<table>
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<th>Ratification Date</th>
<th>Concluding Observations</th>
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| UN CRC 1 Sep 1993 | CRC/C/BIH/CO/2-4  
29 November 2012  
http://www2.ohchr.org/english/bodies/crc/crcs61.htm | Best interests of the child |

31. While noting that the principle of the best interests of the child is taken into account in most of the State party’s legislation, the Committee is concerned that the principle is not adequately applied in situations concerning children deprived of a family environment. In particular, the Committee is concerned that the best interests of the child are not the primary consideration when regulating and implementing the placement of children deprived of a family environment into different forms of alternative care, including institutions.

32. The Committee urges the State party to strengthen its efforts to ensure that the principle of the best interests of the child is widely known and appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and all policies, programmes and projects relevant to and with an impact on children, particularly those deprived of a family environment. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance for determining the best interests of the child in every area, and to disseminate them to public and private social welfare institutions, courts of law, administrative authorities and legislative bodies. The legal reasoning of all judicial and administrative judgments and decisions should also be based on this principle. The Committee stresses the need for the State party, in doing so, to pay particular attention to ensuring primacy...
of the principle of the best interests of the child, particularly with respect to ensuring full regard for the principle when regulating and implementing the placement into different forms of alternative care, including institutions.

E. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Family environment

46. While welcoming the 2008 programme Strengthening the Social Protection and Inclusion of Children in Bosnia and Herzegovina, the Committee regrets that limited financial and human resources have been made available to these centres. This has resulted in the centres being unable to prevent the dissolution of families in cases where an alternative situation could have been adopted, and address the needs of children deprived of parental care. Furthermore, the Committee is concerned that these centres lack clear terms of reference focused on the provision of social support, and therefore frequently focus mostly on administrative work relating to the registration of beneficiaries and the evaluation of formal legal criteria for the realization of the right to social assistance rather than on the provision of support to families.

47. The Committee reiterates its recommendation that the State party provide the social work centres with adequate human, technical and financial resources, ensure systematic training of its staff and take all other necessary measures to guarantee the quality, efficiency and transparency of all activities of these institutions (CRC/C/15/Add.260, para. 37). It further recommends that training and capacity-building on the prevention of family dissolution be prioritized and that a clearer
mandate, focused on the provision of support services, be provided to the social work centres. In this context, the Committee also recommends that the State party consider establishing a separate mechanism for managing the administrative work relating to the registration of beneficiaries and the evaluation of formal legal criteria for the realization of the right to social assistance.

Children deprived of a family environment

48. The Committee welcomes the adoption of the Policy for the Protection of Children without Parental Care and Families at Risk of Separation in the Federation of Bosnia and Herzegovina (2006-2016). While noting that the State party reports that it has a policy of seeking family-type care for children without parental care where possible, the Committee is however concerned about:

(a) Children being placed in institutions on the sole basis of family economic hardship;

(b) The inadequacy of alternative family- and community-based options for children deprived of a family environment or children with special protection needs, with the majority of children being placed in institutions; and insufficient efforts being made to reunite such children with their biological families, resulting in many of those children remaining in institutions until the age of 18;

(c) Children placed in institutions located outside of the territory of their registered residence and therefore unable to access healthcare due to administrative obstacles relating to their relocation;

(d) Understaffing in centres for social work, resulting in children in
institutions having insufficient attention paid to their development;

(e) The absence of a comprehensive system of foster care, and the low and irregular funds for covering the costs of children’s placement in foster families, frequently resulting in low standards of care in such situations;

(f) Inadequate preparation and support for children and youth leaving the public care system;

(g) The current system of alternative care discouraging the reunification of children with their biological families even where this may be a viable option.

49. The Committee urges the State party:

(a) To facilitate and support family-based care for children wherever possible, and in doing so ensure that children are not placed in out-of-family care on the sole basis of socioeconomic hardship;

(b) To thoroughly and periodically review placements of children in institutions and, in doing so, pay particular attention to signs of maltreatment of children; and, where in the best interests of the child, facilitate contact between the child and her/his biological family to encourage and support reunification wherever possible;

(c) To ensure equal access to health care and education for children in care;

(d) To increase the number of social workers to ensure that the
individual needs of each child can be effectively addressed, and develop criteria for the selection, training, support and evaluation of childcare workers;

(e) To establish a comprehensive and coherent national system of foster care and ensure the provision of adequate and timely funds and support for foster families to complement other forms of alternative care;

(f) To adequately prepare and support young people prior to their leaving care by providing for their early involvement in the planning of transition as well as by making assistance available to them following their departure;

(g) To facilitate the reunification of children with their biological families whenever viable;

(h) To provide all the human, technical and financial resources required for improving the situation of children in alternative care placements

Adoption

50. The Committee reiterates its previous concern regarding the State party’s adoption legislation not being in full conformity with the Convention (CRC/C/15/Add.260, para. 38). In this context, the Committee is also concerned at the discrepancies in adoption legislation among the entities and territories in the State party, resulting in legislative ambiguity and protection gaps. Furthermore, the Committee has specific concerns regarding:

(a) Low adoption rates due to complex and time-consuming procedures for adoption; the lack of coordination among social
country care in protection institutions; and the absence of a database on children eligible for adoption and corresponding applications from prospective adopters;

(b) The upper age limit of five years for children in the Republika Srpska, resulting in most children there not being eligible for adoption;

(c) The fact that, notwithstanding the specific request in the previous recommendations of the Committee (CRC/C/15/Add.260, para. 39), data disaggregated according to, inter alia, age, gender, socioeconomic status, on children involved in domestic and intercountry adoption was not provided in the State party report.

51. The Committee reiterates its previous recommendation (CRC/C/15/Add.260, para. 39) and urges the State party to expedite 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:

(a) Facilitate adoptions, including by simplifying and streamlining procedures for adoption while ensuring safeguards required by the Convention, and establish a universal integrated database for its social protection institutions with information on potential adoptees and adopters nationwide;

(b) Consider increasing the upper age limit for adoption in the Republika Srpska;
(c) Respond to the previous recommendation (CRC/C/15/Add.260, para. 39) and expeditiously collect disaggregated data on children involved in domestic and intercountry adoption and include this in its next report to the Committee.

F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

Children with disabilities

52. The Committee welcomes the State party’s ratification of the Convention on the Rights of Persons with Disabilities in 2010. However, the Committee is concerned that no concrete steps have been taken to establish a clear legislative definition of disability and ensure the alignment of national, entity and cantonal legislation with the provisions of that Convention. In particular, the Committee is concerned about:

[…]

(b) Insufficient and inadequate care and support, with service providers, in particular centres for social work and health-care centres, not being adequately equipped and prepared to provide services and support necessary for addressing the needs of children with disabilities while allowing them to continue living with their families;

53. In the light of its general comment No. 9 (CRC/C/GC/9 and Corr.1, 2006), the Committee urges the State party to establish a clear legislative definition of disability and ensure conformity of
the legislation, policies and practices in all its territories with, inter alia, articles 23 and 27 of the Convention, particularly for cognitive and mental disabilities, with the aim of effectively addressing the needs of children with disabilities in a non-discriminatory manner. Furthermore, the Committee recommends that the State party:

(b) Strengthen support measures for parents to care for their children with disabilities, and, where placement in care is necessary, ensure that it is done with full regard for the principle of the best interests of the child and in care centres that are provided with adequate human, technical and financial resources to provide the services and support necessary for children with disabilities and their families;

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**Recovery and reintegration of victims**

40. The Committee is deeply concerned at the absence of state-run shelters for child victims and that identified child victims do not have access to appropriate care and assistance, including in shelters operated by international and non-governmental organisations. The Committee is particularly concerned that the day care centres, established to provide shelter children involved in forced begging, do not receive State funding.

41. The Committee recommends that the State party take all necessary measures to ensure that child victims of the offences under the Optional Protocol are provided with appropriate assistance, including for their full social reintegration and full physical and psychological recovery. In particular, the Committee
**Country Care Review: Bosnia and Herzegovina**

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<th>Country Report</th>
<th>CRC/C/BIH/2-4</th>
<th>14 June 2011</th>
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The Committee encourages the State party to ensure the continuity of shelters specifically designated for child victims, including day care centres for children involved in organized begging. The Committee recommends the State party to integrate the latter among its protection programmes for children.

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<th>OPAC to CRC</th>
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<tr>
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<td>Hague Intercountry Adoption</td>
<td>Not yet ratified</td>
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Hague Intercountry Adoption

**ICERD**

1 Sep 1993

**CRPD**

12 Mar 2010

**OPAC to CRC**

10 Oct 2003

**ICCPR**

1 Sep 1993

**ICESCR**

1 Sep 1993

**CEDAW**

10 May 2012

**CRPD**

12 Mar 2010

**Hague Intercountry Adoption**

Not yet ratified

**UPR**