this project: "Prevention of Peer and Gender-Based Violence: Strengthening Partnerships between Teachers and Parents", "Prevention of Peer and Gender-Based Violence - Strengthening teachers' competences in working with children" and "Diary of Thoughts - Mindfulness of the Heart" (which offers different types of meditative practices and stress management techniques that can be practiced individually and in groups)⁴⁹.

In 2019 bigger attention was put on safety of children in internet setting so several associations and companies in BiH published guidelines for parents and children for safe use of internet⁵⁰.

In June 2019 we also had a promotion of first Safer Internet Centre in BiH, with a new, innovative and improved web platform www.sigurnodijete.ba, established MFS-EMMAUS as part of the Consortium for the Protection of Children against Digital Violence, in which are also UNICEF and Save the Children NWB⁵¹. Besides basic information for children and parents, this

⁴⁷ Particularry CSO „Nova generacija“

⁴⁸ Source: CSO „Nova generacija“

⁴⁹<http://www.tpo.ba/b/dokument/Vrsnjacko-i-rodno-zasnovano-nasilje-u-OS-u-BiH-zavrсна%20baseline-studija-web.pdf>

⁵⁰<https://poduzetnice.ba/internet-sigurnost-za-roditelje-i-djecu-i-dio/> ; <https://www.uniqa.ba/vodic-za-roditelje-sta-vasa-djeca-rade-na-internetu>

⁵¹<https://www.unicef.org/bih/pri%4%8De/centar-za-siguran-internet-za%20A1tititi-djecu-u-line-svijetu>

Centre has a free helpline and hotline. The free helpline is 0800 22323 available to victims of violence, parents, children, citizens, as well as an e-mail: support@sigurnodijete.ba.

In the Bihać Safe House in 2019, 23% of the total numbers of beneficiaries were children, housed due to some form of violence by family members or close relatives. All children in the Safe House were accommodated at the request of CSW. Accommodation in a safe house for unaccompanied children is a temporary and urgent way of care until a final decision is made about their further placement. A number of children are placed in the Pedagogical Living Community, where they continue their education, but the placement process is lengthy, and the children stay in the Safe House for several months until they receive a final accommodation solution. Children whose parents do not consent to placement in the Pedagogical Community are returned to the family and, in the absence of proof, or for some other reasons, no charges are filed against the perpetrators and the perpetrators remain unpunished, leaving children exposed to the same or new forms of violence. This is not only the case in 2019, but the increase in such cases has been recorded over the past three years, and it is necessary to take urgent steps to resolve this issue⁵². All other Safe Houses in BiH are lead by CSO's, with some financial support by government, but very often these support is late and not adequate for all needs.

Roma children

There were no major changes and improvements in overall position of Roma children and their families in BiH. Local governments and CSO's in BiH that are active in area of human rights, in particular Roma population, are mainly responsible for every day positive changes that can be observed in 2019. For example, in 2019 Kakanj Municipality reduced the prices of kindergartens for all children to 100 KM and make it free of charge for Roma children. In Tuzla Canton, Roma children attend 100% of primary schools – in 2019 500 Roma children is enrolled in primary and 102 in secondary schools⁵³ Free textbooks and school material is still very often provided exclusively by CSO's as in Herzegovina-Neretva Canton⁵⁴.CSO's also support enrolment of Roma children in kindergartens such as example of 60 Roma children in city of Zenica⁵⁵. Most Cantonal laws support subsidizing of stay of children from vulnerable families in kindergarten, but unfortunately, in most cases, it remains unused.

Still, on national level, Roma children faces many challenges from which discrimination, access to economic, health, social and educational rights are biggest obstacles.

Migrant children

According to the January 2020 data, due to unfavourable weather conditions, the number of migrants' arrivals in BiH has been reduced, and at least 5,500 persons are currently in reception centres. Alto by end of 2018 and beginning of 2019 situation with treatment of migrant

⁵²Source: CSO „Žene sa Une“ Bihać

⁵³<http://www.portal-udar.net/bez-zavrsetka-srednjih-skola-nema-integracije/>

⁵⁴Provided by CSO Center for psychosocial support „Sensus“ Mostar

⁵⁵Provided by CSO LEDA Zenica

children was improved, we also had repeated cases of maltreatment of children and adult migrants in Tuzla canton.

In November 2019, 141 Unaccompanied and separated children were observed staying outside of reception facilities in Una-Sana Canton, due to limited capacities in appropriate reception facilities, lack of family-and community-based alternative care options, as well as an unwillingness to be accommodated⁵⁶. Children who are left behind are exposed to many risks of trafficking, manipulation and exploitation. In the period July-November 2019, 104 children have been left behind and assigned legal guardianship by the Bihać CSW. UNICEF, Save the Children, World Vision and SOS Children Villages continue to have 24/7 child protection officers at most sites for support but still, based on recommendations still left open for child protection needs, situation is still not satisfying⁵⁷.

In July 2019 UNICEF and Save the Children presented a Handbook for the Integration of Migrant Children in Education in Bosnia and Herzegovina. It was determined how main chapters related to the international legal framework, the legal framework in BiH in the area of migration and asylum and education should look like; key challenges, a plan for the enrolment of children in schools, and recommendations for teaching, learning, knowledge assessment and the organization of teaching itself. Special emphasis was placed on creating a supportive school environment and adjusting and developing pedagogical documentation and records. Summer school in elementary school "Ostrozac" during the summer holidays included about 150 children, similar projects were organized by CSO Žene sa Une in Camp Sedra. In December 2019 UNICEF provided winter clothing, footwear and blankets for over 800 children.

Besides positive examples of care for children migrants, there are also other views, such as expressed by Nidžara Ahmetašević, human rights activist "When it comes to domestic institutions, they work minimally. Part of the minors were given caregivers by CSO's, but these children hardly ever see these people. There is no protection for them, and they are often victims of police violence (only one example is Camp Vucjak where the police also brought children), as well as violence by members of security agencies working inside the camps, paid by the IOM. In both cases, police and security guards go unpunished"⁵⁸.

Special concern in 2019 was treatment of migrants in Tuzla Canton. Until November 2019 12.977 migrants have been registered in Tuzla in 2018 and 2019, according to the data provided by the Field Centre of the Foreigners Service. Approximately 80 to 130 migrants is in Tuzla every day⁵⁹.

Until today, government of Tuzla Canton didn't provide any placement and protection for migrants, which depend on citizens volunteers, Red Cross and CSO "Zemlja djece u BiH", especially in cases of unaccompanied children or families with children. In December 2019,

⁵⁶ <https://bosniaherzegovina.un.org/sites/default/files/2019-12/Inter-agency%20November%202019.pdf>

⁵⁷ Inter agency operational update, Bosnia and Herzegovina/ 1-30 November 2019-, Recommendations, page 3

⁵⁸ <http://balkans.aljazeera.net/vijesti/djeca-migranti-i-dalje-bez-zastite-lutaju-bosnom>

⁵⁹ <http://detektor.ba/migranti-u-tuzli-dobijaju-promrzline-dok-vlasti-prebacuju-odgovornost-za-smjestaj/?fbclid=IwAR3WSGzcvck1TALTY0C36TQ1ucfNhIO8fA4Mw2zcpagr4wOWETxm8fxKm-Y>

Humanitarian Association Pomozi.ba rented a closed motel in Tuzla in order to remove at least part of the migrants and refugees from the streets and bus station during the winter⁶⁰.

Children with disabilities

The principle of non-discrimination, equal opportunities and inclusion have been integrated into entity-level laws in the fields of social protection, primary and secondary education, sports laws and the Law on Prohibition of Discrimination in BiH. Although we currently have a small number of up-to-date strategies, this area is an exception and we have a Strategy for improving the social position of persons with disabilities in RS 2017-2026 and a Strategy for promoting the rights and status of persons with disabilities in the FBiH 2016-2021, as well as national and entity levels⁶¹. Still, children with disabilities are facing many challenges in all segments of their rights.

An example of neglect for needs of children with disabilities is reflected in the notice published by CSO EDUS, Sarajevo that for the first time in the last eight years, the conditions for holding the Summer School for children with disabilities have not been provided. The reasons are of multiple natures, including lack of space, lack of funds to enable the School's program for over 150 interested children and the insufficient number of educators interested in working during the summer⁶².

On the occasion of 20th November and 30th anniversary of CRC, one member of Federal parliament, Sabina Ćudić, revealed shocking and defeating images of children, tided to radiators and beds in institution for care of children, youth and adults with disabilities "Pazarić", dating several years ago. This left huge shock at first and protests of citizens in days following which forced Government of FBiH to take immediate steps to inspect and act promptly. The results of Thematic session held in December 2019 in Parliament, on which representatives of CSO's were present are 18 conclusions with urgency⁶³ and several steps already taken, such as putting in procedure new Law for parents-caregivers in Federation BiH. This case showed all weaknesses of social protections institutions in general, lack of procedures, rules, monitoring and employee and placement supervision. Question also encouraged other similar social institutions (for children without parents, children with disability) to present that situation in other institutions is not adequate, which lifted issue of transformation of social institutions as urgent priority.

One of major problem remains lack of awareness of the rights beneficiaries. There is also no adequate attention put on importance of sports activities for people with intellectual disabilities.

In RS, the right to financial compensation for parents or persons caring for children with disabilities 24 hours a day will be in force since beginning of 2020 as a result of on amendments

⁶⁰<http://pomozi.ba/akcija-post.php?id=58>

⁶¹<http://snaznijiglaszadjecu.org/blog/2020/01/15/index-djecije-zastite-za-bosnu-i-hercegovinu-2-0-2/>

⁶²<http://edusbih.org/bhs/obavijest-o-ljetnoj-skoli/#prettyPhoto>

⁶³<https://predstavnickidom-pfbih.gov.ba/bs/page.php?id=2112>

to the Child Protection Law. This right will be ensured for about 1,000 families with disabled children⁶⁴.

A traditional donor evening sponsored by the institution of the President of Republika Srpska was held in December 2019 inside campaign "With Love to Brave Hearts", which was dedicated to raising funds for opening Day care centres for children with disabilities in RS. It was collected more than 1.165.480 KM for the construction of day care centres for children with disabilities in Banja Luka and Trebinje⁶⁵.

During 2019, there were smaller improvements in hiring assistances for children with disabilities in schools but it is far from enough. For instance, during 2018/2019 school year, in Zenica-Doboj Canton there was between 36 and 40 assistants working with children with disabilities. It is estimated that about 4 million KM more should be provided for the engagement of assistants for all 400 children in this Canton⁶⁶.

Children without parental care/in risk of separation

In 2019, very little has been achieved in the overall improvement of situation of children without parental care, including transformation of institutions for children without parental care. In 2019, there were 95 children accommodated in Institution for children without parental care "Bjelave". In the institution "Rada Vranješević" in Banja Luka in 2019 there were 70 children. Association "Our Children" Mostar, with constant financial uncertainty, provides shelter for out-of-care children. Before joining the association, it is necessary to obtain documentation from the Centre for Social Work, as well as medical documentation, and after consideration, the user signs a contract obliging to respect the rules of the house, while the association undertakes to provide the user with social skills and provide food, accommodation and necessary meds. Nine beneficiaries have been enrolled in the Association's programs in 2019, from which five with intellectual disabilities⁶⁷.

Organization SOS Children's Villages of Bosnia and Herzegovina, together with partners from government is making efforts for several years to support the social inclusion of children and youth leaving alternative care. Through the project "Voices of young people leaving care" and the documents "Analysis of the situation and needs of young people leaving care" and "Legal basis and framework for launching a public advocacy campaign to improve the status and position of children and young people leaving care" they contributed to understanding the needs and problems facing this population of young people, such as their own expectations of independence, then awareness of fundamental human rights, their need for institutional support, and the social acceptance, stereotypes and prejudices encountered in their communities.

⁶⁴<http://ba.n1info.com/Vijesti/a395498/U-RS-novcane-naknade-za-roditelje-koji-imaju-djecu-s-poteskocama-u-razvoju.html>

⁶⁵<https://www.nezavisne.com/novosti/drustvo/Pocela-jubilarna-10-humanitarna-akcija-S-ljubavlju-hrabrim-srcima/575109>

⁶⁶<https://www.zdk.ba/vijesti/item/8210-pedagoski-zavod-zenica-organizirao-trodnevnu-obuku-iz-inkluzivnog-obrazovanja>

⁶⁷<https://www.diskriminacija.ba/vijesti/na%C5%A1a-djeca-samostalnji-%C5%BEivot-mladih-bez-roditeljskog-staranja>

V Recommendations⁶⁸

“GENERAL CONCLUSIONS AND RECOMMENDATION ON EC BIH COUNTRY REPORT 2019 Bosnia and Herzegovina still does not sufficiently meet the criteria for stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities set by the European Council in Copenhagen in 1993. In this regard, the country must make considerable efforts to sufficiently fulfil these criteria through the strengthening of institutions to guarantee democracy, the rule of law, human rights and respect for and protection of minorities”⁶⁹.

Alto we are aware that BiH have a long path in front of it in meeting the criteria for EU accession, efforts in improving of child rights situation and child protection, should be a priority. Based on analysis and experience of CSO’s dealing with children rights, we are giving the following recommendations:

Recommendations on overall implementation of children rights

- Bosnia and Herzegovina should develop and adopt a new action plan for children, with special attention on rights of vulnerable groups. Action plan should be adapted to political structure in the country and competencies including possibility of development of plans on entity levels. Action plan have to be followed by allocated budget and clear responsibilities of all levels of governments, realistic and widely promoted, including measurements implementation in partnership with CSO’s.
- Unified data collection on children should be set on national level, providing data related to sex and age, taking care of data on minorities and special protection measurements such as data on violence, disability and other vulnerable groups of children, as a valid source for strategies development.
- Mechanisms for acting on discrimination cases should be set. Documented cases of discrimination should be given an actual administrative and judicial epilogue and court judgments must be enforced. Legal professionals and the general public need training and awareness raising on anti-discrimination provisions.
- Nation-wide strategy for poverty reduction and social inclusion should be developed, with determined and ensured system of coordination, monitoring, clear procedures and sufficient recourses.
- Social allowance system should be revised, ending discrimination on the basis of status, mainly for war categories of beneficiaries and adjusted to the needs of vulnerable groups with development component included were possible in order to

⁶⁸ Provided with contribution of IRIS Network members: “Center for Personal Growth and Development” Prijedor, CSO “Leptir” Srebrenica, Center for psychosocial support “Sensus” Mostar, Youth Center “Vermont” Brčko, CSO “Žene sa Une” Bihać, Association for Development “LEDA”, Association “HO Altruist” Mostar, CSO “Zemlja djece u BiH” Tuzla, CSO “Nova generacija” Banja Luka

⁶⁹ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL, Commission Opinion on Bosnia and Herzegovina’s application for membership of the European Union; Brussels, 29.5.2019; COM(2019) 261 final

make sustainable improvements, such as work on strengthening working abilities as well as boosting motivation to seek employment for beneficiaries where possible. Centres for Social Work have to be enforced, adequately capacitated and supported. It is still necessary to recognize victims of violence and trafficking as beneficiaries of social protection within the legislative framework on social protection in FBiH.

Children affected by violence / Chapter 23, 19

- Adopt a national strategy for the prevention and suppression of violence against children in BiH, determining formation of specialized social services for the care, recovery and rehabilitation of children victims of violence and simplify process of admission of children in appropriate recovery (shelters, safe houses, specialized counseling centres for children) These children have certainly experienced traumas and the system must help them overcome or reduce the consequences for their lives and functioning.
- Harmonize FBiH and Brčko District criminal legislation with the Lanzarote Convention
- Explicitly prohibit the physical punishment of children in all settings, including the family. Parents and the general public need training and awareness raising on the positive and alternative forms of discipline and respect for children's rights.
- Only a small number of cases of violence against children are reported, resulting in a small number of cases before the courts - it is very important to work on raising awareness, recognizing the violence and the importance of reporting it, starting with the educational institutions that often identify children who have been abused, but it is questionable how much they respond to in time or how much they respond at all.
- It is necessary to introduce valid and constant preventive programs in schools in particular to combat peer violence, raising awareness of children on forms of violence and consequences.
- There is a need to increase the level of preventive activities in communities targeting the family in general.
- Parents and teachers should be constantly educated about forms of violence, procedures to prevent, recognize and report cases of violence, with special emphasis on increasing computer literacy in order to prevent and recognize cyber violence and bullying.
- Children from conflict divorces are increasing population of children which experience trauma and certain negative consequences as they are often exposed to certain types of psychological abuse and manipulation by their parents. It is necessary to provide them with forms of support while work on sanctioning such behaviour on the part of their parents.

- Neglect of children is also a risk category where it is necessary to recognize, report and provide different types of support to both children and their parents in order to prevent the possible exclusion of children from the family where there is a risk.

Roma children / Chapter 23, 26, 19

- Campaigns on Anti-Gypsyism should be performed and promoted widely in BiH
- Economic and housing issues of Roma population should be seriously dealt by State in order to increase possibilities for Roma families and children
- It is necessary to work on monitoring the action plans related to Roma population, especially on education, as well as monitoring and timely modification of the existing legislative frameworks, which have been shown not to deliver results in practice;
- Successful inclusion of Roma children in pre-school education is not possible without the provision of the necessary resources to enable pre-school education to be free of charge for this group of children. Therefore, the Platform for Development of Preschool Education in Bosnia and Herzegovina rightly states that preschool education should be included in the budgets of the Entities, Cantons, Brčko District and local communities as permanent budget category.
- Elementary education is compulsory for all children and should be completely free of charge (without hidden costs). This should include free textbooks and school supplies, a guaranteed snack at school and free transportation to school.
- Strengthen co-operation between parents and schools with the aim of improving the quality of education of Roma students
- Support an individualized approach to teaching in light of the concept of inclusive education.
- Introducing preventive programs and referral mechanisms to protect children from begging throughout BiH must be developed on examples of positive practices⁷⁰ and systematic support to Day Care Centres for Street Children operating within NGOs should be provided.

Migrant children / Chapter 23, 24, 26, 19

- BiH government have to develop emergency plans with clear responsibilities of all levels of government, with international, national and volunteer engagement protocols and with emergency accessible financial sources for the needs of accommodation and shelter, emergency medical care, necessary clothing, hygiene products and food.

⁷⁰See Annex 1

- It is necessary to develop referral mechanism for unaccompanied and separated children for BiH authorities and professionals working with and for migrant children, providing guidance and protection procedures, insuring that all unaccompanied and separated children immediately receive legal guardianship and that all unaccompanied and separated children, as well as children with families have access to ongoing psychosocial counselling.
- Support CSO's that have capacities to organize activities for migrant children such as establishment of children corners with access to education and play and preparation for integration in school system.
- Create guidelines for media in reporting on migrants, especially children and provide trainings in order to end stigma and negative reporting toward migrants and refugees.

Children with disabilities / Chapter 23, 26, 19

- Insist on proper implementation of existing inclusive laws regulating rights of children with disabilities, insuring children rights to health care, social benefits, education, sport and rehabilitation.
- Educate parents of children with disabilities on how to accept, what to expect and how to help their child in development and reaching their full potentials.
- Work with typically developed children in schools as well as in higher education, with students, to familiarize them with the problems and needs of children and adults with disabilities.
- Given that the European Special Olympics has various programs for development, including training of professionals, parents and volunteers, it is necessary that BiH enable implementation of these available programs in BiH.

Children without parental care/in risk of separation / Chapter 23, 19

- Process of deinstitutionalization needs to be speed up with raising awareness of broader public on foster care and alternative solutions for children.
- Adopt quality standards in residential institutions, ensuring proper number and qualifications of employees, child friendly environment, methods of work and monitoring and evaluation system.
- Access to proper social services and counselling for disadvantaged families and children need to be improved to prevent family separation.
- System of support for children leaving care facilities at the age of 18 should be established on whole territory of BiH, provided assistance in housing, employment, psychosocial and other support.

ANNEXES

Annex I

Example of positive practice – Eradication of begging of children in Tuzla Canton

In 2013, over 69 children were begging daily in the streets of Tuzla City. This number has grown steadily and has taken the form of organized exploitation of children, with criminal characteristics. In order to combat begging and other forms of child labour and abuse in the Tuzla Canton, in early 2014, the CSO “Zemlja djece u BiH” initiated the process of establishing a referral mechanism for dealing with child abuse. In partnership with the Cantonal Ministry of Social Welfare, a multisectoral working group was formed, comprising representatives of the competent ministries of justice, health, police and judiciary. This body has adopted the first intersectoral Protocol for the prevention and suppression of begging, abuse and other forms of exploitation of children, which was binding on all parties. During the drafting of the protocol, there was a need to establish a missing social service - shelter for children, in order to provide comprehensive and adequate care and support for the recovery of children victims of exploitation, while CSO “Zemlja djece u BiH” through project activities, adapted and equipped space and worked on building the professional capacities of the staff employed by the ministry.

As a separate sustainable service in the social protection system, the shelter opened in December 2014. The capacity of the shelter is 14 beds, and children can stay in the shelter until adequate care is provided for a maximum of three months. With the establishment of this social service, children victims of violence and exploitation in Tuzla Canton have received comprehensive protection.

Along with the opening of the Shelter, an SOS line for reporting child begging was established, and an intersectoral mobile team for the prevention and suppression of begging was formed at the city level, consisting of a social worker from CSW, representative of CSO “Zemlja djece u BiH” and a police officer. The planned regular and ad hoc field trips to the streets and other locations of interest for begging in 2019 have completely minimized begging of children in streets, reducing it to incident level.

Annex II

MONITORING OF PROGRESS RELATED TO CHILD RIGHTS SITUATION IN THE COUNTRY

Independent monitoring of the process of meeting the criteria for EU membership is extremely important, as is the monitoring of all processes within the competence of the state, for several reasons:

- Independent monitoring highlights the actual situation in practice and often contains information not contained in the National Reports
- highlight well or poorly planned action plans and strategies, point out gaps, especially in implementation
- influence the formulation of recommendations or requests that will be submitted to State

- enables CSO's to be more active and participate in policy-making for children (participation in working groups for policy-making for children, in cooperation with government institutions)
- accelerates the process of improving the situation in society (pressure from various bodies on the State)

Unfortunately, BiH is still far from obtaining EU candidate status and opening of chapters that would allow the development of State Action Plans for Improvements that would be comprehensive, treating the special rights and needs of children, giving specific measures that CSO networks and coalitions could follow.

In October 2019, the BiH Council of Ministers adopted the Annual Action Plan for the implementation of the priorities from 2019 EC analytical report⁷¹, with measures that are general, insufficiently disaggregated and without concrete measurements for improvement of the situation of vulnerable groups of children. This Action Plan was assessed as unrealistic by the Initiative for Monitoring European Integration in BiH, "ignoring the priority given in the European Commission's Opinion on the implementation of the Anti-Discrimination Law and the Gender Equality Act. Also, no measure addresses the European Commission's priority in promoting the protection and inclusion of vulnerable groups, such as persons with disabilities, children, LGBTI persons, members of the Roma community, etc."⁷²

For the reasons stated above, if the Country Action Plan does not contain measures that are subject to CSO monitoring, there is a need to monitor other documents - international treaties which our country has ratified and committed to implementing, whose implementation requires EU membership, as well as to monitor legislative on all levels of government, adopted strategies, plans and other relevant documents.

Regardless of whether monitoring is carried out at the local community level, region, entity or state level, some of the starting points for monitoring children's rights are:

- a) Convention on the Rights of the Child - an integral part of the BiH Constitution. The principles and rights enshrined in the CRC most comprehensively address the needs of all children, especially vulnerable groups.
- b) State Report on the Situation of the Rights of the Child in BiH - Contains information that responds to recommendations to improve the situation of the rights of the child, particularly vulnerable groups. Data are collected from all levels of government and often contain information from the local level.
- c) Reports, documents and publications of the Ombudsman Institution of BiH and the Ombudsman for Children RS
- d) Reports and publications of international agencies and organizations such as UNICEF, OSCE, EC and other international organizations for children and human rights in general
- e) Strategies, action plans and regulations that include the target group at all levels of government
- f) Reports and other documents addressing the rights and needs of the target group at the level of entity, canton, city, municipality

⁷¹ <http://www.dei.gov.ba/dei/dokumenti/prosirenje/default.aspx?id=22452&langTag=bs-BA>

⁷² <http://eu-monitoring.ba/akcioni-plan-nepotpun-neadekvatan-i-nerealn/>

In order to evaluate the application of the provisions of laws or measures in strategies or plans, it is necessary to collect adequate quantitative and qualitative data. Quantitative data, although often incomplete, is published on the official website of the Bureau of Statistics of BiH, RS and FBiH. Often, data on a particular target group is gathered, for example, by municipal services for social work, education and others, if the subject of the monitoring is the state of the population at the local level. Qualitative data is much more often held by CSOs who work directly in the field, in communities, with users.

Some of the methods we also use to collect data are making targeted inquiries - letters to institutions, interviews with decision makers and professionals, questionnaires for users or service providers, focus groups with beneficiaries (including children, parents, guardians, government officials, CSO's, etc.)

Example of comprehensive monitoring of children rights in BiH can be observed in developed indicators for child rights monitoring in BiH⁷³

⁷³ <http://www.civilsocietylibrary.org/CSL/422/Indikatori-za-pracenje-prava-djeteta>