

Situation Analysis of Children in Bosnia and Herzegovina

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1. Executive Summary

This Situation Analysis (SitAn) of children in Bosnia and Herzegovina (BiH), prepared by UNICEF, provides an overview of the progress in achieving children's rights in the country, as well as remaining challenges. The analysis is based on a broad range of data sources, including surveys, qualitative studies and routine administrative data provided by public entities at various levels. The SitAn applies a Human Rights-Based Approach (HRBA) and is guided by the Convention on the Rights of the Child (CRC) to assess the current situation of children in BiH.

An equity lens has been used for the analysis, with special attention for the most vulnerable children and their deprivations related to age, gender, disability, and place of residence (urban or rural areas). While in recent years there has been progress regarding several areas of child rights, significant disparities persist, particularly for children from the Roma community, children with disabilities, children on the move and other vulnerable children. Overall, there is a lack of systemic monitoring of indicators on children's rights in BiH. The final chapter of the SitAn reiterates a number of the key challenges facing the country, and recommendations to address them. One of the limitations of this analysis is the lack of up-to-date representative data at country level in various sectors. The last country-wide Multiple Indicator Cluster Survey (MICS) was conducted in 2011-2012, hence there is limited recent data available on children.

Overall, maternal and infant mortality rates have significantly improved in recent decades. Infant mortality fell from 7.5 per 1,000 live births in 2006 to 5.1 per 1,000 live births in 2016. Neonatal mortality was 4 per 1,000 live births in 2018, a decrease from 7.6 in 2000, while the under-five mortality rate decreased from 9.3 in 2000 to 6 per 1,000 live births in 2018. The high proportion of deaths in the first 28 days after birth still requires further attention. Early childhood development services, including early detection of developmental delays and early intervention, have not been fully institutionalized. Immunization rates have been declining, and measles outbreaks are frequent across the country. BiH also remains one of only three countries in Europe at high risk of a polio outbreak, due to low coverage rates. Furthermore, obesity is increasing among kindergarten and school-aged children, especially in urban areas.

BiH has made steady progress towards achieving universal access to primary education (98 per cent) and secondary education (85 per cent). Nevertheless, equal access to truly inclusive quality education for all children remains a challenge, due to geographical disparities in the provision of education services. Early childhood education is not available to all children, especially those from vulnerable families. The preschool enrolment rate in BiH for children aged 3 to 6 years is the lowest in Europe (25 per cent) with clear gaps between urban and rural areas, and between employed and unemployed parents. However, 78 per cent of 5-year old children attended obligatory preschool programmes in 2018/19, up from 31 per cent in 2011/12. Meanwhile, the highly complex administrative structure and decision-making processes have proven to be challenging for the harmonization of legislation on education and the provision of services across the country. The standards of quality and access to education are still inadequate, and there are serious learning and

equity gaps in BiH's education systems. Further efforts are also needed to increase the inclusion of children with disabilities as well as Roma children in schools.

In recent years BiH has taken many important steps towards reforming its child protection system, most notably in the area of justice for children through the adoption and implementation of Laws on Protection and Treatment of Children and Juveniles in Criminal Proceedings. Significant progress has also been made in establishing a sound system of foster care - through the adoption of legislation and policies, the professionalization of the social services workforce, and the certification of foster parents. Nevertheless, more needs to be done to ensure that all children are protected from all forms of violence, abuse, and exploitation, to make access to justice more equitable, and to further reduce the number of children in institutional care. In an effort to leave no child behind, more targeted interventions are needed to enhance the protection in particular of Roma children, children with disabilities and children on the move.

More than half the country's population was at risk of poverty or social exclusion in 2010, with no indication that this situation has changed much since then. Children are among the most vulnerable categories: they consistently have higher poverty rates than the general population (30.6 per cent in 2011 compared to 23.4 per cent of the total population). The most recent Household Budget Survey conducted in 2015 did not disaggregate data on child poverty. Total social assistance benefits account for approximately 4 per cent of GDP, of which about three quarters are paid to war veterans and their families. The social exclusion of families from rural areas, Roma families and families with children with disabilities is multi-dimensional. While social and child protection legislative reforms improving the adequacy and coverage of child cash benefits have advanced in Republika Srpska (RS), the Law on Financial Support to Families with Children in the Federation of BiH (FBiH) was only approved in February 2020.

2. Introduction

This Situation Analysis provides an overview of the progress in achieving children's rights in BiH, as well as the remaining challenges. The SitAn is based on the analysis of qualitative and quantitative data provided by public entities and other sources, although it is constrained by a lack of up-to-date representative data at country level. The last country-wide Multiple Indicator Cluster Survey (MICS) was conducted in 2011-2012, hence there is limited recent data available on children.

The analysis is intended to further increase awareness and understanding of children's issues in BiH, and to support strategies and plans aimed at the fulfilment of BiH Authorities' commitments to the protection and promotion of children's rights, under BiH and international and domestic laws. The analysis is also intended to inform the work of civil society organisations, academia and others in the area of children's rights.

3. The context of Bosnia and Herzegovina

3.1 Demographic overview

According to the most recent census, the country's almost 620,000 children (0-18 years) represent about 18 per cent of the total population and adolescents (10-19 years) about 11 per cent; young people aged 10 to 24 years represent 19 percent of the population. About 60 percent of young people live in rural areas, where the access to basic services and employment opportunities is more limited than in urban areas.

Many families and well-educated young people are emigrating in search of better opportunities for themselves and their children. The continuous brain drain has significant implications for the sustainability of social protection systems, education and health care.

Overall, BiH's population is among the most rapidly shrinking and ageing in the world. While life expectancy has gradually increased (to 79.6 years for women and 74.6 years for men¹), the total population is estimated to have declined each year since 2002 mainly because of emigration, and deaths have started to outnumber births especially over the last two decades. Since 2014 older people have outnumbered children under the age of 15.² This affects economic growth, service delivery and overall living standards, including children's well-being. It also increases the demand on health services and pensions.

Rural communities are home to a higher proportion of older residents, with a smaller proportion of economically active people. The gradual migration from rural to urban areas reduces the proportion of the population living in rural areas by about 10 per cent every generation.³ Some 25 per cent of youth are actively looking for work outside the

¹ UNICEF (2019), State of the World's Children: <https://data.unicef.org/resources/sowc-2019-statistical-tables-and-interactive-dashboard/>

² World Bank (2015), Rebalancing Bosnia and Herzegovina: a systematic country diagnostic

³ UNDP Rural Development in Bosnia and Herzegovina: Myth and Reality, 2013.

country. Almost 90 per cent of young people would like to leave the country for longer or forever.⁴ This is similar to neighbouring Balkan countries.⁵

The Roma are among the most vulnerable groups in BiH. According to the 2013 census,⁶ there were 12,583 Roma in the country, although municipalities and Roma associations suggest numbers between 35,000 and 45,000.

3.2 Political context

Following the war in the 1990s, BiH remains divided politically, administratively, economically and culturally. These divisions are further exacerbated by continuing divisive rhetoric, which is hindering progress on the accession path to the European Union (EU) and the achievement of the Sustainable Development Goals (SDGs).

A Stabilization and Association Agreement (SAA) between BiH and the EU has been in force since June 2015. In 2016, BiH submitted a formal application to join the EU, but significant delays continue. The consolidated answers from BiH authorities to the European Commission's questionnaire covering all EU accession criteria were submitted in 2018, and the response to follow-up questions in early 2019. The Commission provided its Opinion on BiH's application for EU membership in May 2019. The Opinion concluded that BiH does not yet sufficiently fulfil the criteria related to the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for the protection of minorities in line with European standards. The Commission identified 14 priorities for BiH in the area of: Democracy and Functionality; Rule of Law; Fundamental Rights; and Public Administrative Reform. The BiH Economic Reform Programme 2019-2021 was adopted by the BiH Council of Ministers on 30 January 2019. Currently, BiH is implementing a reform programme for 2019-2022, as outlined in the Joint Socio-Economic Reforms document agreed upon by entity governments in October 2019.⁷

3.3 Socio-economic context

BiH's economy experienced the 2008-2009 financial crisis, the international growth slowdown in 2012 and adverse weather conditions in 2014, which caused massive flooding and reduced Gross Domestic Product (GDP) by 15 per cent. In 2015-2017, GDP growth was steady at 3 per cent, but the average standard of living was still just 32 per cent of the EU-27 average in 2017. A single economic zone within the country is yet to be established.

BiH has a heavily consumption-driven economy with a consumption rate of over 100 per cent of GDP. The country favours recurrent spending above investment; this is facilitated by prevalent remittances and has potentially significant adverse consequences for the set-up of durable and effective welfare services, particularly for children. The main areas of investment in the country have been manufacturing, the financial sector, trade and the

⁴ Voices of Youth, Prism Research for UNICEF, 2016

⁵ IMF (2019), Demographic Headwinds in Central and Eastern Europe 2019, Anna Ilyina, Jaewoo Lee, Iva Petrova, and Alasdair Scot.

⁶ <http://www.popis.gov.ba/popis2013/knjige.php?id=2>

⁷ Joint Socio-Economic Reforms ('Reform Agenda') for the Period 2019-2022, BiH Authorities, October 2019.

energy sector. BiH's investment in heavy industry has led to it becoming an energy exporter, with negative consequences for both air quality and climate change. Unemployment rates are at 47 percent for young people (15-24 years) and 51 percent for women.⁸

BiH's Human Development Index (HDI) value for 2017 was 0.768, at the 77th place out of 189 countries and territories.⁹ However, this index does not show the huge disparities and marginalization drivers still existing in the country. More than half the country's population was at risk of poverty or social exclusion in 2010, with no indication that this situation has changed much since then. Over 170,000 households - 17 percent of the total population - live below the national relative poverty line. Children are among the most vulnerable categories: they consistently have higher poverty rates than the general population (30.6 per cent in 2011 compared to 23.4 per cent of the total population).¹⁰ The most recent Household Budget Survey conducted in 2015 did not disaggregate data on child poverty.

The situation is particularly difficult for children with disabilities, Roma and other minority children, and children in poor communities.¹¹ A UNICEF study on multi-dimensional poverty in BiH¹² found that 74 per cent of children 5 to 15 years of age are deprived in at least one dimension, while 23 per cent are deprived in three or more dimensions. One third of children 0-4 years of age are deprived in four or more dimensions.

The 2003 Law on Gender Equality, complemented by the 2009 Law on Prohibition of Discrimination (amended in 2016), largely meets global standards on establishing equal rights for women and men. The Gender Equality Agency in the Ministry of Human Rights and Refugees (MHRR) fosters and monitors the implementation of the Law on Gender Equality, in cooperation with entity-level Gender Centres. However, limited institutional and sectoral coordination, and deeply entrenched social norms, still result in unequal life chances for girls and boys, women and men. Only 19 per cent of parliamentary seats are held by women; participation in the labour market is 35 per cent for women against 59 for men – despite the fact that 72 per cent of adult women completed at least secondary education (compared to 89 per cent of men). The Gender Inequality Index value (0.166 in 2017) ranks BiH 37th out of 160 countries. Nevertheless, gender discrimination and gender-based violence, fuelled by persistent patriarchal norms, remain critical concerns.

Other drivers of inequity in BiH include poverty, rural/urban divides, minority status (particularly for the Roma population), disability status, and refugee or migrant status. Each driver compounds existing inequities and exacerbates vulnerability, as does the continuing lack of available data to support targeted interventions and remediation.

⁸ 2018 World Bank data, in Bosnia and Herzegovina and the United Nations, *op. cit.*

⁹ Human Development Indices and Indicators: 2018 Statistical Update Briefing note for countries on the 2018 Statistical Update Bosnia and Herzegovina

¹⁰ Cf. Household Budget Survey in Bosnia and Herzegovina, 2011

¹¹ Multiple Indicator Cluster survey (MICS 2011-12) data; Extended Household Budget survey, 2011; Initiative for Better and Humane Inclusion, *Report on Poverty in Bosnia and Herzegovina*, IBHI, 2013; World Bank data; UNICEF Bosnia and Herzegovina, *Report on the Situation of Roma Children and Families in Bosnia and Herzegovina*, 2013

¹² Child Poverty and Deprivation in Bosnia and Herzegovina: National Multiple Overlapping Deprivation Analysis (N-MODA) Innocenti Working Paper No. 2015-02

3.4 Disaster risk context and climate

BiH is a country of medium to high exposure to multiple hazards, with floods, landslides, earthquakes and wildfires being the most prominent ones. According to the World Bank Global Facility for Disaster Reduction, over 20 per cent of BiH is susceptible to flooding. This could affect about 100,000 people, with potential losses of around USD 600 million every year. Overall, 118 municipalities out of 145 are considered to be at high or very high risk of flooding and/or landslides: these areas are home to nearly 280,000 children (38 per cent of all children in the country).¹³

The average annual air temperature in BiH increased by about 0.4 to 1.0 degrees Celsius (depending on the location) between 1982 and 2014. The most significant source of air pollution is the energy sector, which produces about 53 per cent of total carbon dioxide emissions in the country.¹⁴

Extreme climate and weather events are increasingly causing disasters. The unprecedented flooding of 2014 affected a quarter of the country and one million people, including 60,000 children,¹⁵ causing the equivalent of a five-year setback of poverty levels, affecting the wellbeing of minority groups, persons with disabilities and children. The floods reduced GDP by about 15 per cent and caused a near complete devastation of 70,000 hectares of arable land, damaging hospitals, schools and public offices in over 50 municipalities.¹⁶ This translated into damages of USD 1.7 billion, with economic losses exceeding USD 1.5 billion. Rural and vulnerable households, small and medium-size enterprises and farms were mostly affected. Traditional approaches to emergencies and civil protection response proved insufficient. The overall investment in disaster risk reduction and preparedness remains limited and is not sufficiently linked to efforts in other sectors to adequately respond to the needs of vulnerable populations.

4. Enabling environment for children's and youth rights

4.1 Legal and policy frameworks

BiH has undertaken many important steps in the reform of legislation relating to children, such as the amendments to the Law on Prohibition of Discrimination in 2016.¹⁷ While the majority of laws are largely compliant with the CRC and other relevant international standards, the enactment of a comprehensive child rights act, which fully incorporates the principles and provisions of the CRC and its Optional Protocols and provides clear guidelines for their consistent and direct application at the state, entity, district and cantonal levels, as recommended by the CRC Committee¹⁸, would enable a more harmonized and equitable

¹³ UNICEF calculation premised upon UNDP data http://www.ba.undp.org/content/bosnia_and_herzegovina/bs/home/library/response-to-floods/flood-and-landslide-risk-assessment-for-the-housing-sector-in-bi.html

¹⁴ United Nations Development Programme, *Third National Communication and Second Biennial Update Report on Greenhouse Gas Emissions of Bosnia And Herzegovina under the United Nations Framework Convention on Climate Change*, July 2016

¹⁵ More precisely: 78,564 unemployed people, 60,000 children and 10% of people with disabilities.

¹⁶ According to the UNDP Human Development Report 'Risk-Proofing the Western Balkans: Empowering People to Prevent Disasters'.

¹⁷ UN Committee on the Rights of the Child (CRC), *Concluding observations on the combined fifth and sixth periodic reports of Bosnia and Herzegovina*, 3 December 2019, CRC/C/BIH/5-6.

¹⁸ *Ibid*, para. 7.

realization of children's rights across the country. The Action Plan for Children (2015-2018) was extended to 2019, however implementation was hampered, among others, by the inadequate allocation of human, technical and financial resources. A key bottleneck relates to the inconsistent application and enforcement of existing legislation related to children. The development of policies, with monitoring and evaluation as well as costing frameworks, at state, entity, district and canton levels would be a key step forward in addressing above bottleneck.

4.2 Public sector

As a legacy of the peace process, BiH has a disproportionately large public sector, with 160 ministries and 145 local administrations: this leads to lengthy administrative processes, convoluted decision-making processes and high spending on salaries, structurally undermining investment and sustainable economic growth. BiH scored 35 out of 100 in the Open Budget Index, meaning that its budget transparency is insufficient. Budgetary information is not complete, particularly regarding investments on children.

Public administration institutions operate within a complex governance structure with separate decision-making competences. Reflecting the institutional set-up, the policy-making and strategy development system in BiH is fragmented. There are no countrywide human rights and anti-discrimination strategies. No adequate and reliable statistical data is collected on discrimination cases despite a Law against Discrimination being in place since 2009. It is difficult to assess the impact of overall budgetary and fiscal policy on outcomes for children. Those mostly affected by this are children with disabilities, poor children and those belonging to minority groups.

The Council for Children of BiH is chaired by the Ministry of Human Rights and Refugees. However, the coordination mechanism for child rights is still very fragile.¹⁹ Gaps in coordination across all levels of public administration impede the fulfilment of children's rights. Horizontal and vertical levels of coordination do not function very well. Obstacles in the coordination between government authorities at different levels persist, especially with regard to the country's obligations for the CRC monitoring. In FBiH a Council for Children has never been created. The Council for Children of RS has been inactive for several years. In 2018, UNICEF and the MHRR established a Group for the Promotion and Protection of Child Rights, consisting of relevant institutional and NGO representatives, to overcome some of the coordination challenges.

4.3 Civil society

The EU accession process promotes the active participation of civil society organisations (CSOs) in government decision-making. There are several mechanisms for consulting with civil society on policy development and implementation, such as the BiH Council for Children, public hearings and working groups. However, BiH authorities at various levels could engage civil society more as one of the key stakeholders. In general, civil society organizations are often to a large extent reliant on international funding.

¹⁹ UNICEF BiH, Country Office Annual Reports 2016, 2017, 2018 and 2019.

4.4 Private sector

BiH ranks 91st out of 140 countries in the Global Competitiveness Index 2018–2019, and 89th out of 190 in the World Bank’s ‘Ease of Doing Business Index’ 2018. Administrative obstacles at different levels of government continue to burden the business environment. This reduces both potential fiscal space and employment opportunities that could possibly reduce emigration rates.

Nevertheless, there are some provisions for corporate social responsibility in the country, with tax incentives for both individual and corporate donations to public entities. Furthermore, the private sector increasingly recognizes the importance of contributing to the achievement of the SDGs and could play a significant role in the country’s economic growth, as well as in channelling investments and funding towards sustainable development.

5. Right to health

5.1 Maternal and child health

Overall, maternal and infant mortality rates have significantly improved in recent decades. Infant mortality fell from 7.5 per 1,000 live births in 2006 to 5.1 per 1,000 live births in 2016.²⁰ Neonatal mortality was 4 per 1,000 live births in 2018, a decrease from 7.6 in 2000, while the under-five mortality rate decreased from 9.3 in 2000 to 6 per 1,000 live births in 2018.²¹ The fact that most infant deaths occur within the first 28 days of birth is of concern and requires further attention.

Maternal mortality rates in BiH have decreased from 36.4 per 100,000 in 1990 to 13.2 per 100,000 in 2015.²² Despite this, significant maternal health risks exist among groups such as Roma women and adolescent girls in child marriages. Although most mothers in BiH have almost universal access to antenatal care and nearly every birth is assisted by skilled health workers, socially excluded populations – including those living in poverty, rural residents, refugees, migrants, and ethnic minorities – still have less access to maternal health services.

The 2011-12 MICS estimated the infant mortality rate for Roma children in BiH to be 24 per 1,000 live births, with under-five mortality at 27 per 1,000 live births. Although more recent country-wide data is not available, the stark differences in the mortality rates point to huge disparities among different groups of the population.

²⁰ BHAS (2018), Demography and Social Statistics (*correction in 2019*).

²¹ UNICEF (2019), State of the World’s Children: <https://data.unicef.org/resources/sowc-2019-statistical-tables-and-interactive-dashboard/>

²² Global, regional, and national levels of maternal mortality, 1990–2015: a systematic analysis for the Global Burden of Disease Study 2015 Lancet 2016

5.2 Immunization

MICS data from 2011-12 showed that the rate of full immunization for tuberculosis (BCG-Bacillus Calmette-Guérin), diphtheria, pertussis, and tetanus (DPT), polio and measles, mumps, and rubella (MMR) was 68 per cent for all children, and only 4 per cent for Roma children. This very low rate among Roma children is caused by a combination of limited mobility, lack of health insurance, poor access to services, negative attitudes and mutual mistrust between Roma and public institutions, including health care professionals.²³

In recent years, immunization rates have been further declining (the lowest coverage for the first dose of the MMR vaccine in the Federation of BiH in 2018 was 56.9 per cent in Zenica-Doboj Canton, while the lowest in Republika Srpska was 60.2 per cent in Bijeljina²⁴). There are frequent measles outbreaks across the country. BiH is one of only three countries in Europe at high risk of a polio outbreak due to low coverage rates. Demand for vaccination has decreased over time, influenced by the lack of knowledge about the importance of vaccination as well as external influences such as the anti-vaccine movement, social norms, unfavourable attitudes and practices by both parents and health providers, and partially due to insufficient training programmes for health professionals.

5.3 Early childhood development

Early childhood development (ECD) services, including early detection of developmental delays and early intervention, have not been fully institutionalized in BiH. In 2018 revised standards and norms for health care services were adopted in FBiH to include integrated ECD in the primary healthcare package, promoting universal coverage and mainstreaming early childhood intervention within the health sector; the free access to ECD and early childhood intervention (ECI) services for all children in FBiH is ensured by the funding through 10 Cantonal Health Insurance Funds. In 2016, RS adopted the multisectoral Programme for Early Childhood Development 2016-2020, which defined programmes and included a commitment to jointly advance ECD with a special focus on marginalized groups. The programme is being implemented at all levels, with a focus on health and education.

Greater investment is required to enable the institutionalization of sustainable and free-of-charge early identification services for children with disabilities within the health, education and social care services. Continuous efforts are required to establish multidisciplinary early identification and early intervention teams, comprised of professionals from all the social services, and enforce referral systems to facilitate the access to disability-inclusive services.

²³ Immunisation and vaccine hesitancy in Europe and Central Asia: A systematic review of literature (2008-2017) and field visits to Bosnia and Herzegovina, Republic of Moldova, Romania and Ukraine, 2017, UNICEF ECARO

²⁴ WHO/UNICEF Joint Reporting Form 2018.

5.4 Nutrition

BiH has a very low breastfeeding rate (19 per cent). There is insufficient promotion of and support for breastfeeding. This early hindrance continues into childhood, with over 10 per cent of children suffering from stunting;²⁵ this rate doubles for Roma children.

In recent years, there has been an increasing trend in overweight for children in BiH (17 per cent according to the 2011-12 MICS). Research conducted in 2010 in Canton Sarajevo showed 20 per cent of children to be obese and 12.5 per cent to be malnourished.²⁶ A 2018 study among school-aged children revealed low levels of knowledge about nutrition among children and parents.²⁷

5.5 Air pollution

According to recent World Health Organisation statistics, BiH has the highest mortality rate in Europe and the second highest in the world, due to indoor and outdoor air pollution. Both short and long-term exposure to air pollutants have negative health effects, especially for those with pre-existing conditions and lower immunity, such the elderly, children, and other vulnerable groups of the population. Outdoor air pollution tends to be the worst in urban centres. For example, in Sarajevo, safe limits of particulate matter are often exceeded for 60-90 days a year, sometimes reaching up to 200 days; this results in significant health problems for children as well as in prolonged school closures. In BiH as a whole, 44,000 years of life are lost each year due to air pollution, and costs over 21.5 percent of BiH's GDP through lost work and school days, and healthcare costs.²⁸ A recent World Bank study states that the lack of air pollution reduction policies, high levels of solid fuel heating and cooking, overall low quality of liquid fuels and the high age of vehicles (17 years on average) used in transportation are all factors contributing to air pollution.²⁹ Structural drivers of this concerning situation include gaps in the regulation of heavy industry, incentives prioritizing economic growth and export of electricity over public health and environmental protection across BiH.

5.6 Health governance and financing

Under the BiH Constitution, health care is regulated at the entity and Brčko District levels. The Ministry of Civil Affairs of BiH is primarily responsible for coordination and reporting health sector data to international bodies. The health care system in the Federation of BiH is decentralized, while Republika Srpska and Brčko District have more centralized systems. While the Law on Health Insurance seeks to ensure that each person receives a basic health care package regardless of income and resources available, this package is not defined;

²⁵ MICS, 2011-2012

²⁶ Hasanbegović S, Mesihović-Dinarević S, Cuplov M, et al. Epidemiology and etiology of obesity in children and youth of Sarajevo Canton. *Bosn J Basic Med Sci.* 2010;10(2):140–146. doi:10.17305/bjbms.2010.2713

²⁷ KAP study on assessing knowledge, attitudes and practices in the field of nutrition among school administrations, parents and students in 6 selected municipalities and 3 control municipalities, February 2019. Study commissioned by UNICEF BiH.

²⁸ <https://www.unenvironment.org/news-and-stories/story/coming-clean-air-bosnia-and-herzegovina>

²⁹ Western Balkans Regional AQM - Western Balkans Report – AQM in Bosnia and Herzegovina. October 2019

therefore, the scope and level of health care protection granted to all citizens varies across the country.

Total health expenditure in BiH has increased significantly since 2000, to 9.3 per cent of total GDP in 2016.³⁰ Child health is showing signs of improvement. Despite the constitutional provisions, quality health care is not available to all, particularly to vulnerable groups, such as Roma. Fragmented service delivery, high spending on pharmaceuticals and inefficiencies in insurance and hospital systems cast doubt on the sustainability of health services. About 58 per cent of health funding in BiH is allocated for inpatient hospital treatment and medical devices for outpatients, with just 1.8 per cent spent on preventive health care. In 2016, out-of-pocket payments accounted for 29 per cent of health spending in the country; it is likely that the poorest households forego essential health care because they cannot afford it. Health insurance entitlement is sometimes not realized among the Roma for various reasons, some of which include the lack of required documentation.

The number of medical staff compared to the overall size of the population is significantly less than the EU average; this makes adequate provision and timely access to health care services difficult. Planning and coverage of vulnerable groups remain problematic and significant exclusions persist. The varying levels of skills and expertise of health providers underpin a lack of trust between patient and medical staff and lead to variable outcomes, while the absence of uniform standards throughout the country structurally discriminates against those in rural areas.

6. Right to education

6.1 Early childhood education and care

Early childhood education and care (ECEC) is not readily available to all children, especially those from vulnerable families. The preschool enrolment rate in BiH for children 3 to 6 years of age is the lowest in Europe (25 per cent).³¹ There are significant inequities in access, with children from rural areas making up about 0.5 per cent, and children from families with unemployed parents representing only 2 per cent of all those attending preschool.³² Similarly, the attendance rate for Roma children is less than 2 per cent.³³ Of all children enrolled in ECEC, only 2 per cent are children with disabilities.³⁴

There is however a positive trend regarding the enrolment of children five years of age in the obligatory preparatory preschool programme. The proportion increased from 31 per cent in 2011/2012 to 54 per cent in 2016/2017, and to an estimated 78 per cent in 2018/2019.³⁵

³⁰ World Bank, Current Health Expenditure <https://data.worldbank.org/indicator/SH.XPD.CHEX.GD.ZS?locations=BA>

³¹ UNICEF BiH estimate for the school year 2018/19.

³² Quality of ECE Services Albania, Bosnia and Herzegovina, Kosovo (1244), and Montenegro, J. Peeters for UNICEF, 2016

³³ Multiple Indicator Cluster Survey: Roma population in Bosnia and Herzegovina 2011-2012. Ministry for Human Rights and Refugees in BiH and Agency for Statistics in BiH. UNICEF, 2013.

³⁴ Agency for Statistics in BiH; Demography and Social statistics, Education Statistics. Sarajevo, 2018 (correction in 2019).

³⁵ UNICEF BiH estimate for school year 2018/2019

The availability of preschool education services is conditioned by the uneven economic development in different parts of BiH. In most municipalities, preschool education is often financed from municipal budgets. This leads to inequalities of access around the country, as economically less developed municipalities can allocate only very limited funds to preschool education, and the provision is not guaranteed from year to year. Poor understanding of the importance of investing in early childhood education results in inadequate, or totally absent dedicated funding. The absence of regular, reliable or appropriate funding mechanisms structurally undermines the sustainability of early childhood education (ECE) programmes. Multi-sector financing and public-private partnerships have not yet been established. In addition, most education administrative areas have not yet harmonized their strategic approaches with BiH's Platform for the Development of Preschool Education and Care 2017-2022.

6.2 Access to primary and secondary education

In the 2018/2019 school year, a total of 280,018 children attended lessons in 1,803 primary schools and 117,475 children were enrolled in 313 secondary schools.³⁶ The overall access to primary and secondary education in BiH is satisfactory, with 97.6 per cent of children attending primary and 84.6 per cent attending secondary education (2013/14 school year³⁷). The primary school completion rate is 92 per cent (93 per cent male, 90 per cent female), with 97 percent of pupils transitioning to secondary education.

School attendance rates are considerably lower among certain vulnerable groups. Among Roma children, 69 per cent attend primary and 23 per cent secondary education, with a higher enrolment percentage for boys (the attendance of girls is 67 per cent in primary and 18 per cent in secondary education).³⁸ As with primary school, Roma children and children with disabilities are at higher risk of dropping out of secondary school. Children on the move in certain parts of BiH experience significant challenges in accessing education – primary and even more so secondary education.

Poverty, lack of access to schools and low awareness of the importance of education are the main determinants of young people's school drop-out. In 2013, only 23 per cent of Roma children attended secondary school.³⁹ Roma parents refuse to place their children in school because of the stigma and discrimination they say their children are exposed to.⁴⁰ The structural causes of low enrolment include the obligation to have identity documents and residence to access education. Some children's births have not been registered, although this issue is increasingly being addressed.

³⁶ BiH Agency for Statistics (2019), Demography and Social statistics, Education Statistics. .

³⁷ UNICEF BiH estimate (2017), Education Paper: Analysis of Trends and Recommendations for Action. UNICEF Strategic Moment of Reflection, 2017.

³⁸ Multiple Indicator Cluster Survey: Roma population in Bosnia and Herzegovina 2011-2012. Ministry for Human Rights and Refugees in BiH and Agency for Statistics in BiH. UNICEF, 2013.

³⁹ Progress towards the Realisation of Millenium Development Goals in Bosnia and Herzegovina - 2013 Report. Ministry of Finance and Treasury of Bosnia and Herzegovina and the United Nations Country Team in Bosnia and Herzegovina, 2013.

⁴⁰ UNICEF (2013). The situation of Roma children and families in Bosnia and Herzegovina. Retrieved from [https://www.unicef.org/Bosnia and Herzegovina/ba/roma_families-bh-final.pdf](https://www.unicef.org/Bosnia_and_Herzegovina/ba/roma_families-bh-final.pdf)

In the 2017/2018 school year there were 283 special education institutions and schools with special classes for children with disabilities, attended by 964 children (33 per cent are girls) in primary schools and 380 children in secondary schools (of whom 38 per cent girls). Another 3,934⁴¹ children with disabilities attended mainstream primary schools (36 per cent girls) and 931 attended mainstream secondary schools (41 per cent girls). As the total number of reported children with disabilities in mainstream education is less than 2 per cent of all school children,⁴² it is believed that some children with disabilities attend mainstream education without their disabilities being identified, while others drop out or do not attend any form of education. In most of BiH's administrative areas, assessment commissions issue recommendations for either special or inclusive education. The assessments endorse the medical model of disability and are not in line with the social model promoted by the International Classification of Functioning, Disability and Health.⁴³

Despite legislative initiatives for the respect for human rights in education, in practice pupils and teachers continue experiencing ethnic and religious segregation, intolerance and division. There are ethnically homogenous schools throughout the country, as well as "two schools under one roof" where children are segregated from each other based on ethnicity. Furthermore, every third Roma child or child with a disability has experienced some form of discrimination during their education. Tackling the segregated schooling of students of different ethnicities while providing acceptable and culturally relevant education for all students in all parts of BiH is one of the country's biggest challenges.

6.3 Quality of education

The highly complex administrative and decision-making structure has proven challenging for the harmonization of legislation on education across the country. The standards of quality and access to education are still inadequate.

There are serious learning and equity gaps in BiH's education systems. The 2018 Programme for International Student Assessment (PISA) report,⁴⁴ published in December 2019, showed that 15-year old students in BiH are on average about three school years behind their peers in OECD countries. The minimum level of functional literacy is not attained by 58 per cent of students in mathematics, 54 per cent in reading and 57 per cent in science (the OECD average is 24 per cent, 23 per cent and 22 per cent respectively). In BiH socio-economically advantaged students outperformed disadvantaged students in reading by 58 score points in PISA 2018. The country also participated in the TIMSS⁴⁵ 2019 and will participate in PIRLS⁴⁶ 2021. This is a significant step forward in terms of government commitment to establish evidence-based insights into the quality of education.

⁴¹ Increase of 13 per cent in comparison to the previous school year.

⁴² BiH Agency for Statistics, Demography and Social statistics, Education Statistics. Sarajevo, 2018 (correction in 2019).

⁴³ International Classification of Functioning, Disability and Health (ICF) is a standard language and framework for the description of health and health related states according to: 'Towards a Common Language for Functioning, Disability and Health - ICF, WHO 2002.

⁴⁴ PISA assesses the extent to which 15-year-old students, near the end of their compulsory education, have acquired key knowledge and skills that are essential for full participation in modern societies. The assessment focuses on the core school subjects of science, reading and mathematics. Reading was the main subject assessed in PISA 2018.

⁴⁵ Trends in International Mathematics and Science Study.

⁴⁶ Progress in International Reading Literacy Study.

Very limited funds are dedicated to improving education quality, school equipment and capital investment. Salaries and allowances, as a percentage of GDP, are higher than in other countries in the wider region. In most primary schools, children are not provided with free textbooks and free transportation to and from school. Schools in rural communities are significantly disadvantaged compared to schools in urban areas, while at the same time there is very limited investment in preschool education. The lack of financial assistance often compromises the realization of the right to education for children from low-income families.

Outdated curricula and teaching methods are not adapted to new technologies, which, in combination with the lack of opportunities for non-formal education, leads to a lack of skills that young people need for learning, employability, personal empowerment and active citizenship. Enrolment policies in secondary and higher education are not harmonized with the labour market needs, while school curricula and syllabi are not linked to the needs of employers. Furthermore, there is a lack of practical training and practical work.

Textbooks do not promote universal human rights values, ethical and democratic principles and there is no evidence of contents aimed at the development of critical thinking such as active learning, problem solving and multi-perspective approaches.

Vertical and horizontal links between higher education teacher preparation institutions, bodies used to support teachers in the field (i.e. Pedagogical Institutes), school directors and teachers are weak or non-existent.

The concept of 'inclusive education' has started to take hold in BiH and there is increased awareness of its significance, but progress is measured by 'access' to school and not by learning. Thus, inclusive education is still understood in the most restrictive sense. Even children with disabilities who attend mainstream education face a structural lack of support. Most schools are inaccessible for children and adults with disabilities because of a failure to understand the social model of disability and the rights of children with disabilities, and due to the lack of regular and predictable funding mechanisms.

7. Right to protection

The three administrations of FBiH, RS and Brčko District each have a justice and social welfare system with similar structures. Structurally, the child protection systems deliver services that are mainly responsive, with challenges to promoting preventive services and initiatives. Child protection issues are covered by different laws and strategies at entity/cantonal level; there is no overarching normative framework for child protection that outlines a strategic vision for strengthening the protective environment of children in BiH as a whole, nor at entity, district and canton levels. This results in a fragmented and non-holistic approach. Implementation of existing laws and strategies related to child protection is inadequate, and not enough attention is paid to all budgetary, staffing, institutional

frameworks and monitoring requirements for translating policy into action.⁴⁷

Comprehensive information on budget allocation and utilization for child protection is scarce and requires further analysis. It is, however, evident that budget allocations are often insufficient and budget utilization inefficient in ensuring adequate quality and coverage of child protection services.

7.1 Child welfare

An important step forward in improving child welfare services has been the development of uniform, standardized case management tools for centres for social welfare (CSWs). Entity and Cantonal Ministries responsible for social welfare, together with the academia,⁴⁸ developed Guidelines for Child Protection Case Management in both FBiH and RS in 2018. The Guidelines have been rolled out in all municipalities in RS as well as in several Cantons in FBiH. Significant improvements have also been made in establishing a sound system of foster care, with the adoption of relevant legislation and regulations, the professionalization of the social service workforce in foster care and education, and education and certification of foster parents.

Fundamental challenges to further enhancing child (and family) welfare relate to the fact that the social protection system is stretched between a “generous” (in intention) list of social benefits for vulnerable groups and responsive child protection services stepping in when there is “evidence” of abuse. Available services are unable or seriously restricted in their capacity to provide proactive prevention and supportive services in between the two ends of the spectrum. The services currently provided are largely limited to financial assistance, in-kind assistance, little social work services, foster care, and the institutionalization of children.⁴⁹ To enable CSWs to provide more effective child protection, they require more human, financial, and technical resources.⁵⁰

The function of preventing and protecting children and families from harm, while promoting their welfare, is not clearly defined, and is often surfacing at the margins of the overall discourse on social protection. While a lot has been done to promote an integrated approach to social protection and inclusive services at local level, the place of child protection (intended as prevention and response to violence, abuse, neglect and exploitation) had not yet been clearly defined in laws and policies.⁵¹

7.2 Justice for children

Significant progress has been made in establishing a specialized child justice system. Key by-laws and regulations have been developed to implement the laws on protection and

⁴⁷ Ibid.; Child Frontiers, *Final Evaluation: Transformation of care institutions and prevention of family separation, Bosnia and Herzegovina (2016-2018)*, 2019.

⁴⁸ with support provided by UNICEF BiH and SOS Kinderdorf

⁴⁹ Child frontiers, *Technical support to the Child Protection Programme UNICEF Bosnia and Herzegovina. Appraisal report*, 2011.

⁵⁰ Ibid., Coram International, *Final evaluation of the justice for every child project: December 2013 to November 2017*, 2017. Child frontiers, *Final evaluation: Transformation of care institutions and prevention of family separation, Bosnia and Herzegovina (2016-2018)*, March 2019.

⁵¹ Ibid.

treatment of children and juveniles in criminal proceedings. Multi-agency coordination working groups have been created at municipal level, tasked with the development and implementation of secondary and tertiary prevention measures for children at risk and children in conflict with the law. Child-friendly rooms have been set up in many police stations, courts, and prosecutors' offices. Professionals have been trained in child psychology, questioning child witnesses, developing treatment plans, identifying children's best interests, and applying diversion and alternative measures.⁵²

Despite the abovementioned advancements, further reform and improvements are needed. Some procedures have not been adapted to the needs of children, and a multi-disciplinary, holistic approach to the provision of support and assistance before, during and after legal proceedings is still missing. The principle of the 'best interests of the child' is not yet systematically applied, while the children's right to be heard in all proceedings that concern them is not always adequately facilitated or respected. The linked rights of children to be informed about proceedings, services and the potential consequences for them are also not robustly implemented.⁵³

While the number of children in detention is relatively low, in recent years consistently less than 30, still only a minority of children in conflict with the law (7 per cent in 2018) are being diverted from judicial proceedings⁵⁴, pointing at the need to increase the use of alternative measures to detention. There is also a need to increase availability of and access to reintegration measures to children upon release from detention.⁵⁵

Many children, in particular children from poor households, children with disabilities, Roma children, and children on the move still do not benefit from equitable access to justice. Free legal aid is not equally available for child victims and witnesses in criminal proceedings. Children from poor family backgrounds receive less information than others about their rights and where to seek redress; they face greater difficulties in paying lawyers, court fees and transportation.⁵⁶

7.3 Violence against children

Comprehensive, reliable, recent data on violence against children does not exist in BiH. Relevant institutions do collect scattered data, but no unified data collection exists to inform a comprehensive analysis of this issue.

According to the 2011-2012 MICS, 55 percent of children aged 2-14 had experienced a violent method of discipline, with 40 percent subjected to physical punishment and 42 percent to psychological aggression. Although the practice of violent discipline is common, only 14 per cent of adults reported they believed that a child needs to be physically punished. BiH has one of the highest incidence rates of children's exposure to sexual violence and contact sexual violence in the region. Roughly 19 per cent of children 11-16

⁵² Coram International, *'Final evaluation of the Justice for Every Child Project: December 2013 to November 2017'*, 2017.

⁵³ UNICEF, *'Children's equitable access to justice in BiH'*, 2015.

⁵⁴ High Judicial and Prosecutorial Council, 2018 data.

⁵⁵ Coram International, *'Final evaluation of the justice for every child project: December 2013 to November 2017'*, 2017.

⁵⁶ UNICEF, *'Children's equitable access to justice in BiH'*, 2015.

years of age reported having experienced sexual contact during their entire lifetime, and of these 10 per cent reported having experienced sexual violence during their entire lifetime.⁵⁷ Differentials in prevalence of violence by children's age and gender are substantial. Roma children, children with disabilities and children on the move are disproportionately affected by violence against children. Child marriage is an issue primarily affecting Roma children, in particular Roma girls, with 15 per cent of Roma women aged 15-49 first married before age 15 and nearly half of Roma women aged 20-49 first married before age 18 (2011-12 Roma MICS).

A high level of tolerance for violence, within both the family and wider community, serves as a barrier to understanding violence and seeking redress. Entrenched beliefs and patterns perpetuate abusive attitudes, and make it appear unacceptable for children to confide in an adult about problems within the home, or raise a complaint against a family or community member. Cultural norms reinforce the belief that violent disciplinary measures are an acceptable part of child-rearing.⁵⁸ There is evidence that this is changing slowly: a 2018 Knowledge, Attitudes and Practices (KAP) study on violence against children, commissioned by UNICEF, showed a 7 per cent increase - compared to 2012 - in the number of people who acknowledged beating, slapping, threatening and insulting children as violence against children compared to 2012.

While protocols on the treatment of the abuse and neglect of children and domestic violence at the entity and cantonal levels have been adopted, the inadequate harmonization of legislation on domestic violence and inadequate harmonization of provisions of the Criminal Codes concerning the scope of sexual exploitation and abuse of children, the sanctions to be imposed and the protection of child victims in the entities, district and cantons, the lack of an explicit prohibition of corporal punishment in all settings by law in FBiH and Brčko District, and exceptions that allow marriage under the age of 18 in the family laws in the entities and district, are of concern, as also noted by the CRC Committee in its recent Concluding Observations.⁵⁹ Further key bottlenecks relate to the insufficient allocation of resources and inadequate capacities of CSWs to identify, report and address cases of violence against children, and the limited availability of and access to specialized support for child victims of sexual exploitation and abuse, such as psychosocial support and rehabilitation, and the lack of a coherent data-collection system on all cases of violence against, abuse and neglect of children across administrative units.⁶⁰

7.4 Children without parental care

Consistent gaps in data and definitions make it difficult to provide accurate data on the number of children deprived of parental care and in different forms of alternative care. According to statistics by the BiH Agency for Statistics the number of children in institutional care at the end of 2018 was 1,818, and according to administrative data from entity and cantonal ministries responsible for social welfare the number of children in foster care at the end of 2019 was 477.

⁵⁷ Balkan Epidemiological Study on Child Abuse and Neglect (BECAN), 2012.

⁵⁸ UNICEF, 'Children's equitable access to justice in BiH', 2015.

⁵⁹ UN Committee on the Rights of the Child (CRC), *Concluding observations on the combined fifth and sixth periodic reports of Bosnia and Herzegovina*, 3 December 2019, CRC/C/BIH/5-6.

⁶⁰ *Ibid.*

Economic factors, such as poverty and unemployment, drive a third of placements of children into alternative care, and most children without parental care (64 per cent) reportedly have at least one living parent; the proportion rises to 72 per cent among those among them who also have a disability.⁶¹ Vulnerable groups including children living in poverty, those with disabilities, unaccompanied and separated children and Roma children are disproportionately separated from their parents.

Progress has been made to further align BiH's legal regulatory framework with the United Nations Guidelines for the Alternative Care of Children.⁶² Entity and cantonal ministries responsible for social welfare have rolled out foster care trainings, and several children's homes have undergone transformation processes, including the establishment of child and family welfare services in lieu of long-term institutional care. Social attitudes towards some key child rights issues also show some positive changes. A 2018 KAP study on children without parental care demonstrated an encouraging increase in the number of people interested in becoming foster parents - from 5 per cent in 2013 to 11 per cent in 2018.

There is an urgent need to improve gatekeeping mechanisms, as a high proportion of children, including children with disabilities, are still placed into institutional care. This points at bottlenecks in referring children and families to appropriate services or care arrangements, and in diverting them from unnecessary placement in alternative care, and reducing the number of children entering institutions. To date only 23 per cent of the CSWs have signed protocols on cooperation in the field of preventive protection of children at risk of separation.⁶³ More commitment and investments are needed to deinstitutionalize children, including through preventive and reintegration efforts, and through the continued transformation of institutional care facilities.

7.5 Children on the move

Over 53,000 persons arrived in BiH from January through December 2019, following the closure of other established migration routes. Most arrived irregularly by land, from Serbia and Montenegro. About 8,600 were stranded in BiH by the end of 2019, including almost 1,000 refugee and migrant children, of whom 30 per cent were unaccompanied and separated. Government systems struggled to cope, and many services were provided by UN Agencies and NGOs, and funded internationally, including temporary accommodation, food, health care and protection.

Many children and parents are severely traumatized by experiences in their home countries. Out of the 8,600 refugees and migrants stranded in BiH by December 2019, about 3,500 were accommodated in temporary reception facilities, with almost 5,000 were in private accommodation and/or squatting in the open. Insufficient and inadequate reception facilities, overwhelmed child protection and asylum systems, and rising xenophobia, expose

⁶¹ UNICEF, *'Situation Analysis of children without parental care and children at risk of family deprivation in BiH'*, 2017.

⁶² For example: RS Strategy for Enhancement of Social Protection of Children without Parental Care for the period 2015–2020; RS Special Foster Care Guidelines 2014; FBiH Strategy for the Deinstitutionalization and Transformation of Social Care Institutions in BiH (2014–2020); Policy for Foster Care Development in FBiH; and the 2018 Law on Foster Care in FBiH.

⁶³ UNICEF, *'Situation Analysis of children without parental care and children at risk of family deprivation in BiH'*, 2017.

women, girls and boys, to heightened protection risks, such as physical and gender-based violence, human trafficking and other forms of exploitation.

8. Right to equitable chances in life

8.1 Social protection

More than half of BiH's population was at risk of poverty or social exclusion in 2010⁶⁴, with no indication that this has changed much since then. Children are among the most vulnerable categories: they consistently have higher poverty rates than the general population (30.6 per cent in 2011 compared to 23.4 per cent of the total population). Total social assistance benefits account for approximately 4 per cent of GDP, of which about three quarters are paid to war veterans and their families. Therefore, the actual expenditure on families with children, persons with non-war-related disabilities, and all other vulnerable individuals in BiH is between 1 and 1.2 per cent of GDP, the lowest in the region. The social exclusion of families from rural areas, Roma families and families with children with disabilities is multi-dimensional. While social and child protection legislative reforms improving the adequacy and coverage of child cash benefits have advanced in RS, the Law on Financial Support to Families with Children in FBiH was only approved in February 2020.

Recent economic growth has generally been positive for those living in poverty, thanks to both income from labour and social transfers. Nevertheless, poverty remains significant and social transfers are inefficiently targeted. The poorest quintile of the population receives only 17 per cent of non-contributory benefits, while the wealthiest quintile receives 20 per cent.⁶⁵ The poverty rate in rural areas (20.5 per cent) is nearly double that in urban areas (11.3 per cent) although social benefits and the cost of living appear to incentivize rural living.

8.2 The social protection systems

According to the BiH Constitution, the responsibilities for the provision of social protection are devolved to the level of entities, Brčko District and 10 Cantons, which results in the different coverage and adequacy of social protection throughout the country. Social assistance benefits in BiH include family and child cash benefits, veterans' benefits⁶⁶, social pensions, and social care services. Eligibility criteria, targeting, efficiency, availability and generosity of cash benefits are based on place of residence, rather than level of need. For example, in BiH there are three categories of people with disabilities: war veterans; civilian victims of war; and civilian persons with disabilities whose disability is not caused by war. Children are included in the latter category. While all three categories share similar needs, the rights and benefits enjoyed by the different disability categories differ drastically as the

⁶⁴ Bartlett, William, *Gap analysis in the area of social protection and inclusion policies in Bosnia and Herzegovina*, UNICEF, 2013, p. 13, Table 2.

⁶⁵ Western Balkans Regular Economic Report No.15

⁶⁶ World Bank studies of social protection in BiH define veterans' benefits as part of non-contributory social transfers and calculate these as part of social assistance benefits.

priority is given to war-related disabilities and all other civilian groups with disabilities, including children, are left without adequate coverage.

In addition to inadequate targeting, social benefits remain out of reach for many families in need, due to restrictive eligibility criteria, complex and sometimes costly administrative procedures, stigma and discrimination, limited geographic provision, or simply because families are not aware of the cash benefits, services or their entitlements. While RS and Brčko District have centralized systems that provide child cash benefits on an equal basis across their jurisdictions, in FBiH the provision greatly varies from canton to canton. In addition, the performance of social care service providers at local level is affected by significant challenges in terms of human, financial and technical capacities. Social care services – particularly for marginalized and vulnerable children (including those from minorities or rural areas, children with disabilities and refugee and migrant children) – are scarce and, where existing, are often overburdened with limited time and resources, affecting quality and overall accessibility.

Social protection in BiH has been used more as a buffer for losses than as a tool for prospective disaster risk management. The impact of the floods in 2014 caught the social welfare systems unprepared, leaving the most vulnerable exposed and without effective assistance. No instructions, procedures or codes of conduct were available for sector, and social workers attempting to address the needs of affected populations were clearly overstretched and overwhelmed. There is little evidence that the sector has since improved its capacity to effectively mitigate the impact of a new crisis and provide adequate assistance to vulnerable populations. The social protection sector has also poor internal capacity to provide data on vulnerable populations and their locations, to be fed into hazard and risk assessments, seriously affecting the quality of disaster preparedness planning, programmes and response.

8.4 Vulnerable groups

Social norms around xenophobia, gender-based violence and the needs of children with disabilities, stigma and shame inform and frame discriminatory behaviours towards vulnerable groups, including Roma children, children with disabilities, children in conflict with the law, and children on the move. Poverty and exclusion inhibit access to health, education, family-based care, justice, and other services, as some groups of children face more barriers than others. Nine per cent of children without parental care were classified by CSWs as members of minority groups, mainly Roma. Children from minority groups are therefore more likely to be without parental care than others.

8.4.1 Minorities

The rights of persons belonging to minorities are guaranteed by the Constitution. The Parliamentary Assembly of BiH adopted the Law on the Protection of Rights of Members of National Minorities in 2003. This commits the country to respecting, protecting, preserving and developing the ethnic, cultural, linguistic and religious identity of the 17 recognised national minorities. The entities in turn have their own laws on the protection of national minorities.

In 2010, BiH ratified the Council of Europe's Framework Convention for the Protection of National Minorities (FCNM) and European Charter for Regional or Minority Languages. Despite this, BiH does not have a countrywide strategic document on minorities. The institutional framework is largely in place but its capacity to engage in policymaking is limited. There is no comprehensive data on the civil, political and socio-economic status of national minorities.

Roma are the largest minority group in BiH⁶⁷ and are the most socially, economically and politically marginalized group in the country. Roma children are three times more likely to be living in poverty than other children, five times more likely to be underweight and twice as prone to stunting, and their primary school attendance rate is one third less than that of the majority population.

A Roma strategy has been in place since 2005 and is being implemented through the 2017-2020 Roma action plan on housing, employment and healthcare and the 2018-2022 action plan on Roma educational needs. The Ministry of Human Rights and Refugees allocates about EUR 1.2 million each year to fund Roma-related activities, matched by funds from entities, cantons and municipalities as well as international organisations, particularly in the area of housing. Despite recent improvements, housing conditions for the Roma population are not adequate and many live in informal settlements without access to water and electricity. The legalization of settlements is unevenly progressing. Roma girls and women in particular face multiple forms of discrimination.

The marginalization of Roma children may be affected by poor living conditions, in addition to deficiencies in the access to and use of health care, education, social care and other services. A significant share of Roma households experience food insecurity,⁶⁸ resulting in the exceptionally high level of underweight and stunting of Roma children. Registration requirements are inherently problematic for Roma. Unemployment is fuelled by limited education and prejudice.

8.4.2 Children with disabilities

Persons with disabilities are among the most vulnerable groups in BiH. Although the country has adopted and ratified the Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol, it is struggling to make the necessary improvements, and many of the rights enshrined in the Convention are far from being realized. While BiH authorities, international and non-governmental organisations in BiH are making efforts to rectify this, there many obstacles need to be overcome before people with disabilities will see their right to vital services fulfilled and will enjoy full and equal participation in society.

There is no common definition of disability in BiH yet, nor a clear understanding of the social model of disability. There is also no standardized methodology for the assessment of

⁶⁷ Although it is difficult to establish the exact number of Roma people in Bosnia and Herzegovina, there are, according to the 2013 census, 12,583 Roma. However, according to estimates by municipalities and Roma associations, their number ranges between 35,000 and 45,000. This data confusion only exacerbates marginalization and undermines targeting efforts.

⁶⁸ A household is food secure if no member went to bed hungry in the previous month because of the cost of food.

disability, nor a common understanding of methodology based on the functional assessment of children. The language used to describe disabilities is often only medical.

Children with disabilities struggle to be treated equally as nearly half of the country's population believe they should be placed in institutional care and not attend schools alongside their own children. Very few citizens believe there is any benefit in including children with disabilities in daily life, and over half would never approve of their son or daughter marrying a person with a disability.⁶⁹ Children with disabilities in BiH are effectively unable to access their rights to healthcare, education and social protection. There is little, or no public advocacy; the existing legislation is often inherently discriminatory since disability rights are not clearly outlined or enforced, making persons with disabilities legally invisible in society and vulnerable to abuse and neglect.

In BiH there are three categories of persons with disabilities: war veterans; civilian victims of war; and persons with disabilities not caused by war. Although the needs in most cases are the same across these categories, the rights and benefits for the three categories differ significantly.

Children with disabilities are not provided with the communication aid and care support that would make their participation possible. However, in recent years there have been some encouraging advances in the social inclusion of children with disabilities, for example through new legislation and policies, increased access to basic social services in specific locations, and a gradual positive shift in public attitudes. The Federation of BiH adopted a new Strategy for the Promotion of the Rights and the Position of Persons with Disabilities (2016-2021), and Republika Srpska adopted the Strategy for Improving the Social Position of Persons with Disabilities 2017-2026. The Law on the Prohibition of Discrimination in Bosnia and Herzegovina was amended in 2016.

8.5 Local governance

The legal framework on local administration in BiH is largely in line with the European Charter on Local Self-Government.⁷⁰ It lies at the entity level and within FBiH also at cantonal level. General provisions are given in the Constitutions and relevant legal framework of the FBiH BiH cantons, highlighting the complexities of governance in the country.

Although the local one is supposed to be the government tier closest to the citizens, the lack of systemic integration with higher levels, and inconsistent development planning, often trap local administrations in an inequitable framework of policies, public budgets and services.

As the integration of BiH into the EU poses both challenges and development potential for local governments, it becomes critically important to assist them to better prepare for effective utilization of EU financial assistance. Importantly, local governments could become drivers of development with expanded capacity and financial resources; the lack of clear policy frameworks at higher levels (cantonal, entity and state) so far hampers the local development process.

⁶⁹ UNICEF (2013), Knowledge, Attitudes and Practices (KAP) study.

⁷⁰ The principal relevant laws in BiH are the RS Law on Local Self-Government and the FBiH Law on the Principles of Local Self-Government.

Despite many challenges and overlapping priorities, there is significant potential for efficiency gains under the present local governance system in BiH. A revitalized local governance approach needs to encompass social, economic and environmental aspects of development and service delivery, and strengthen operational linkages with municipal budgets as well as vertical alignment. Due to local governance's critical role in social service provision, social inclusion needs to be more boldly embedded as a horizontal approach within the local development planning to give voice to vulnerable groups, especially children and youth, in both the formulation and implementation of policies.

Importantly, local levels lack participatory models for engaging children and youth in social innovation programmes, modern city planning, creative dialogue with decision-makers and systematic opportunities to shape communities that fit their needs. Local budgets and investments are not directed at children- and youth-focused programmes. This contributes to socio-economic stagnation and lack of participation in local development.

Finally, local planning and social services delivery mechanisms will need significant reshaping so that services remain accessible to people in smaller communities and affordable for local government. Innovations in service provision, and the participation of children and youth and their skills development are particularly needed to build social inclusion and prevent demographic decline.⁷¹

9. Conclusions and Recommendations

This Situation Analysis has revealed some of the challenges facing children in BiH today. Children are of crucial importance for the country's future, and investing in children is essential to ensure all their rights are fully realised. While there has been progress regarding several areas of children's rights in recent years, significant disparities persist, particularly for children from the Roma community and other children vulnerable because of age, gender, disability, and place of residence. Overall, there is a lack of systemic monitoring of indicators on children's rights in BiH. In several sectors there is a lack of up-to-date representative data, which is one of the limitations of this analysis.

As BiH is committed to achieve the 2030 Sustainable Development Goals and proceed on the path to membership of the European Union, this is expected to generate further impetus for improving the overall living conditions in the country, including for children.

The following recommendations are based on the preceding analysis and in line with the 2019 Concluding Observations from the Committee on the Rights of the Child.

⁷¹ Should the 1960-2015 average migration rates continue in the long-run, all countries in the sub-region would lose between 7% (Montenegro) and 51% (Bosnia and Herzegovina) of their population by 2060 (-31% regional average) - EU publication: Demographic and human capital scenarios for the 21st century, 2018 assessment for 201 countries, Wolfgang Lutz, Anne Goujon, Samir KC, Marcin Stonawski, Nikolaos.

Key Recommendations

Improve the availability, quality and use of statistical and administrative data for evidence-informed policy design and implementation. More specifically:

- Strengthen systemic child rights monitoring, including through more regular data collection, analysis and use of indicators on children's rights in all sectors.
- Improve data availability and measurement of child poverty, and fiscal space analysis.
- Improve child-focused data collection and analysis of environmental causes of child poverty and social exclusion.
- Improve administrative systems to more accurately count, monitor and report on children in alternative care to allow more evidence-based services and policy responses that aim at reducing the number of children in alternative care (particularly institutional care), prevent family separation when possible and ensure placement of children in appropriate, preferably family-based, alternative care arrangements that meet their best interests, when necessary.
- Invest in robust, disaggregated data and evidence to understand the magnitude and nature of violence against children and ensure accelerated progress towards the scaling up of promising programmes and strategies, and also to ensure timely and effective monitoring of progress towards meeting the Sustainable Development Goal target 16.2.

Address social norms that create barriers to realization of children's and women's rights:

- Address social norms that condone violence against children through public information campaigns and parenting education programmes, raising awareness on the serious and long-lasting consequences for children and the major impact it can have on their health, development and school performance, and the benefits of positive parenting.
- Promote a shift in social norms to support children's equitable access to justice, inter alia the adoption of holistic and tailor-made approaches in order to deliver justice to children, including children living in vulnerable situations. Lastly, the children's own views must be brought to the forefront so that they can become active stakeholders in the area of policy and programming centred on access to justice.
- Increase the awareness of the harmful effects of child marriage on children, particularly among the Roma population, in cooperation with civil society organizations and the leaders of Roma communities.
- Address discriminatory attitudes against children with disabilities, Roma children and other disadvantaged children that discourage school attendance.
- Promote a clear understanding of the social model of disability among policy-makers, practitioners in all sectors and the general public.
- Promote further awareness of the importance of vaccination, breastfeeding, good nutrition and positive parenting
- Promote further understanding and awareness of the importance of disaster risk reduction, climate change adaptation and mitigation, and measures to reduce air pollution.

Improve legislation, policies and programmes in the following areas:

- Develop a programme for monitoring the 2019 Concluding Observations of the United Nations Committee on the Rights of the Child to Bosnia and Herzegovina.
- Ensure comprehensive application of the Best Interests of the Child Guidelines.
- Develop and adopt a comprehensive strategic vision and policy framework for child protection at state, entity, and district level.
- Explicitly prohibit all forms of corporal punishment in all settings by law.
- Harmonize legislation on domestic violence in the entities, Brčko District and Cantons.
- Amend the family laws in the entities and Brčko District to remove all exceptions that allow marriage under the age of 18.
- Harmonize the provisions of the Criminal Codes concerning the scope of the sexual exploitation and abuse of children, the sanctions to be imposed and the protection of child victims.
- Ratify the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and develop and adopt a comprehensive legal framework on adoption.
- Develop and adopt at state, entity and district levels comprehensive action plans aimed at preventing all forms of violence against children, including monitoring and evaluation and costing frameworks.
- Develop and adopt at state, entity and district levels strategies on justice for children, including monitoring and evaluation and costing frameworks.
- Ensure regulatory standards for all health providers.
- Develop standards for the number of health professionals, to improve access to health services.
- Ensure a uniform basic healthcare package and minimum standards for quality of care and services
- Increase funding for preventive health care, including immunization, early childhood development (ECD)/early childhood interventions (ECI) and nutrition programmes.
- Improve access to early childhood detection and early childhood identification services in all sectors, health, education and social protection.
- Ensure equitable access to pre-school education in less-developed areas.
- Improve the overall quality of education and ensure better alignment between the education systems and the labour market.
- Improve access to pre-service and in-service teacher training and teachers.
- Align the child disability assessment procedures to the International Classification of Functioning, Disability and Health methodology.
- Ensure the adequacy and comprehensive coverage of child cash benefits.
- Further develop and fully utilise management information systems to inform policy development and decision-making in all sectors.
- Strengthen the social protection system institutional capacities and monitoring systems.
- Develop and budget social protection and social inclusion strategies and policies at all relevant levels.
- Clarify the roles and responsibilities of the social and child protection, education and health sectors as part of the disaster risk reduction and climate change policies, strategies and programmes in BiH.

Enhance the coverage and quality of services, including the following:

- Enhance the quality and coverage of family-based alternative care services such as kinship and foster care, emergency respite care, and small group homes. Transform all large-scale institutional care facilities for children without parental care and children with disabilities into service centres that provide preventive and family support services in lieu of institutional care.
- Provide adequate support to ensure the social integration of young people leaving care.
- Allocate sufficient human, financial and technical resources to effectively implement the Guidelines for child protection case management at the CSWs to identify, report, prevent and monitor cases of violence against and abuse of children.
- Provide specialized support for child victims of sexual exploitation and abuse, including psychological counselling, rehabilitation and social integration assistance, encouraging courts to make use of the child-friendly and multi-agency arrangement for obtaining testimony from children.
- Further enhance availability of non-judicial measures for children accused of criminal offences, including diversion, mediation and counselling and promote the use of non-custodial sentences for children, such as probation or community service, wherever possible.
- Provide sufficient human, technical and financial resources to increase the capacity and improve the conditions of government-run and temporary reception centres to accommodate migrant and asylum-seeking children, including unaccompanied and separated children, and ensure that the services provided by the reception centres are child-friendly and age-appropriate. Also, ensure that asylum-seeking children have access to healthcare services, psychosocial support and education, ensuring equal access for children outside reception centres.
- Enhance equitable access to justice for children, including through the provision of free legal aid, to ensure that all children, including Roma children, children with disabilities and migrant and asylum-seeking children equally benefit from child-friendly justice systems and can seek redress in case their rights have been violated.
- Address the problem of vaccine stock-outs and the limited number of paediatricians.
- Strengthen early childhood development services, including early detection of developmental delays and early intervention.
- Ensure the provision of optimal nutrition to children in kindergartens and schools.
- Ensure adequate maternal and child health service coverage, including inadequate access for vulnerable groups such as Roma and children with disabilities.
- Ensure free-of-charge preschool services that are attractive for parents.
- Ensure free textbooks and free transportation to and from school, to improve access for children from low-income families.
- Develop textbooks that promote universal human rights values and democratic principles and develop critical thinking.
- Promote the use of new technologies in teaching.
- Harmonize secondary and higher education with labour market needs.
- Improve pre-service and in-service teacher training in line with the Common European principles for Teacher Competencies and Qualifications

- Ensure social assistance benefits and social care services for vulnerable children and families.
- Further promote information about available social assistance benefits for vulnerable groups, especially for children with disabilities, Roma children and their families.
- Strengthen referral mechanisms to support children with disabilities and other vulnerable children and their families.
- Improve the capacities of Centres for Social Welfare for social care service provision.
- Strengthen mechanisms for outreach and support to people in need, especially the most vulnerable, prior, during and after emergencies.
- Strengthen the prevention, preparedness and response to disasters, climate change and air pollution.

Improve cross-sectoral coordination and management mechanisms to support children in claiming their rights, especially in consideration of multiple overlapping vulnerabilities.

More specifically:

- Enhance coordination at all levels, e.g. between different administrative units, different sectors, as well as between government institutions and civil society, to ensure a multi-sectoral approach to preventing and responding to violence, abuse and exploitation of children.
- Increase awareness among children and youth on where and how to seek support in case of experiences of or witnessing violence, abuse and exploitation, and on how to seek redress in case their rights have been violated.
- Establish and promote integrated social protection and inclusion systems, particularly at local level, to ensure holistic, quality-oriented and accessible support particularly for marginalized and vulnerable children.
- Promote multi-sectoral collaboration, in particular in the area of early childhood development, focusing on early childhood detection and intervention of developmental delays, to ensure a child-centred approach.
- Enhance collaboration with the private sector to promote children's rights and business principles as part of corporate social responsibility.