

TRANSMONEE 2014

ANALYTICAL REPORT

**ALTERNATIVE CARE PROVISION FOR CHILDREN
IN BOSNIA AND HERZEGOVINA**

**Agency for Statistics of
Bosnia and Herzegovina**

Sarajevo, December 2014

1. Introduction

The most important right of the child is the child's inherent right to live a full life and develop healthily. On the other hand and taking into consideration all the possible forms of negligent treatment, maltreatment, violence, abuse of children, the physical and mental or personal integrity of the child is endangered and impaired in various ways, preventing at the same time the child's optimal development and violating the child's basic human rights.

Considering the tradition, habits, legal regulations, as well as religious affiliation and views throughout our country, the concern for the welfare of children and childcare are to be considered as fundamental obligation and responsibility of each individual, social institutions and the entire society. Social care provided to children implies the care and support to their parents, but also to the whole family. The basic development needs of the child in BiH are provided through various systems of children's protection, such are: health care, education, social care and other special needs of protection. The provisions of the UN Convention on the Rights of the Child (Article 24) which say that the children have the right to good quality health care and social protection were included in the entity laws and laws of the District Brcko.

Social protection of children and families with children is organized through the social protection, children's and family protection. This area was defined by the laws on social protection, children's and family protection and is implemented primarily through the centers for social protection and social protection institutions. The legislation defines different forms and rights in the area of social protection, children's and family protection founded on the human right principles and are addressed to certain categories of children in need for social protection.

Bosnia and Herzegovina does not have a legal framework for unified and equally balanced social protection throughout its territory. The responsibilities related to the social protection area are defined at the entity levels - the Federation of BiH and at the level of the Republika Srpska, and District Brcko. The social protection system is organized at the level of the cantons in the Federation of BiH and/or at the level of municipalities in the Republika Srpska. Lack of legal framework at the State level followed by non-harmonized laws between the entities to regulate this issue make a big impact on the data collection and aggregation for the level of Bosnia and Herzegovina.

The social protection area in BiH is regulated and/or defined by a total of 20 laws at the entity levels, cantonal levels and at the level of the District Brcko. However, the laws at the entity levels regulate/define these issues in different ways. In particular, the system in FBiH is very complicated, including the overlapping of and avoiding the responsibilities between 10 cantons and the Federation of BiH. In the Federation of BiH the system of social welfare and protection includes more than 30 ministries and institutions. Each canton has its own ministry responsible for the social and health protection, protection of disabled war veterans and their families, displaced persons, refugees, labor and employment. The cantons pass their own laws in the area of social protection and they are not always harmonized with the Law on Social Protection of the Federation of BiH. The system of social protection in the Republika Srpska is centralized as well as the system of social protection in the District Brcko.

A child who is temporarily or permanently deprived of its family environment or a child who cannot stay in such an environment due to its own interests, has a right to a special protection and support to be provided in accordance with relevant laws.

Children without parental care represent a special vulnerable, sensitive and risky groups. Inclusion of all the subjects of the society in particular those who can provide support and assistance in this rather complex process or development, socialization and integration, is of the crucial interest for children to grow up and live a full and independent life. *The laws regulating the social protection in BiH define a child without parental care as a child being abandoned by the parents or a child whose parents cannot provide a complete care as they are limited in exercising their parental rights or being deprived of such rights.*

Protection of children without parental care is provided through a provision of institutional protection and accommodation in other foster families, a provision of guardianship, inclusion in the school institutions, through a provision of goods and services or through other forms of organized support.

Different surveys show that accommodation in the (social protection) institution is the worst solution for a child. This form of protection should be only considered as a transitional solution to provide the child with a proper professional support to be prepared for adoption or some other form of protection, such are: return to his/her own family, foster care, guardianship.

In both entities the key role in the social protection and care provided to children without parental care play the centers for social work at the municipal level. In the District Brcko the social protection and childcare fall under the competence of the Department for Social Protection established within the District Brcko Government.

Section 1: DEFINITIONS MATRIX

Table 1. Definitions of key terms

Term	UNICEF working definition/explanation	<u>Your country: definitions/explanation/legal references/data collection</u> <i>Explain if your country's understanding of this expression is different. Please answer all questions and provide details with examples. Please indicate clearly where data are not available or of poor quality and the reasons for this. Please refer to appropriate legislation. Please provide additional comments on your country context and other remarks, if possible.</i>	
		English	National language
Children	Every human being below the age of 18 years (CRC Art 1)	What concerns the legislation on social protection, the Basic Law on Social Protection of Civilian War Victims and Protection of Families with Children in the FBiH defines a child as a person under 18 years of age. The RS Law on the Social Protection and Brcko District (BB) Law on Social Protection neither defines a child nor minor in the sense of his/her age, but defines only minor category with certain rights (e.g. minor without parental care or with negligent treatment and/or upbringing).	U pogledu zakonodavstva o socijalnoj zaštiti, Zakon o osnovama socijalne zaštite, zaštite civilnih žrtava rata i zaštite porodice sa djecom FBiH definiše dijete kao osobu do 18 godina života. Zakon o socijalnoj zaštiti RS i Zakon o socijalnoj zaštiti BD BiH ne definiše pojam djeteta niti maloljetnika u smislu njegove životne dobi, nego samo kategoriju maloljetnika koja ima određena prava (npr. maloljetnik bez roditeljskog staranja ili odgojno zanemaren maloljetnik).
	Formal family-based care		

Foster care	<p>Situations where children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children's own family, that has been selected, qualified, approved and supervised for providing such care.<i>(para 29.c.ii) (source: 2009 UN Guidelines for the alternative care of children)</i></p> <p><i>How is data collected on foster care? Who/which ministry is responsible? Please explain what definitions/ classification systems are used to collect data. Please define all terms used in your country, and common English translations if relevant (e.g. "maternal assistants")</i></p>	<p>The Basic Law on Social Protection, Protection of Civilian War Victims and Protection of Families with Children in the FBiH does not define foster care, but defines accommodation of children in family to provide permanent care and support to meet their living needs which cannot be provided by their own family environment or in some other way. The RS Law on Social Protection or Rules for Foster Care, define the foster care as a protection measure for a child without parental care and/or a child with parental care but with problems with mental and physical development or behavioral disorders, a child who temporarily cannot live with his/her parents. A child with a foster family is provided, according to the law, with an adequate foster care and foster family following his/her specific needs and interests. Establishment of foster care means the establishment of a relationship between the child and foster parent similar to relationship between the child and the parent. A foster parent takes a direct care of child and</p>	<p>Zakon o osnovama socijalne zaštite, zaštite civilnih žrtava rata i zaštite porodice sa djecom FBiH ne definiše hraniteljstvo, nego smještaj djece i odraslih osoba u drugu porodicu kojima je potrebna stalna briga i pomoć radi zadovoljavanja njihovih životnih potreba, a ne mogu ih ostvariti u krugu vlastite porodice ili na drugi način. Dok prema pravilniku o hraniteljstvu RS i Zakonu o socijalnoj zaštiti RS hraniteljstvo je mera zaštite djeteta bez roditeljskog staranja, odnosno deteta pod roditeljskim staranjem koje ima smetnje u psihofizičkom razvoju ili poremećaj ponašanja, a koje privremeno ne može da živi sa svojim roditeljima. Djetetu na hraniteljstvu, obezbeđuje se, u skladu sa zakonom, adekvatan oblik hraniteljstva i hraniteljska porodica u skladu sa njegovim specifičnim potrebama i ostvarivanjem njegovog najboljeg interesa. Zasnivanjem hraniteljstva uspostavlja se odnos između djeteta i hranitelja koji odgovara odnosu djeteta - roditelj. Hranitelji preuzimaju neposrednu brigu o djetetu i imaju dužnost da se staraju o njegovom zdravlju, razvoju, vaspitanju i obrazovanju, a u cilju njegovog osposobljavanja za samostalan život i rad. Procjenu ispunjenosti uslova sticanja statusa hraniteljske porodice</p>
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		<p>is obliged to take care of child's health, development, upbringing and education aimed at his/her preparation for a full and individual life and work. A competent center for social protection, following a place of usual residence of the foster family, is responsible to define/select a foster family meeting all the requirements to get a status of such a family.</p> <p>The Law on Social Protection in the Brcko District does not define a foster care alone, but defines accommodation in other family. A relevant Contract on accommodation in a foster family is concluded with one of the family member, thus becoming a foster parent.</p> <p>Data on foster care/accommodation of children in family are result of the aggregation of data provided by the Institute of Statistics of the Federation of BiH and Institute of Statistics of the Republika Srpska, as well as of the District Brcko Branch Office. They carry out regular annual statistical survey. Ministry of Labour and Social Policy FBiH, is responsible for the area of social</p>	<p>utvrđuje nadležni centar za socijalni rad prema mjestu prebivališta hranitelja.</p> <p>Zakonu o socijalnoj zaštiti BD ne definiše šta je hraniteljstvo kao pojam, nego smještaj u drugi porodicu, pri čemu se sa jednim članom porodce zaključuje Ugovor o smještaju i na taj način taj član porodice postaje hranitelj.</p> <p>Podaci o hraniteljstvu/smještaju u drugu porodicu su rezultat agregiranja podataka entitetskih zavoda za statistiku, Federalnog zavoda za statistiku Federacije BiH i Republičkog zavoda za statistiku Republike Srpske, te ekspoziture Brčko distrikta BiH, koji sprovode redovno godišnje statističko istraživanje.</p> <p>Ministarstvo rada i socijalne politike FBiH je nadležno za oblast socijalne zaštite.</p> <p>Ministarstvo zdravlja i socijalne zaštite RS je nadležno za oblast socijalne zaštite.</p> <p>Odjeljenje za socijalnu zaštitu pri Vladi Brčko distrikta je nadležno za oblast socijalne zaštite.</p>
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Guardian	<p>A guardian is a legally appointed adult representative for a child. The guardian's function is to ensure that a child's rights are upheld and the child's best interests are protected. The existence, process and duties of a guardian will vary from country to country. <i>(Source: The Better Care Network website)</i>. For the purposes of the present CAR, guardianship refers only to situations where the child is looked after on a day-to-day basis in the guardian's own home,</p> <p><i>How is data on guardianship collected? Who/which ministry is responsible? Please explain what definitions/ classification systems are used to collect data?</i></p>	<p>According to the Family Law of the FBiH a guardianship is a form of protection of minors without parental care and adults either unable or not in position to take care of themselves, to exercise their rights, interests and obligations. A purpose of guardianship is to replace parental care and/or to protect personality and interests of adult persons, to take care of the medical treatment and to prepare them for a full individual life and work. The Center for Social Protection as custodian body, court and person authorized for intermediation are responsible to provide the professional support and to protect the rights and interests of the child and other family members, to resolve disputes between the family members and in all other cases involving disturbed family relations. Ministry of Labour and Social Policy FBiH, is responsible for the area of social protection.</p> <p>According to the RS Family Law, Republika Srpska by guardianship provides a special protection to</p>	<p>Prema Porodičnom Zakonu FBiH Starateljstvo je oblik zaštite maloljetnih osoba bez roditeljskog staranja i punoljetnih osoba koje nisu sposobne, ili koje nisu u mogućnosti starati se o sebi, svojim pravima, interesima i obavezama. Svrha starateljstva je zamjena roditeljskog staranja, odnosno zaštita ličnosti i interesa punoljetnih štićenika, naročito njihovim liječenjem i osposobljavanjem za samostalan život i rad. Za pružanje stručne pomoći i zaštite prava i interesa djeteta i ostalih članova porodice, za rješavanje sporova između članova porodice, kao i u svim slučajevima poremećenih porodičnih odnosa nadležan je centar za socijalni rad kao organ starateljstva, sud i osoba ovlaštena za posredovanje. Ministarstvo rada i socijalne politike FBiH je nadležno za oblast socijalne zaštite.</p> <p>Prema Porodičnom Zakonu RS, Republika Srpska starateljstvom pruža posebnu zaštitu maloljetnoj djeci koja nemaju roditeljskog staranja i punoljetnim licima koja nisu sposobna ili nisu u mogućnosti starati se sami o</p>

		<p>minors without parental care and adults who are neither able nor in position to take care of themselves or to protect their rights and interests. Protection and provision of the legal support to a family and its members as defined by the law are provided by the municipal authority responsible for a social protection unless by a decision of the competent authority of the local self-management unit such activities were delegated to other authority or organization. The RS Ministry of Health and Social Protection is responsible for the social protection issues.</p> <p>According to the Family Law of the Brcko District the guardianship is a form of protection of minors without parental care and adults neither able nor in position to take care of themselves, to protect their rights and interests and obligations. A purpose of the guardianship is to replace parental care and/or to protect personality and interests of the adults in particular though a provision of medical care and to prepare them for a full individual life and work. The social protection is provided by the Department for Social Protection established with the Brcko District Government.</p> <p>Data on guardianship on are result of the aggregation of data provided by</p>	<p>svojim pravima i interesima. Poslove zaštite i pružanja pravne pomoći porodici i njenim članovima na način i po postupku određenim zakonom obavlja opštinski organ uprave nadležan za poslove socijalne zaštite, ukoliko odlukom nadležnog organa lokalne samouprave vršenje ovih poslova nije povjereno nekom drugom organu ili organizaciji. Ministarstvo zdravlja i socijalne zaštite RS je nadležno za oblast socijalne zaštite.</p> <p>Prema Porodičnom Zakonu BD starateljstvo je oblik zaštite maloljetnih osoba bez roditeljskog staranja i punoljetnih osoba koje nisu sposobne ili koje nisu u mogućnosti starati se o sebi, svojim pravima, interesima i obavezama. Svrha starateljstva je zamjena roditeljskog staranja, odnosno zaštita ličnosti i interesa punoljetnih šticenika, naročito njihovim liječenjem i osposobljavanjem za samostalan život i rad. Odjeljenje za socijalnu zaštitu pri Vladi Brčko distrikta je nadležno za oblast socijalne zaštite.</p> <p>Podaci o starateljstvu su rezultat agregiranja podataka entitetskih zavoda za statistiku, Federalnog zavoda za statistiku Federacije BiH i Republičkog zavoda za statistiku Republike Srpske, te ekspoziture Brčko distrikta BiH, koji sprovode redovno godišnje statističko istraživanje.</p>
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		the Institute of Statistics of the Federation of BiH and Institute of Statistics of the Republika Srpska, as well as of the District Brcko Branch Office. They carry out regular annual statistical survey.	
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		English	National language
Patronat (patronage care) <i>No data on patronat care is currently collected as part of TransMon EE. There is a separate line in the TransMon EE template (at the end of the section on guardian care) for</i>	<p>Family based placement concept by which children are placed in "patronat" families while remaining under the guardianship of the director of their residential institution « of origin » – through a tripartite agreement between institution-family-guardianship agencies. Children and potential "patronat" parents are prepared, selected and accompanied by the institution. The institution retains legal power and financial resources to manage this process and intervene as much as needed.</p> <p><i>Do you have patronat care in your country? How is data collected on patronage care? Who/which ministry is responsible? Please explain if children in patronage are counted as living in "foster care", "residential care" or other in your country; Please explain what definitions/ classification systems are used to collect data.</i></p>	<p>The legislation in the Federation of BiH, Republika Srpska and District Brcko does not recognize these categories.</p>	<p>Zakonodavstvo u FBiH, RS i BD ne prepoznaje ove kategorije</p>

<p><i>“Other type of family based care”. Data on informal kinship care arrangements are usually presented in that line.</i></p>			
	Informal care arrangements		
<p>Kinship care</p> <p><i>There is a separate line in the TransMon EE template (at the end of the section on guardian care) for “Other type of family based care”. Data on informal kinship care arrangements</i></p>	<p>Any private arrangement provided in a family environment whereby the child is looked after on an ongoing or indefinite basis by relatives or friends (<i>para 29.b.i</i>) - 2009 UN Guidelines for the alternative care of children</p> <p><i>How is data collected on informal kinship care? Who/which ministry is responsible? Please explain what definitions/ classification systems are used to collect data.</i></p>	<p>The legislation in the Federation of BiH, Republika Srpska and District Brcko does not recognize these categories.</p>	<p>Zakonodavstvo u FBiH, RS i BD ne prepoznaje ove kategorije</p>

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Term	UNICEF working definition/explanation	<u>Your country: definitions/explanation/legal references/data collection</u>	
		<p><i>Explain if your country's understanding of this expression is different. Please answer all questions and provide details with examples. Please indicate clearly where data are not available or of poor quality and the reasons for this. Please refer to appropriate legislation. Please provide additional comments on your country context and other remarks, if possible.</i></p>	
	Residential care	English	National language
Residential care	<p>All care provided in a non-family-based group setting, such as places of safety for emergency care, transit centres in emergency situations, and all other short- and long-term residential facilities, including group homes (para 29.c.iv) 2009 <i>UN Guidelines for the alternative care of children</i>.</p> <p><i>How is data collected on public and non public (private) residential care facilities as a</i></p>	<p>The legislation in the Federation of BiH, Republika Srpska and District Brcko does not recognize these categories.</p>	<p>Zakonodavstvo u FBiH, RS i BD ne prepoznaje ove kategorije</p>

	<i>whole? Who/which ministry or ministries is/are responsible?</i>		
Family Type Home / Family Care Group Family-type homes could be public or non-public. There is a separate line for <u>public family-type homes</u> under public residential care in the TransMon EE template while non-public family-type homes are included under	Personalised residential care, provided by one or more staff in a house that is not their own, looking after a group of children (typically 10-15) in a home-like environment. <i>UN Study on Violence Against Children, p. 178</i> <i>How is data collected on “family type homes”? Who/which ministry is responsible? Please explain if children in family type homes are counted as living in “foster care”, “residential care” or other in your country; Please explain what definitions/ classification systems are used to collect data.</i>	The legislation in the Federation of BiH, Republika Srpska and District Brcko does not recognize these categories.	<i>Zakonodavstvo u FBiH, RS i DB ne prepoznaje ove kategorije</i>

“Other non-public institutional care”			
Institutions	<p>“Large” residential care facilities (para. 23) <i>2009 UN Guidelines for the alternative care of children</i></p> <p>Generally viewed as any public or private facility staffed by salaried carers or volunteers working pre-determined hours/shifts, and based on collective living arrangements with a large capacity – 2012 <i>Identifying Basic Characteristics of Formal Alternative Care Settings for Children: Discussion Paper of the NGO Working Group on Children without Parental Care</i>, Geneva.</p>	<p>The Basic Law on Social Protection of the Civilian War Victims and Protection of Families with Children in the Federation of BiH says that accommodation in the social protection institution can be provided for children and adults in need for permanent care and support to meet their living essentials but who not able to provide them in their own families or other family or in some other way. According to the Law on Social Protection in the Republika Srpska a Home for children and youth without parental care provides a care for children without parental care and for children whose development is impaired by family circumstances. The Home for children and youth without parental care may within a scope of its activities establish a separate department to temporarily accommodate children with socially unacceptable behavior during the existence of such reasons for this form of social protection. The Home for children and youth without parental care may within a scope of its activities establish a shelter for pregnant women and mothers with children up to one year of age who</p>	<p>Zakon o osnovama socijalne zaštite, zaštite civilnih žrtava rata i zaštite porodice sa djecom F BiH definiše da smještaj u ustanovu socijalne zaštite mogu ostvariti djeca i odrasle osobe kojima je potrebna stalna briga i potpora u zadovoljavanju njihovih životnih potreba, a ne mogu ih ostvariti u vlastitoj ili drugoj obitelji ili na drugi način. Prema Zakonu o socijalnoj zaštiti RS Dom za djecu i omladinu bez roditeljskog staranja obezbjeđuje zbrinjavanje djece bez roditeljskog staranja i djece čiji je razvoj ometen porodičnim prilikama. Dom za djecu i omladinu bez roditeljskog staranja može u okviru svoje djelatnosti formirati posebno odjeljenje za privremeno zbrinjavanje djece sa društveno neprihvatljivim ponašanjem, dok traju razlozi za ovim vidom socijalne zaštite. Dom za djecu i omladinu bez roditeljskog staranja može u okviru svoje djelatnosti formirati prihvatilište za trudnice i majke sa djecom do godinu dana života djeteta, kojima je usljed materijalne neobezbijeđenosti, neriješenog stambenog pitanja, narušenih porodičnih odnosa i drugih okolnosti, potrebno privremeno zbrinjavanje.</p>

		need a temporary care due to material insecurity, residential problems, disturbed family relations and other circumstances.	
Add if you wish to include additional terms	Add if you wish to include additional terms		
Add if you wish to include additional terms	Add if you wish to include additional terms		

Section 2: SYSTEM ASSESSMENT

Bosnia and Herzegovina does not have a legal framework to guarantee unified social protection throughout its territory. The competencies in the area of social protection are provided at the level of entities - Federation of BiH, Republika Srpska and District Brcko. The social protection system is organized at the level of cantonal centers for social protection in the Federation of BiH and in the centers for social protection at the level of municipalities in the Republika Srpska.

Professional staff working in the centers for social protection according to the laws are obliged and responsible to monitor the situation and follow the needs of every child included in the formal alternative protection/care. However, they do not apply a systematic way to monitor and follow the needs of children. There is no institution at the level of the State and entity levels to deal with these issues on regular and systematic basis.

Currently, there is an action plan in the Federation of BiH and action plans in some cantons, and a strategy in the Republika Srpska prepared and developed in accordance with the UN Guidelines (Article 23) and they cover all the public institutions for children including children with development problems.

Table 2. Qualitative data: description of formal family based care system

<p>Questions</p>	<p>Answers</p> <p><i>(If not data is available, please indicate this and explain why. If data is available, but of poor quality, please indicate this and explain why)</i></p>
<p>Foster care</p>	
<p>1. Has foster care been established in your country, if so how? (e.g. by law, decree, regulation or other measure – pls specify details and year of establishment)</p> <p>Explain clearly how foster care is regulated by law. If more than one system of foster care exists (e.g. in Russia), then please provide details for all systems. Please explain if other terms (e.g. maternal assistants) are used in your country.</p>	<p>Bosnia and Herzegovina consists of two entities and one District. Given such constitution each entity implements its own social policy including also foster care. Foster care in the Republika Srpska is defined by the Law on Social Protection (Article 420) and Rules on Foster Care as of 2014. In the Federation of BiH and Brcko District the Law on Foster Care is undergoing the process of adoption and shall contain the same or similar provisions as the Law and Rules on Foster Care in the Republika Srpska. The Basic Law on Social Protection, Protection of Civilian War Victims and Protection of Families with Children in the Federation of BiH defines foster care as accommodation provided in another family.</p>
<p>2. Has specialized foster care been established:</p> <ul style="list-style-type: none"> ▪ For children below three years ▪ For children with disabilities ▪ For emergency care (placement of children at short notice). 	<p>In accordance with Law on Foster Care in the Republika Srpska and depending on the needs and situation of the beneficiaries, the following forms of foster care are provided: a) standard care, b) specialized care and c) emergency care. Specialized foster care provides the special support to children, youth and adults who due to their physical and health situation need an additional care and support. The specialized foster care provides care for children, youth and adults with disabilities, maltreated or disregarded persons, as well as persons with socially unacceptable behavior. The Law on Foster Care in the Federation of BiH and Brcko District is undergoing the process of adoption.</p>
<p>3. Who has responsibility for the placement of children into foster care? Have the persons responsible for the placement of children in foster care received professional or appropriate training?</p>	<p>A professional team in the centers for social work is responsible for accommodation of children into foster families.</p>

<p>4. What type of <u>state obligations</u> exist with regards to fostering, e.g. is the state obliged to:</p> <ul style="list-style-type: none"> ▪ establish criteria for screening/selection of foster parents? ▪ provide training of foster parents? ▪ carry out supervision of quality of care? ▪ establish periodic contact with foster parents? ▪ periodically review the continuing need for, and appropriateness of the placement in the light of any developments or of changes in family circumstances? ▪ have a centralized database to monitor children being fostered 	<p>Following the Rules on Foster Care in the Republika Srpska, centers for social work estimate the fulfillment of requirements needed for provision of foster family status by screening the documents, conducting an interview with potential foster parents in the center for social protection, interview with the members of potential foster families in their houses, as well as by a comprehensive team processing. Following the Rules on Foster Care in the Republika Srpska each of potential foster parents should participate in the training program to be prepared for the tasks and duties of a foster parent and after successful completion of the training program a foster parent is provided with a certificate on foster care.</p> <p>Supervision on quality care provided by the foster parents is carried out by the professional team of the center for social work who accommodated the child in the foster family and at least once a week during the period of mutual adjustment and at least once a month during the fostering period.</p> <p>There is no centralized database at the level of BiH to monitor the work of the foster parent as there are no existing laws defining the supervision of the foster care in both entities and District Brcko.</p>
<p>5. In terms of the <u>functioning of the actual system</u> of fostering, please identify at what level these obligations are to be effectively met (e.g. central, regional/provincial, local/municipal), (please explain details of any problems):</p> <ul style="list-style-type: none"> ▪ established criteria for screening/selection of foster parents ▪ Provision of training of foster parents ▪ Supervising quality of care ▪ Ensuring periodic contact with foster parents ▪ Ensuring periodic reviews of the continuing need for, and appropriateness of the placement in the light of any developments or of changes in family circumstances 	<p>The centers for social work as municipal administration bodies are responsible for the social protection measures and fostering to be implemented in accordance with Law on Social Protection in the Republika Srpska and Rules on Foster care in the Republika Srpska.</p> <p>There is neither existing unified database at the level of BiH nor existing laws defining the fostering area in both entities and Brcko District.</p>

<ul style="list-style-type: none"> ▪ A centralized database to monitor children being fostered 	
<p>6. How is <u>data</u> on children in foster care collected? If a central database exists, who has responsibility for it?</p> <ul style="list-style-type: none"> ▪ Is the unit of data collection the number of placements or children? ▪ Apart from the number of children entering foster care (inflow), does the country also monitor the number of children leaving foster care (outflow) and the number of children in foster care (stock data)? ▪ Is it possible that in the situation of temporary foster care (e.g. child taken on holiday by foster parents) that the child is counted twice, both as being in residential care and foster care (please explain the problem of double counting if relevant to your country). <p><i>Please explain if there are children classified as living in “foster care” but who mainly live in institutions.</i></p>	<p>The centers for social work in the Republika Srpska have records on fostering but they are not unified.</p> <p>In the Federation of BiH and District Brcko there are no unified records on fostering as the Law is undergoing the process of adoption.</p> <p>Data on children in foster care/ accommodation of children in family are result of the aggregation of data provided by the Institute of Statistics of the Federation of BiH and Institute of Statistics of the Republika Srpska, as well as of the District Brcko Branch Office. They carry out regular annual statistical survey.</p> <p>The unit of data collection is the number of placement. Statistical institutions in BiH in 2014, with the assistance of UNICEF, made revision of questionnaires for statistics of social protection. Revision of questionnaires include also revision of collecting data on children in foster care and from year 2015 the unit of data collection will be number of children.</p> <p>The centers for social work in Republica Srpska have records of children leaving foster care, while the centers for social work in FBiH and BD doesn't have unified records.</p> <p>The legislation in the Federation of BiH, Republika Srpska and District Brcko does not recognize category temporary foster care.</p>
<p>7. Specify if there is any provision of <u>financial support</u> by the state to foster parents (please specify what and the amount in local currency per month)</p> <ul style="list-style-type: none"> ▪ cash benefits ▪ salary <p><i>If other incentives exist, such as housing, please provide details.</i></p>	<p>According to the Rules on Foster Care in the Republika Srpska, the foster parent has a right to receive a financial support for the work and financial support to cover the costs of upbringing the child. This is defined by the contract concluded between the competent center for social work and foster parent. Financial support to foster parent is calculated per child and amounts to 25% of the average salary in the Republika Srpska calculated in the previous year. However, the financial support for the work of the foster parent who takes care of a child with disabilities in development and child with socially unacceptable</p>

	<p>behavior amounts to 35% of the average salary in the Republika Srpska calculated in the previous year.</p> <p>Financial support related to upbringing the child amounts to 60% of the average price of services in the current year for a child accommodated in the social protection institution established by the Government of the Republika Srpska. However, financial support related to care provided to a child with special needs amounts to 70% of the average price of services in the current year for a child accommodated in the social protection institution established by the Government of the Republika Srpska.</p>
Guardianship	
<p>8. How has guardianship been established in your country? (e.g. by law, decree, regulation or other measure – pls specify details and year of establishment)</p> <p>Explain clearly if guardianship is regulated by law.</p> <p><i>If more than one system of guardianship exists then please provide details for all systems.</i></p>	<p>Bosnia and Herzegovina consists of two entities and one district. Given such constitution each entity has its own social policy including guardianship.</p> <p>The guardianship is defined by the family laws in the Federation of BiH, Republika Srpska and Brcko District.</p>
<p>9. Who has responsibility for overseeing guardianship care? Have these persons received professional or appropriate training?</p>	<p>Guardianship is provided by the guardianship body which undertakes all the necessary measures to provide and meet in the best possible way the purpose and aims of the guardianship. The centers for social work are considered guardianship authorities. The guardianship authority may be established by a professional body composed of relevant experts (doctors, pedagogues, psychologists, social workers and others) with a task to discuss the professional issues and to provide the guardianship body with the proposals to undertake a proper guardianship measures.</p>
<p>10. What type of <u>state obligations</u> exist with regards to guardianship, e.g. is the state obliged to:</p> <ul style="list-style-type: none"> ▪ provide training of guardians? 	<p>The guardianship body before passing a decision on guardianship will inform the guardian about the important aspects of the guardianship, his/her rights and</p>

<ul style="list-style-type: none"> ▪ carry out supervision of quality of care? ▪ establish periodic contact with guardians? ▪ periodically review the treatment provided to the child and other circumstances relevant to his or her placement? ▪ have a centralized database to monitor children in guardianship care 	<p>responsibilities and other important data necessary for the implementation of a guardianship duties.</p> <p>The guardian is responsible to submit a report to guardianship body on his/her work every year, as well as when it is requested by the guardianship body. The report is to be submitted in writing or by verbal comments on the records. The report must explain the way the guardian provided care to child, protected his/her rights, interests and personality, provided health care, upbringing and education. Apart to such a report the guardianship body is responsible to occasionally control in person the guardian to see how the guardian performs his/her obligations. The centers for social protection keep the records on such controls and supervision.</p>
<p>11. In terms of the <u>functioning of the actual system</u> of guardianship, please identify at what level these obligations are to be effectively met (e.g. central, regional/provincial, local/municipal), (please explain details of any problems):</p> <ul style="list-style-type: none"> ▪ providing training of guardianship parents ▪ supervising quality of care ▪ ensuring periodic contact with guardians ▪ Ensuring periodic reviews of the continuing need for, and appropriateness of the placement in the light of any developments or of changes in family circumstances A centralized database to monitor children in guardianship care 	<p>The tasks of the guardianship are implemented by the guardianship body undertaking all the necessary measures to meet the guardianship requirements and aims. The centers for social work at the local level represent the guardianship bodies. The family laws do not clearly define whether the guardian is to be provided with training. The guardianship bodies carry out supervision on the guardianship parents in terms of the quality of provided guardianship.</p>
<p>12. Specify if there is any provision of <u>financial support</u> by the state to guardians – give amount in local currency per month.</p>	<p>According to the Family Law of the Republika Srpska, the guardianship parent as a rule carries out his/her duties free of charge. But, the guardianship body may specify a remuneration in case the guardianship parent invested a lot of efforts to carry out his/her duties and tasks. According to the Family Law in the Federation of BiH the guardianship parent is entitled to a monthly remuneration depending on the work and efforts invested in protection of the rights and interests of the child. A right to remuneration is not granted to a guardian who</p>

	<p>has responsibilities by the law for the upbringing of the child. In addition to the remuneration the guardian has a right to additional material support for a special efforts and work invested in implementing his/her tasks. The amount is defined by the guardianship authority.</p>
<p>13. How is <u>data</u> on children in guardianship care collected? If a central database exists, who has responsibility for it?</p> <ul style="list-style-type: none"> ▪ Is the unit of data collection the number of placements or children? ▪ Is disaggregated data collected on children who are personally cared for by guardians on a daily basis in their own home and children who have legally appointed guardians but are cared for elsewhere? ▪ Is it possible that the child is counted twice, both as being in residential care and guardianship care (please explain the problem and impact of double counting if relevant to your country). <p><i>Please explain if there are children classified as being in “guardianship care” but who actually reside in institution, in other type of care or with their parents.</i></p>	<p>The Centers for Social Work keep the records on children in guardianship.</p> <p>Data on guardianship are result of the aggregation of data provided by the Institute of Statistics of the Federation of BiH and Institute of Statistics of the Republika Srpska, as well as of the District Brcko Branch Office. They carry out regular annual statistical survey.</p> <p>The unit of data collection is the number of placement. Statistical institutions in BiH in 2014 with the assistance of UNICEF, made revision of questionnaires for statistics of social protection. Revision of questionnaires include also revision of collecting data on children in guardianship care and from year 2015 the unit of data collection will be number of children.</p>

Table 3. Quantitative data

[illegible]

<i>collected as part of TransMonEE</i>	of children in “foster care” or “residential care”, please specify the numbers in the next column										
3. Financing of formal family-based care	Proportion of children in formal family based care that are funded wholly or primarily by: <ul style="list-style-type: none"> - The State (central) % - Provincial or local authorities % - Non-State entities in-country (NGOs, religious groups) % - Foreign entities % 	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	
	Total public expenditure on all forms of formal family-based care (in national currency) <i>Currently data only on “total public</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	

	<i>expenditures on foster/guardian allowance” are collected in TransMonEE. Explain the reason for differences between two figures, if any.</i>										
	By type of care: <ul style="list-style-type: none"> - Foster care - Guardianship - Patronat - Other (please add and specify if appropriate) 	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	
	By source of financing: <ul style="list-style-type: none"> - Central - Sub-regional or local authorities 	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	
	Total non-public expenditure on all forms of family-based care (in national currency)	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	

4. Financing of Residential care	Proportion of children in residential care facilities that are funded wholly or primarily by: <ul style="list-style-type: none"> - The State (central) % - Provincial or local authorities % - Non-State entities in-country (NGOs, religious groups) % - Foreign entities % 	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
	Total public expenditure on residential care (national currency): <i>Currently data only on “total public expenditures on residential care institutions” (mln US\$) are collected in TransMonEE. Explain the reason for differences</i>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	

	<i>between two figures, if any.</i>										
	By source of financing: <ul style="list-style-type: none"> - Central - Sub-regional or local authorities 	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	
	Total non-public expenditure on all forms of residential care (in national currency)	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	

Section 3. DESCRIPTION OF DATA SYSTEM

The Agency for Statistics of Bosnia and Herzegovina is considered the official producer of the statistics on social protection in Bosnia and Herzegovina. Data on social protection statistics are result of the aggregation of data provided by the Institute of Statistics of the Federation of BiH and Institute of Statistics of the Republika Srpska, as well as of the District Brcko Branch Office. They carry out regular annual statistical survey.

Centres for Social Work, Homes for children and youth, social protection institutions for disabled children and youth with physical and mental disorders are data sources of the entity statistical institutes regarding the social protection of children and families with children.

The BiH Agency for Statistics as the official producer of the statistics on social protection and accordingly producer of statistics on social protection of children and families with children has available aggregated data which the entity statistical institutions receive from their reporting units. Actually, inadequate and not unified records of the reporting units make the problem at the level of entities which is then reflected to the State level. In addition to this, in the Federation of BiH there is a problem related to non-harmonized application of the laws and other regulations between the cantons. Accordingly, this is again reflected to data aggregation for the State level. Therefore, the BiH Agency for Statistics, when aggregating data, covers only data having the same definitions in the entity laws and regulations.

The competent ministries at the level of entities collect data on social protection, but only for their needs and not so detailed.

The official statistics does not publish data on foster care in Bosnia and Herzegovina as there is no in the Federation of BiH the legal framework to clearly define this form of social protection. For some categories included in the law, the reporting units do not keep records or keep them without all the necessary details and accordingly, the official statistics cannot aggregate them and publish them.

Data used to fill in the TransMonee tables are data provided by the official statistical surveys and methodological explanations are taken from the relevant laws and legal regulations defining the social protection area at the level of entities.

Information requested by this Analytical Report are not available in the statistical institutions of BiH. The ministries responsible for the issues related to the social policy may collect in faster and better way the information required by this report.

Data from TransMonee base are used by UNICEF BiH for preparation of its reports and studies.

Data sources used for this report are mentioned below.

Bibliographic sources and notes

- Basic Law on Social Protection, Protection of Civilian War Victims and Protection of Families with Children in the Federation of BiH, Law on Social Protection in the Republika Srpska and Law on Social Protection in the Brcko District
- Family Law in the Federation of BiH, Family Law in the Republika Srpska and Family Law in the Brcko District
- Rules on Foster Care in the Republika Srpska
- Guidelines on Rights to Social protection, 2011.
- Guidelines on Recognition of Socially Excluded Categories of Children in BiH, 2012.
- Strategy Against Minor Delinquency in Bosnia and Herzegovina, 2006 – 2010.
- Guidelines for the Alternative Care of Children, UN 2010.
- Child wellbeing and quality of childcare, 2011.