

**PRESENTATION BEFORE THE UN COMMITTEE ON THE RIGHTS OF THE CHILD  
ON THE OCCASION OF THE DISCUSSION  
ON THE FIRST REPORT  
ON THE RIGHTS OF THE CHILD IN BiH**

Geneva, 19 May 2005

Ladies and Gentlemen,  
Esteemed members of UN Committee for the Rights of the Child,

It is my honour and pleasure to have the opportunity, before the UN Committee on the Rights of the Child, to speak on behalf of Bosnia and Herzegovina, that is on behalf of Delegation of BiH which participate in today's consideration of the First, Initial Report of BiH on Implementation of the UN Convention on the Rights of the Child and Situation of the Rights of the Child in Bosnia and Herzegovina. At the same time, allow me to inform you on sincere respect of the Chairman of the Council of Ministers of BiH and Minister for Human Rights and Refugees of BiH, and to express gratitude of Bosnia and Herzegovina for understanding, support and assistance you have expressed and offered in previous mutual relations and cooperation. I am convinced that in the forthcoming period this cooperation would be more informative and productive, to mutual pleasure and on benefit of children in Bosnia and Herzegovina and worldwide.

In this short presentation I would like to draw your attention to several important points. As members of the UN Committee on the Rights of the Child already know, Bosnia and Herzegovina completed its First Initial Report on the Rights of the Child and Implementation of the UN Convention on the Rights of the Child (it is this very Report on the occasion of which today's discussion is carried out) four years before. However, due to reasons of "domestic nature", that is specificities of constitutional organisation in BiH, internal organisation of authorities, other objective circumstances and factors, its defectiveness, insufficient knowledge of completion and submission of such documents procedure, as well as other subjective reasons, it was submitted to competent UN Committee only in 2004, on the occasion of which I express my regret on behalf on authorities of Bosnia and Herzegovina. That is why discussion on it is carried out with great delay as compared to time it originally was written and adopted by competent authorities in BiH.

From this fact, which talks more on authors and authorities standing behind the Report, on conditions, environment and "spiritual situation of times" in which the Report was written and adopted, follows a fact which is more relevant for the very content of the Report. Data and information presented in the Report have been rather obsolete, exceeded and may lead present readers to wrong trail, that is to conclusions which do not correspond fully with the current situation on the realisation of the rights of the child and implementation of the UN Convention on the Rights of the Child in Bosnia and Herzegovina. Fortunately, in the meantime, conditions and presumptions have changed not only for collection of data and information on the rights of the child in BiH and for writing more nuance and informative reports on the mentioned, but also for the very environment for promotion and protection of the rights of the child. Having in mind the mentioned, I consider relevant to remind once

again on significance of overall insight into CORE DOCUMENT, which, in its short form, presents a complex polysemantic configuration of BiH.

We tried to substitute this deficiency of the 2001 Report through answers to the list of questions submitted by the Committee for the Rights of the Child three months before, for which we express our special gratitude. We hope that these additional information and assessment on the situation of the rights of child in certain fields of life could create a more complete and reliable picture on current situation in BiH as regards realisation of the rights of the child and activities of BiH authorities on implementation of the UN Convention on the Rights of the Child. After all, the dialogue that follows would offer the opportunity to discuss all issues which have not been explained enough clear or well, possibly untrue, or incompletely presented in the two mentioned documents submitted earlier to the Committee.

I could inform with pleasure esteemed members of the UN Committee for the Rights of the Child that in the period since adoption of the First Initial Report on BiH and Implementation of the UN Convention on the Rights of the Child and realisation of the rights of the child in BiH to date significant results have been achieved which have important implications on the processes and effects of promotion and protection of the rights of the child. I have in mind activities, contents and results in the following areas:

- legislation;
- change and raise awareness on significance of the rights of the child;
- strengthening institutional capacities and mechanisms for the protection of the rights of the child;
- strengthening nongovernmental sector, first of all of numerous nongovernmental organisations for the protection of the rights of the child and care of vulnerable children;
- elaboration of numerous documents of strategic importance and reforms in the fields of education, social protection, health, touch with law, etc.

I would cite only a few laws which illustrate the above assessment on the progress in this field. For the realisation of the rights of the child in BiH, amongst others, important are the following laws: State and Entity Framework Laws on Primary and Secondary Education; Law on Protection on Rights of Persons Belonging to National Minorities; State and Entity Laws on Amendments of the Law on Refugees from BiH and Displaced Persons in BiH; State and Entity Laws on Criminal Procedure; Law on Child Protection of Republic of Srpska; Entity Laws on Protection from Domestic Violence; State and Entity Laws on the Execution of Criminal Sanctions; Law on Gender Equality; Law on Social and Child Protection of BiH Brčko District; Rulebook on Protection of Alien Victims of Trafficking, etc. Other laws and bylaws would be mentioned in the forthcoming discussion. All mentioned and a range of other laws and bylaws have been adopted in the period after adoption of the First Report of BiH. Significant progress has been achieved on institutional plan also, that is through establishment of certain organs and institutions of authority and other entities for human rights protection. I would mention only new Ministries and their Departments; agencies, directorates and other services at the State level; from Ministry for Human Rights and Refugees which is *spiritus movens* of all reports on the situation of human rights in BiH and implementation of international documents and instruments in this area; to Ombudsman of Republic of Srpska; Commission for Human Rights with the

Constitutional Court of BiH (which is special domestic legal successor of the preceding international institution Human Rights Chamber); BiH Press Council; Agency for Standards of Evaluation in the Field of Education; State Group for Preventing Trafficking in Human Beings; Sub-group for Prevention Trafficking in Children; BiH Council for Children; Social-Economic Councils with the Entity Governments, and others.

Significant steps have been made in the area of raising awareness on the rights of the child and obligations of the State and organs of authorities to implement them. In cooperation with nongovernmental sector, particularly from 2001 onwards, when nongovernmental sector has strengthened radically through establishment of numerous new nongovernmental organisations for promotion and protection of the rights of the child, with support, financial and other assistance of international governmental (e.g. UNICEF) and nongovernmental organisations (e.g. Save the Children Norway) - for which I would use this opportunity to express my public gratitude for their cooperation - numerous conferences, seminars, round tables, scientific consultations, workshops and other forms of education and exchange of experience in this field have been held, while many relevant scientific and expert research have been initiated and carried out, studies and collections of work published, etc. At the same time, organs of authorities have adopted several strategically relevant documents, which, among others, deal with the rights of the child. In the first place, I would like to emphasise the Action Plan for Children of BiH 2002-2010; then Middle-Term Development Strategy of BiH 2004-2007; Action Plan for Meeting Educational Needs of Roma and Other National Minorities; Strategy for Combating HIV/AIDS; while under preparations are the Strategy for Combating Drugs; Action Plan for Preventing Trafficking in Human Beings. In the mentioned period, mass media paid greater attention to the rights of the child and gave their contribution, which for the sake of truth could be greater and more discrete, to public awareness rising on significance of the rights of the child in a sense of their seriousness. We know that not all possibilities in this area have been exhausted; and there is still need for education on the rights of the child and promotion of the UN Convention on the Rights of the Child. This is the challenge for future.

Challenge is need that BiH, as a state in complete transition, reach as soon as possible standards in human rights protection, including the rights of the child, as well as other imperatives on its way to Euro-Atlantic Integration, so that focus of interest and concern in BiH is shifted from, e.g. protection of the rights of children of displaced persons and refugees (which has been recent specificity of BiH as a State, and which essentially, but necessarily reflected on the contents of the First Report), as well as socially unprivileged and poor children, to thinking on engagement on full implementation of e.g. Article 31 of the UN Convention on the Rights of the Child, which deals with the right of the child to rest and leisure, to engage in play and recreational activities, creation and participation in cultural and artistic life, as important constituent parts of the personality of the child, that is of a human being. We are aware of this; we work on this and will continue to work in future. There is evidence for this.

Ladies and Gentlemen,

This has been summarised review of what has been happening in the period between the completion of the First Report in BiH to date. In the meantime,

nongovernmental organisations in BiH have prepared, submitted and discussed before the present Committee its report on the situation of the rights of the child in BiH. It is my opinion that, with our answers to your supplementary questions as regards the State Report on Realisation of the Rights of the Child and Implementation of the UN Convention on the Rights of the Child in BiH, one could get a real plastic description of situation, circumstances, changes and progress in BiH as regards the rights of the child. However, not without reason, public discourse form on the Report and on the occasion of the Report, has been established, with a view to additionally explain, clarify and comment all what is to be commented. We consider this platform just like this – as a dialogue, exchange of opinions, evaluation of effort transferred into the text of the Report, as facing with experiences of others and their creative transferring and implementation into local environment, with a view of elimination of our own weaknesses.

In the end, allow me to remind you that the present, First Report of BiH on the Rights of the Child, has been prepared by the expert team, composed of several experts from BiH Ministry for Human Rights and Refugees, Entity Ministries and public institutions, and smaller number of representatives of nongovernmental organisations in BiH. Today the Delegation of BiH will discuss the Report with you. The delegation is composed of Ms. Saliha Đuderija, graduate lawyer, Head of Unit for Human Rights Protection with BiH Ministry for Human Rights and Refugees; Ms. Nadežda Radić, graduate lawyer, Expert Associate in the Federal Ministry of Education and Science; Ms. Sadmira Čajo, graduate lawyer, Expert Associate in the Federal Ministry of Labour and Social Affairs; Ms. Jadranka Kalmeta, Ambassador of BiH to UN Mission in Geneva; Ms. Mirjana Stolica and Ms. Aida Mujezinović, interpreters, and myself, Mr. Slobodan Nagradić, BiH Assistant Minister for Human Rights and Refugees and Chairman of the BiH Council of Children, as a Head of the Delegation.

Thank you for your patience and attention for my presentation!