

COMMITTEE ON THE RIGHTS OF THE CHILD
Thirty-ninth Session
Pre-sessional Working Group
31 January–4 February 2005

IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

List of issues to be taken up in connection with the consideration of
the initial report of **Bosnia and Herzegovina** (CRC/C/11/Add. 28)

Part I

Under this section the State party is requested to submit in written form additional and updated information, if possible, before 6 April 2005.

A. Data and statistics, if available

1. Please provide disaggregated data (by gender, age, minority and ethnic groups, urban and rural areas) covering the years 2002, 2003 and 2004 on the:
 - a) number and proportion of children under 18 living in the State party;
 - b) number and proportion of children belonging to minority, including Roma children;
 - c) displaced, refugees, returnees and asylum-seekers children.

2. In light of article 4 of the Convention, please provide additional disaggregated data for 2003-2005, on budget allocations and trends (in percentages of the national budget or GDP) regarding the implementation of the Convention, evaluating also the priorities for budgetary expenditures given to the following:
 - a) education (different types of education, i.e. pre-primary, primary and secondary education);
 - b) child care services, including day care centers;
 - c) health care (different types of health services, i.e. primary health care, vaccination programmes, adolescent health care and other health care services for children);
 - d) programmes and services for children with disabilities;
 - e) support programmes for families;
 - f) support for children living below the poverty line (please also specify the criteria for 'poverty' and indicate the number of children living below the poverty line);
 - g) the protection of children who are in need of alternative care including the support of care institutions;
 - h) programmes and activities for the prevention of and protection from child abuse, child sexual exploitation and child labour;
 - i) juvenile justice;

- j) juvenile crime prevention and rehabilitation;
- k) other social services.

Please also indicate the estimated expenses of the private sector, in particular for health and education.

3. With reference to children deprived of a family environment and separated from parents, please provide disaggregated data (by gender, age, minority and ethnic groups, urban and rural areas) for the last three years on the number of children:
 - a) separated from their parents;
 - b) placed in institutions;
 - c) placed with foster families;
 - d) adopted domestically.
4. Please specify the number of children with disabilities, disaggregated by sex and age, covering the years 2002, 2003 and 2004:
 - a) living with their families;
 - b) in institutions;
 - c) attending regular schools;
 - d) attending special schools;
 - e) non attending any school.
5. Please provide information on the number of children abducted from or to BiH.
6. With reference to child abuse, please provide disaggregated data (by age, gender, minority and ethnic groups and types of violations reported) covering the years 2002, 2003 and 2004 on the:
 - a) number of reported cases of child abuse;
 - b) number and percentage of reports which have resulted in either a court decision or other types of follow-up;
 - c) number and proportion of child victims that have received counseling and assistance in recovery.
7. Please provide disaggregated data (including by gender, age, minority and ethnic groups including Roma, if possible, urban and rural areas) covering the years 2002, 2003 and 2004 on:
 - a) the enrolment and completion rates in percentages of the relevant group in pre-primary schools, in primary schools and in secondary schools;
 - b) rates of literacy under 18 years old;
 - c) rate of children completing primary and secondary school;
 - d) number and percentage of drop-outs and repetitions;
 - e) teacher per child ratio;
 - f) number of children attending school abroad.
8. Please provide disaggregated statistical data (including by gender, age, minority and ethnic groups, urban and rural areas) on early pregnancy, sexually transmitted infections (STIs), mental health problems (e.g. suicide rates, eating disorders, depression), drug use, alcohol and tobacco abuse covering the years 2002, 2003 and 2004. Please also provide numbers of health professionals working in the health care services for children.
9. Please provide disaggregated statistical data (including by gender, age groups, minority and ethnic groups, urban and rural areas) on children infected or affected by HIV/AIDS.

10. Please provide appropriate disaggregated data (including by gender, age, minority and ethnic groups, urban and rural areas and type of crime) covering the years 2002, 2003 and 2004, in particular on the number of:
 - a) persons below 18 who have allegedly committed a crime, reported to the police;
 - b) persons below 18 who have been sentenced and type of punishment or sanctions related to offences including length of deprivation of liberty;
 - c) persons below 18 who have been tried as adults;
 - d) detention facilities for juvenile delinquents and their capacity;
 - e) persons below 18 detained in these facilities and minors detained in adult facilities;
 - f) persons below 18 kept in pre-trial detention and the average length of their detention;
 - g) reported cases of abuse and maltreatment of children occurred during their arrest and detention.

11. With reference to special protection measures, please provide statistical data (including by gender, age, minority and ethnic groups, urban and rural areas) covering the years 2002, 2003 and 2004 on:
 - a) the number of children involved in sexual exploitation, including prostitution, pornography and trafficking;
 - b) the number of children involved in sexual exploitation who received rehabilitation treatments;
 - c) the number of migrant unaccompanied minors, displaced, asylum-seeking, returnee and refugee children, as well as the number of children awaiting expulsion;
 - d) the number of children involved in labour who are under 16;
 - e) street children;
 - f) returnee children orphans as a result of armed conflict.

B. General Measures of Implementation

1. Please indicate whether the State party intends to withdraw the reservation to article 9 paragraph 1 of the Convention; and if not, please explain the reasons.
2. Please indicate whether the Convention on the Rights of the Child has been invoked directly in domestic courts, and if so, please provide examples of such cases. Please also indicate the number of cases where the European Convention for the Protection of Human Rights and Fundamental Freedoms has been directly applied by courts in the State party - as provided by article II (2) of the Constitution of Bosnia and Herzegovina- and whether any of these cases covered child-related issues.
3. Please provide additional information on measures taken to improve the system for collection of disaggregated data on children under 18 in all areas under the Convention.
4. Please elaborate on the implementation of the Action Plan for Children 2002-2010, and on the activities, mandate and human and financial resources of the Council for Children of Bosnia and Herzegovina, responsible for the implementation of the Action Plan. Please also provide information on efforts to coordinate policies and proposals for children and on the implementation of the various national programs for children.

5. Please provide information on the mechanisms that may exist for the evaluation and the assessment of the programmes and policies for the implementation of the Convention, not only at the level of cantons/entities, but also at national level.
6. Please provide further information on the financial and human resources provided to the offices of the Human Rights Ombudsmen as well as on the number and nature of cases they have dealt with in the past three years. If individual complaints have been filed by or on behalf of children, please provide information on how they have been dealt with (e.g. interviewing the child, involving parents etc.) and whether the staff of these offices has received adequate training in this regard.
7. Please inform the Committee on whether the expected transfer of competence from the Human Rights Chamber, established in accordance with annex 6 to the DPA (Dayton Peace Agreement), to the Constitutional Court of Bosnia and Herzegovina has occurred, and elaborate on its effects and consequences, if any.
8. Please elaborate on the new “Law on the Protection From Violence in the Family” and indicate whether it has entered into force, and if not, why.
9. Please indicate the advantages resulting from the adoption of the “Outline Law on Primary and Secondary School in Bosnia and Herzegovina”.
10. Please provide updated information on efforts to provide training, awareness and information on the Convention and on human rights in general.
11. Please provide information on the role of non-governmental organisations in the implementation of the Convention as well as in the process of preparation of the State party report, if any.
12. Please indicate the issues affecting children that the State party considers to be priorities requiring the most urgent attention with regard to the implementation of the Convention.

Part II

Please provide the Committee with copies of the text of the Convention on the Rights of the Child in all official languages of the State party as well as in other languages or dialects, when available. If possible, please submit these texts in electronic form.

Part III

Under this section, the State party is invited to briefly (3 pages maximum) update the information provided in its report with regard to:

- New bills or enacted legislation
- New institutions
- Newly implemented policies
- Newly implemented programmes and projects and their scope.

Part IV

The following is a preliminary list of major issues (that does not contain issues already covered in Part I) that the Committee may take up during the dialogue with the State party. They do not require written answers. This list is not exhaustive as other issues might be raised in the course of the dialogue.

1. Protection from discrimination, in particular with respect to children belonging to ethnic minorities, refugee, displaced, returnee and asylum-seeking children.
2. The State party's strategy to significantly strengthen the Convention's overall implementation with particular attention to the general principles of the Convention (non-discrimination (art.2), the best interests of the child (art.3) and the right of the child to express its views and be heard (art.12)).
3. Efforts undertaken to make the initial report widely available to the public within the State party.
4. Adoption and protection of the rights of children placed in foster care.
5. Regulation and practices concerning the separation of children from parents.
6. Domestic violence, including corporal punishment, and sexual abuse.
7. Access and quality of health and health care services.
8. HIV/AIDS.
9. Alcohol and tobacco abuse.
10. Children with disabilities.
11. Access and quality of education, including human rights education.
12. Support and protection provided to refugee, displaced and returnee children.
13. Children victims of armed conflict and in particular landmines clearing and awareness.
14. Economic exploitation and street children.
15. Illicit use of substances
16. Trafficking in persons and sexual exploitation.
17. Administration of juvenile justice, in particular conditions of detention of persons below 18 in conflict with the law.
18. The situation of Roma and other minority children.