



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/15/Add.260
21 September 2005

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-ninth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations: Bosnia and Herzegovina

1. The Committee considered the initial report of Bosnia and Herzegovina (CRC/C/11/Add.28) at its 1030th and 1031st meetings (see CRC/C/SR.1030 and 1031), held on 19 May 2005, and adopted the following concluding observations at its 1052nd meeting on 3 June 2005.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report - even if it notes that it has been submitted with some delay and that some of the information contained in it is outdated. The Committee also welcomes the timely responses to the list of issues and the constructive and open dialogue with a cross-sectoral and high-level delegation, which allowed the Committee to have a better understanding of the situation of children in the State party.

**B. Follow-up measures undertaken and progress
achieved by the State party**

3. The Committee notes with appreciation:

(a) The Law on the Protection of National Minorities, adopted by the Parliament of Bosnia and Herzegovina on 1 April 2003, as well as the establishment of the Roma Committee;

(b) The adoption of the By-law on the Protection of Trafficking Victims attached to the Law on Movement and Stay of Aliens and Asylum in July 2004 and the adoption by the Council of Ministers of a National Plan of Action to combat trafficking in 2001;

(c) The 2003 Framework Law on Primary and Secondary Education as an effort to develop a common policy for all the country;

(d) The adoption of the Action Plan for Children 2002-2010 and the establishment of the Council for Children of Bosnia and Herzegovina;

(e) The enactment of the Law on the Protection of Mentally Disabled Persons and the decision of the Council of Ministers of Bosnia-Herzegovina, on 30 December 2003, to adopt the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, adopted by the General Assembly on 20 December 1993 (resolution 48/96);

(f) The direct application, guaranteed by Constitution, of the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols.

4. The Committee also wishes to welcome the ratification of:

(a) The main human rights treaties, including the two Optional Protocols to the Convention on the Rights of the Child;

(b) The ILO Convention No. 138 (1973) concerning the minimum age for admission to employment and the ILO Convention No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour;

(c) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, on 24 April 2002;

(d) The Rome Statute of the International Criminal Court, on 11 April 2002.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee notes that the State party became independent in 1992 and that it is still going through a phase of political, economic and social transition aggravated by an armed conflict (1992-1995), one which had and still has a traumatic impact on many children. Furthermore, the Committee notes that the particular political and administrative structure which grants a large autonomy to the two Entities established under the Dayton Peace Agreement of 1995 - the Republika Srpska and the Federation of Bosnia Herzegovina - may create disparities in the enjoyment of rights and difficulties in planning, developing and implementing comprehensive and coordinated laws and policies for children at the State level.

D. Main subjects of concern and recommendations

1. General measures of implementation

Reservations

6. The Committee, while noting the State party's declaration that it is currently not in the position to withdraw its reservation to article 9, paragraph 1, of the Convention, is of the opinion that in practice there is no need for it, since the social work centres may be considered as a "competent authority" in line with article 9 of the Convention.

7. The Committee, in the light of the Vienna Declaration and Programme of Action, recommends that the State party withdraw its reservation as expeditiously as possible and that it take the necessary procedural measures to that effect.

Legislation and implementation

8. While the Committee notes the numerous pieces of legislation recently adopted aimed at ensuring better implementation of the Convention in the State party, it is concerned that the State party's particular political and administrative structure (2 Entities, 10 Cantons and an administrative district, each with widespread budgetary and administrative autonomy) may constitute an obstacle for the development and implementation of cohesive State policies and comprehensive and coordinated legislation in full compliance with the principles and provisions of the Convention.

9. The Committee recommends that the State party continue its efforts aimed at ensuring uniform application of the principles and provisions of the Convention throughout the country and expedite the process of adoption of the legislation currently under review.

National Plan of Action

10. The Committee welcomes the launching of the Action Plan for Children 2002-2010, as well as the establishment of the Council for Children - responsible for the implementation of the Action Plan - but expresses concern that the budgets and implementation remain at Entity level, that the Council for Children has not been able to stimulate sufficient political will for organized action to implement the plan and that it suffers from both technical and authority constraints.

11. The Committee recommends that the State party implement effectively its national Action Plan for children, which should aim at the realization of the principles and provisions of the Convention and take into account, inter alia, the Declaration and the Plan of Action "A world fit for children" adopted by the General Assembly special session on children in May 2002. Furthermore, the Committee recommends that the State party take all necessary measures to ensure the effective functioning of the Council for Children, including appropriate follow-up to its recommendations by State authorities and bodies and that it consider extending membership in the Council to representatives of non-governmental organizations.

Coordination

12. The Committee notes that, since 2000, the Government has adopted a number of programmes and plans of action relevant to the promotion of children's rights. It is concerned, however, that the divergence of policies and practices resulting from the political and administrative fragmentation may hamper their correct implementation. The Committee is further concerned that, although there currently are over 100 ministries in the State party, none of them has exclusive competence in children issues.

13. **The Committee recommends that the State party further strengthen and support the Council for Children with adequate human and financial resources in order to empower it to develop and coordinate comprehensive and uniform implementation of all policies throughout the country.**

Independent monitoring

14. The Committee welcomes the information obtained during the dialogue that the existing State Ombudsmen will continue their activities and that child rights departments exist within the offices of the Ombudsmen. However, the Committee is concerned that these departments are not effective in practice, owing to insufficient information about their existence and function, and especially about the individual complaints mechanism.

15. **The Committee recommends that the State party support the Ombudsmen offices in undertaking public-awareness campaigns targeting in particular parents and children with a view to informing them about the existence and functions of the child rights departments within the Ombudsmen office, and in particular on their power to receive and investigate complaints related to violations of children's rights. The State party is further encouraged to seek technical cooperation in this regard from, among others, the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).**

Resources for children

16. While acknowledging the State party's efforts to allocate adequate resources for social services, the Committee is concerned that the rights of children continue to be neglected and that not enough resources are allocated for child-related programmes and policies. The Committee is further concerned that there is a significant difference in public expenditure between the two Entities in the areas of social security, education and health care and that the complex structure of the State party is not conducive to an optimal realization of the limited resources available.

17. **The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention, by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, "to the maximum extent of ... available resources and, where needed, within the framework of international cooperation". The Committee further recommends that the State party harmonize the expenses for children's rights protection between the Entities so that a minimum level of social and health protection for all children throughout the country is guaranteed.**

Data collection

18. The Committee acknowledges the efforts undertaken by the State party for the collection of data, but it notes with concern that the last census was carried out in 1991 and that there is no clear division of responsibilities for collection, consolidation and analysis of data among the

different government bodies. This results in insufficient statistical data being available on the situation of children, especially those belonging to different ethnic groups and the most vulnerable groups (i.e. displaced and refugee children, victims of sexual and economic exploitation, trafficked children), and makes it difficult to calculate basic human development indicators, such as infant mortality or adult literacy, employment and poverty.

19. The Committee recommends that the State party urgently carry out a census of the population and develop a coordinated system for a comprehensive collection of data that should cover all children below the age of 18 years and be disaggregated by those groups of children who are in need of special protection. The State party should also develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies that affect children. The State party is encouraged to seek technical cooperation from UNICEF in this regard.

Cooperation with civil society

20. While the Committee notes the level of cooperation between the Government and the civil society organizations working in the area of the promotion and protection of the rights of the child, it also notes that there are no permanent channels of communication between the Government and the NGO sector.

21. The Committee recommends that the State party increase its level of cooperation with the NGO sector and other sectors of civil society working with and for children in Bosnia and Herzegovina as well as establish a permanent channel of communication to facilitate this cooperation.

Training/dissemination of the Convention

22. The Committee notes the efforts made by the State party - in collaboration with UNICEF and local non-governmental organizations - to promote the Convention, including through dissemination of posters, booklets and radio programmes. Nonetheless, it expresses concern at the information that the State party's report was not published nor was there any dissemination of the report through the media. Dissemination of information regarding child rights has remained mostly in the hands of international organizations and national NGOs, despite the fact that the latter have limited resources.

23. The Committee recommends that the State party increase and strengthen its efforts to disseminate the Convention and to raise public awareness, in particular among children themselves and their parents, about its principles and provisions.

24. The Committee also recommends that the State party strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights of professional groups working with and for children, in particular law enforcement officials, as well as parliamentarians, judges, lawyers, health personnel, teachers, school administrators and others as required.

2. General principles

Non-discrimination

25. The Committee is concerned that discrimination on grounds of ethnicity, political affiliation, national origin, social status, status as internally displaced persons or returnees, residence in rural areas and gender or disability continues to be widespread. The Committee also expresses concern at the information that - despite some improvements - the media sometimes contribute to stigmatization and social exclusion by conveying stereotyped messages and distrust of people belonging to minority and/or ethnic groups.

26. **In accordance with article 2 of the Convention, the Committee recommends that the State party carefully and regularly evaluate existing disparities in the enjoyment by children of their rights and undertake on the basis of that evaluation the necessary steps to prevent and combat all discriminatory disparities. It also recommends that the State party strengthen its administrative and judicial measures to prevent and eliminate de facto discrimination against children, in particular children with disabilities, Roma children and children belonging to ethnic and/or religious minorities or other nationalities. The State party is also encouraged to develop, in consultation with the media, a code of conduct with a view to eliminating stereotyping and stigmatization of minority and/or ethnic groups in the media.**

27. **The Committee also requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also taking into account general comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

Best interests of the child

28. While the Committee notes that the majority of laws and programmes in the State party refer to the principle of best interests of the child, it is concerned that this principle is limited in practice allegedly due to lack of adequate financial resources.

29. **The Committee recommends that the State party strengthen its efforts to ensure that the general principle of the best interests of the child is understood, appropriately integrated and implemented in all legal provisions, as well as in judicial and administrative decisions and in projects, programmes and services that have an impact on children.**

Respect for the views of the child

30. The Committee welcomes the efforts made by the State party to promote the respect of the views of the child, but it remains concerned that article 12 of the Convention is not adequately applied in families, schools and other institutions and not fully taken into account in practice in judicial and administrative decisions and the development and implementation of laws, policies and programmes.

31. **The Committee recommends that further efforts be made to ensure the implementation of the respect for the views of the child. In this connection, particular emphasis should be placed on the right of every child to participate in the family, at school, within other institutions and bodies, and in society at large, with special attention to vulnerable and minority groups. This right should also be incorporated in all laws, judicial and administrative decisions, policies and programmes relating to children.**

3. Civil rights and freedoms

Birth registration

32. The Committee is concerned that, according to data provided by the Ombudsmen of the two Entities, there are about 5,000 children with incomplete data in the registries and a number of children in some regions of the country who are not registered at all. The Committee is further concerned at the information that Roma children are often not registered due to the lack of identification documents for their parents. They are also discriminated against by authorities who refuse to recognize the right of Roma children to registration.

33. **In the light of article 7 of the Convention, the Committee urges the State party to continue to strengthen, as a matter of priority, its efforts to establish a system ensuring the registration of all children born within its territory - irrespective of the nationality and status of the parents - of all children born abroad by parents who are citizens of the State party and to take specific steps to ensure the registration of Roma children.**

Right to privacy

34. The Committee is concerned that children's right to privacy is not fully respected, in schools, media and other institutions.

35. **The Committee recommends that the State party take all possible measures to guarantee the conditions for respecting the right to privacy for children.**

4. Family environment and alternative care

Family environment

36. The Committee notes the important work and the broad mandate of the social work centres as guardianship authorities dealing with several issues (i.e. placement of children in institutions, adoption regulation, administrative and other assistance to children and families).

37. **The Committee recommends that the State party provide the social work centres with adequate human and financial resources, ensure systematic training of its staff and take all other necessary measures to guarantee quality, efficiency and transparency of all activities of these institutions.**

Adoption

38. The Committee notes the State party's concern about the worrying phenomenon of illegal intercountry adoption of children from Bosnia and Herzegovina. The Committee also notes that the adoption process is not in full conformity with article 21 of the Convention as well as that the State party has not ratified the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

39. **The Committee recommends that the State party take the necessary legislative, administrative and other measures to ensure that adoption procedures are in full conformity with article 21 of the Convention as well as to consider becoming a party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. Furthermore, the Committee recommends that the State party submit disaggregated data in its next report on children involved in domestic and intercountry adoption.**

Alternative care for children without parental care

40. The Committee notes that, during and after the armed conflict, the number of children's homes receiving children without parental care more than doubled. The Committee is concerned that these institutions may become, in some cases, places of potential discrimination, because of, inter alia, limited access to health care, lack of adequate life skills training, lack of adequately educated professionals, poor facilities and lack of adequate resources. Furthermore, the Committee is concerned that, once a child is in alternative care, little effort is made to reunify the family and child.

41. **The Committee recommends that the State party ensure that institutionalization is used only as a measure of last resort, meaning that it is professionally indicated and in the best interests of the child, and that it systematically conduct periodic reviews of the placement of children, in conformity with article 25 of the Convention. The Committee also recommends that the State party develop quality standards for foster care and significantly decrease the time spent in institutions by children without parental care. It further recommends that adequate resources be allocated for the proper functioning and monitoring of the care institutions and foster care.**

Violence, abuse, neglect and maltreatment

42. While the Committee notes the new legislative measures being undertaken in both Entities aimed at improving protection of children against violence in family (the new Family Law and the new Law on Protection from Domestic Violence), it is concerned that children are often and increasingly exposed to domestic violence and other forms of abuses, including sexual abuse. Furthermore, the Committee is concerned that corporal punishment in the home is not expressly prohibited in the State party.

43. **In the light of article 19 of the Convention, the Committee recommends that the State party:**

(a) **Make sure that the legislative measures currently being undertaken - namely, the new Family Law and the new Law on Protection from Domestic Violence - are expeditiously adopted and adequately implemented in both Entities;**

(b) **Undertake a comprehensive study on violence against children, more particularly, on sexual abuse in order to assess the extent, the causes, scope and nature of this phenomenon;**

(c) **Expressly prohibit corporal punishment at home and in institutions;**

(d) **Strengthen awareness-raising and education campaigns with the involvement of children in order to prevent and combat child abuse and to promote positive, non-violent forms of discipline and respect for children's rights, while raising awareness about the negative consequences of corporal punishment;**

(e) **Evaluate the work of existing structures and provide training to the professionals involved in these types of cases;**

(f) **Strengthen measures to encourage reporting of instances of child abuse and to prosecute the perpetrators of these acts;**

(g) **Provide care, full physical and psychological recovery and reintegration for child victims of violence.**

5. Basic health and welfare

Children with disabilities

44. While the Committee welcomes the various legislative measures taken for the protection of children with disabilities, it notes with concern that discriminatory practices and prejudices still exist towards disabled persons, including children and that they lack sufficient medical care and educational opportunities.

45. While the Committee welcomes the new framework law on primary and secondary education (2003), which requires inclusive learning and integration of children with special needs into mainstream education, it regrets that, so far, the implementation of the law has been inconsistent.

46. **The Committee encourages the State party to actively pursue its current efforts and to continue to:**

(a) Review existing policies and practice in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and of the Committee's recommendations adopted at its day of general discussion on children with disabilities (see CRC/C/69);

(b) Make efforts to detect disabilities within the educational system and ensure better evaluation of the overall needs of students with disabilities;

(c) Take concrete and specific measures to ensure that children with disabilities may exercise their right to education to the maximum extent possible and facilitate inclusion in the mainstream education system, including vocational education;

(d) Undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parent support groups;

(e) Strengthen public awareness campaigns to change negative public attitudes towards persons with disabilities.

Health and access to health-care services

47. The Committee is concerned that the country's complex political structure and the lack of unified laws and policies make equitable access to health-care services for all children increasingly difficult. Furthermore, the Committee takes note, with concern, that one fifth of children are not fully vaccinated and that exclusive breastfeeding is limited to the first three months and only to a limited number of children. Finally, the Committee expresses serious concern that some 90 per cent of Roma have no health insurance, which results in their de facto exclusion from access to health care.

48. While the Committee notes that infant mortality and under-five mortality have officially decreased, it is concerned that this reduction may depend on underreporting within a poorly functioning data collection system, especially among the most vulnerable group of the population.

49. The Committee recommends that the State party undertake all necessary measures to ensure that all children enjoy the same access and quality of health services, with special attention to children belonging to vulnerable groups, especially Roma. Furthermore, the Committee recommends that the State party strengthen its efforts in improving the health situation of children in the State party, including through:

(a) Strengthening its efforts to ensure that all children have access to basic health-care services;

(b) Strengthening vaccination programmes;

(c) Improving the nutritional status of children;

(d) Promoting exclusive breastfeeding for six months after birth with the addition of appropriate infant diet thereafter;

(e) Seeking technical assistance from, among others, UNICEF and WHO in this regard.

Adolescent health

50. The Committee is concerned at the high consumption of tobacco and alcohol among adolescents and notes that in the State party there is insufficient health promotion, with little targeting of nutrition, smoking, alcohol, HIV/AIDS, sex education, fitness and personal hygiene practices. The Committee is also concerned at the insufficient information concerning adolescent health, in particular with regard to mental and reproductive health.

51. The Committee recommends that the State party strengthen measures to address the issue of alcohol and tobacco consumption among children, to improve its health promotion programmes, and to provide for mental and reproductive health counselling and services for adolescents.

HIV/AIDS

52. The Committee is concerned that high-risk behaviour among young people - (i.e. injecting drug use and risky sexual behaviour) - may expose the State party to serious HIV/AIDS problems in the future. The Committee also notes that this issue was recognized by the Government only in 2002 - with the creation of the National Advisory Board for the prevention of HIV/AIDS and the development of a "Strategy for Preventing and Combating HIV/AIDS in Bosnia and Herzegovina" - whereas it is still not perceived as a threat by most of the population.

53. The Committee recommends that the State party:

(a) Increase its efforts to prevent the spread of HIV/AIDS, taking into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37);

(b) Launch campaigns and programmes to raise awareness about HIV/AIDS among adolescents, particularly among those belonging to vulnerable groups as well as the population at large, so as to reduce discrimination against children infected and affected by HIV/AIDS;

(c) Seek further technical assistance from, inter alia, the United Nations Joint Programme on HIV/AIDS and UNICEF.

Standard of living

54. The Committee notes that, as a result of the war, slow economic recovery, low salaries and unemployment, many families live in economic hardship and about 20 per cent below the official poverty line. Most children who have lost their parents live in harsh poverty. The Committee is concerned that poor living conditions seriously limit children's enjoyment of their rights in the family, schools and in peer and cultural activities.

55. **The Committee recommends that the State party take all necessary measures to provide support and material assistance to economically disadvantaged families, including targeted programmes with regard to the most needy groups of families, in order to guarantee the right of all children to an adequate standard of living.**

6. Education, leisure and cultural activities

56. Despite some recent encouraging developments, especially through the adoption of legislative and other measures in the field of education - i.e. the Framework Law on primary and secondary education, the establishment of a nine-year cycle of compulsory education and the Action Plan for meeting educational needs of Roma and other national minorities - the Committee remains concerned at:

- (a) The high number of children who are not enrolled or who drop out of school;
- (b) The still inadequate number of professional teaching staff in the country;
- (c) The lack of adequate space and facilities for recreational and cultural activities;
- (d) The fact that, particularly in rural areas, children do not have access to preschool education.

57. The Committee is concerned that there exists extensive discrimination regarding access to education by ethnic and/or national minorities, especially Roma (only 33 per cent of whom attend primary school). Furthermore, the Committee is concerned that other marginalized groups of children, including refugees and returnees and children with disabilities face difficulties of access to schooling.

58. The Committee is also concerned about:

- (a) The still existing phenomenon of the “two-schools-under-one-roof” system, whereby - in some Cantons - common premises are either divided or being used at different times by children of different ethnicity, who are taught a different curriculum depending on their national origin;
- (b) Reports suggesting that violence in school is widespread, in particular among students.

59. **The Committee recommends that the State party:**

(a) Strengthen its efforts to harmonize legislation on education and ensure its effective and uniform implementation throughout the country;

(b) Take all necessary measures to ensure that articles 28 and 29 of the Convention are fully implemented, in particular with regard to children belonging to the most vulnerable groups (i.e. minority groups, those living in poverty, refugee and returnee children, Roma children, children with disabilities, etc.);

- (c) **Improve the efficiency of the educational system, paying particular attention to the high drop-out rates;**
- (d) **Provide access to preschool education throughout the country, including to children living in rural areas;**
- (e) **Increase the availability of vocational training programmes for young people, with the view of facilitating their access to the labour market;**
- (f) **In the light of article 29 on the aims of education, harmonize the educational system throughout the country, eliminate the so-called system of “two-schools-under-one-roof” and establish adequate programmes and activities with a view to create an environment of tolerance, peace and understanding of cultural diversity shared by all children to prevent intolerance, bullying and discrimination in schools and society at large;**
- (g) **Ensure that adequate space and facilities are provided to children for their rest and leisure, as well as for recreational and cultural activities;**
- (h) **Seek technical assistance from UNESCO and UNICEF.**

7. Special protection measures

Refugee and displaced children

60. While the Committee welcomes the fact that, as of September 2004, more than 1 million former refugees and displaced persons, including children, have returned home in the State party, it notes that a significant number of refugees from Bosnia and Herzegovina remain in the region (around 100,000 living in Serbia and Montenegro and Croatia and 50,000 living elsewhere) and that a further 314,000 are still displaced within the country. The Committee is also concerned at the information that violent incidents against returnees and displaced persons and their property, memorials or religious objects are frequent in the country.

61. While the Committee welcomes the 1998 Law on Displaced Persons, Refugees and Returnees in the Republika Srpska - regulating the status, rights and duties of displaced persons, refugees and returnees as well as their reintegration in the society - it is concerned that no comprehensive programme has been initiated at the national level in this respect. The Committee is also concerned that refugee and displaced children are accommodated together with adults in “collective centres” and that collective centres often accommodate not only children but also chronically ill persons.

62. **The Committee recommends that the State party:**

- (a) **Continue its efforts aimed at the safe return of displaced and refugee children and their parents and prevent, as much as possible, violent attacks against returnees and displaced persons and/or their property;**

(b) Address the special needs and rights of displaced and refugee children, and in particular to ensure proper accommodation arrangements for these children as well as social and professional reintegration of their parents;

(c) Harmonize legislation at the Entity level with the refugee legislation at the State level;

(d) Look into the issue of children whose parents are asylum-seekers, temporarily admitted persons or recognized refugees, when neither the parents, nor the child are in possession of adequate documentation, and ensure them access to the rights prescribed for these categories of persons;

(e) Continue to seek technical cooperation from UNHCR in this regard.

Children in armed conflict

63. Although the number is constantly decreasing, the Committee is concerned at the information that between 1992 and August 2000 a total of 4,371 persons had been victims of landmines, including about 300 children. The Committee is also concerned at the information that there are still 1 million mines in approximately 30,000 minefields throughout the country, including around schools and in areas where children play and that, according to Red Cross sources, every month 50 children suffer from the consequences of this situation. Furthermore, the Committee is concerned at the situation of children who were victims of the armed conflict, in particular with regard to the consequences of the conflict on their physical and psychological status.

64. The Committee recommends the State party to continue carrying out mine-awareness campaigns, undertake as a matter of priority demining programmes and extend the psychological and social assistance to children who have been affected by the explosion of mines and other consequences of the armed conflict.

Economic exploitation and street children

65. The Committee is concerned at the information that a significant number of children, especially Roma, are living or working on the streets, that the majority of these children are under 14, that most of them do not attend schools and nearly half of them appear to be ill. Furthermore, the Committee notes with concern that the work performed by these children is often harmful and exploitative and that many of them are compelled or forced to work.

66. The Committee recommends that the State party:

(a) Undertake a comprehensive national survey of the number, composition and characteristics of working children and of children living and working in the streets in order to design and implement comprehensive strategies and policies to prevent and combat their economic exploitation;

(b) Ensure that street children are provided with adequate nutrition, clothing, housing, health-care and educational opportunities, including vocational and life-skills training, in order to support their full development;

(c) Ensure the implementation of legislation fully covering article 32 of the Convention, and ILO Conventions No. 138 (1973) and No. 182 (1999);

(d) Seek assistance from the ILO International Programme on the Elimination of Child Labour (IPEC) and UNICEF, among others.

Substance abuse

67. The Committee is concerned at the increasing level of use of illicit drugs and substances among adolescents.

68. **The Committee recommends that the State party undertake a study to carefully analyse the causes and consequences of this phenomenon and use the outcome of this study to increase its efforts in order to prevent the use of illicit drugs and substances.**

Sexual exploitation and trafficking

69. While the Committee welcomes some positive developments in the prosecution of those responsible for serious crimes against women and girls in the context of trafficking and forced prostitution, as well as the adoption by the Council of Ministers of a national plan of action to combat trafficking in 2001, it is concerned that a growing number of children under 18, especially adolescent girls, are still being trafficked for the purpose of sexual exploitation. The Committee is further concerned that the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography has not been adequately addressed within the criminal justice systems.

70. **In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party further strengthen its efforts to fully implement and incorporate the above-mentioned Optional Protocol in the criminal justice systems as well as to identify, prevent and combat trafficking in children for sexual and other exploitative purposes, including by undertaking studies to assess the nature and magnitude of the problem and allocating sufficient resources to this field. Furthermore, the Committee should, inter alia:**

- Provide adequate and systematic training to all professional groups concerned, in particular law enforcement officials;**
- Launch awareness-raising and prevention campaigns targeting in particular children;**
- Seek assistance from UNICEF, among others.**

71. The Committee is also concerned at reports that, at the local level, police officers are believed to be often acquiescent, if not actively involved, in trafficking-related activities.

72. The Committee recommends that thorough, independent and effective investigations be carried out regarding the allegations that police officers may be involved in trafficking-related activities and to impose on them - if found guilty - appropriate penal and/or other sanctions.

Administration of juvenile justice

73. The Committee notes the information that all courts have councils for persons under 18 and that first-instance courts also have judges for persons under 18, but that specific juvenile courts do not exist per se. The Committee is concerned at:

- (a) The lack of sufficient data concerning the number of persons under 18 in conflict with the law;
- (b) The inadequate research, studies or evaluation mechanisms on prevention activities or on the adequacy of existing measures;
- (c) The stigmatization of children in conflict with the law;
- (d) The lack of alternative measures to detention and forms of rehabilitation for children in conflict with the law;
- (e) The lack of appropriate places for deprivation of liberty for persons under 18, who are often detained together with adults;
- (f) The poor material conditions of detention of persons under 18 deprived of their liberty;
- (g) The inadequate access to education for persons under 18 held in detention.

74. The Committee recommends that the State party bring the system of juvenile justice fully in line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System; and the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238). In this regard, the Committee recommends the State party in particular to:

- (a) Ensure systematic training for judges and councils for persons under 18;**
- (b) Take all necessary measures to ensure that persons under 18 are only deprived of liberty as a last resort and for the shortest appropriate period of time and that when in custody they are in any case separated from adults;**

- (c) Provide that persons under 18 placed in prisons - including remand prisons - are given a full programme of educational activities (including physical education);**
- (d) Take urgent steps to substantially improve the conditions of detention of persons under 18 deprived of their liberty in conformity with international standards;**
- (e) Set up more precise legal regulation on the process of diversion, as provided by article 40, paragraph 3, of the Convention;**
- (f) Define more clearly the conditions of supervision of juvenile detainees ordered by the juvenile judge;**
- (g) Consider amending the current prison sentences applicable to persons between 16 and 18 who have committed a crime, by eliminating the 1-year minimum term of imprisonment as well as by reducing the 10-year maximum term;**
- (h) Establish the right to a defence counsel from the beginning of the criminal proceedings in the Republika Srpska;**
- (i) Seek technical assistance from the UNICEF and OHCHR, among others.**

Children belonging to ethnic minorities

75. While the Committee welcomes the Law on the Protection of National Minorities, adopted by Parliament of Bosnia and Herzegovina on 1 April 2003, as well as the establishment of the Roma Committee, it remains concerned about the fact that continuing problems of ethnic discrimination and intolerance, including instances of violence and of daily discrimination, have a huge impact on the full enjoyment of the rights enshrined in the Convention by children belonging to ethnic minorities, especially Roma.

76. **The Committee recommends that the State party take effective measures to protect the full enjoyment of the rights of children belonging to ethnic minority groups and undertake special measures to stimulate a process of reconciliation and confidence-building, including wide-ranging educative and awareness-raising campaigns.**

8. Follow-up and dissemination

Follow-up

77. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament, and to provincial or State Governments and Parliament, when applicable, for appropriate consideration and further action.**

Dissemination

78. **The Committee further recommends that the initial report and written replies submitted by the State party and related recommendations (concluding observations) it**

adopted be made widely available in both Entities, including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

9. Next report

79. The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States' responsibilities to children under the Convention includes ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties is crucial. The Committee recognizes that some States parties experience difficulties in initiating timely and regular reporting. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its combined second, third and fourth periodic reports, which should not exceed 120 pages (see CRC/C/148), by 5 March 2009 and the Committee expects the State party to report every five years thereafter, as foreseen by the Convention.
