Answers of The Human Rights Ombudsmen of Bosnia and Herzegovina/ Department for protection of Rights of the Child

Institution of Human Rights Ombudsman of Bosnia and Herzegovina in cooperation with Save the Children currently works on preparation of Special Report on Health Protection of the Children with a view to get insight in the situation in area of children's health protection and by end of 2012 shell issue recommendations to competent organs according to statistical data and information/conclusions resulting from the survey. From aspect of protection of children’s right to health protection mentioned survey shell be very important, for following survey and analyses of the problem shall be followed by Ombudsmen recommendations the aim of which shall be improvement of the situation in this area.

Lately in BiH are taken measures on implementation of Strategy for development of primary health protection on level of the Federation of Bosnia and Herzegovina, Republic of Srpska and the District of Brčko.

Related to question what is the role of schools in promotion of children's right to health and whether the promotion of health is incorporated in curricula, the promotion is not contained in curricula, however, education of children is organized in schools by competent entity ministries, particularly in area of sexual/reproductive health, alcoholism, very frequently in cooperation with the NGOs.

Main obstacles in exercise of children's right to health primarily could be seen in lack of finances. Additionally, insufficient awareness of parents about children's rights from area of health protection, which results in the fact that certain number of children is without health protection, and most of them are from marginalized groups. Besides, we can not be satisfied with application of the Convention on the Rights of the Child and exercise of right to health protection, caused by facts that provision of medical services for children between 15 and 18 is conditioned by payment of contributions/existence of health insurance, and non-existence of specialized professionals and institutions for treatment of autistic children.

One of general recommendations would be highlight of necessity that on level of Bosnia and Herzegovina the children should be ensured equal opportunities in exercise of right to health protection, and that these opportunities should be equally available to everyone and free of charge as well.

What should be necessarily emphasized is that the children with difficulties are frequently isolated, which could be placed in direct relation with poor quality and quantity of supportive services. This further negatively impacts already vulnerable psychosocial situation. Overcoming of discrimination and segregation is one of the basic reasons for inclusive education today. Resolution of this problem requires interdisciplinary approach. This issue is not problem only of health sector responsible for prevention and treatment but also of social sector, education, lifelong learning and professional training.

Cases of violation of the rights of the child registered by the Department for Following the Rights of the Child of BiH Ombudsmen Institution are clear indicator showing that exercise of children's rights are most frequently conditioned by general poverty, unemployment, political system, lack of education, absence of statistical data, adequate development strategies, including the fact that the children are not priority. Ombudsmen Institution conducted evaluation of the situation of the rights of the children with special needs, which resulted in Special Report on Situation of the Rights of Children with Difficulties in Psychical and Physical Development. The Main problems springing from Special Report are problems of inclusion in practice, process of categorization/classification, and problems encountered by children in autistic spectrum.

The State should undertake efforts on raising of awareness of professional and wider community on rights and needs of children with special needs to decrease prejudices, enable education and psychosocial aid to parents through establishment of counseling services for parents in order to get adequate professional aid as early as possible, to get guidelines concerning care and socialization of children.

Additionally, categorization/classification in psychical and physical development should be uniformely organized in entire territory of BiH, that is, standardization of instruments and procedures of obzervation and evaliation of child's abilities should be enabled including capacities of professionals in commissions for categorization/classification, which would enable classification to be multidisciplinary in full sense of this term. Undoubtedly, the State must undertake efforts to make primary and secundary schools as much as possible accessible to children with psychological and physical damages, and with this purpose to adapt schools' entries (entrance ramps for disabled according to existing regulations and according to defined standards), toilets, corridors, and spaces for teaching, and to consider needs and possibilities for construction of elevators for persons with problems in moving. Bosnia and Herzegovina is still faced with such problems. Increase of mobile professional teams or permanently involved professionals would be especially needed for provision of support to implementation of process of inclusion and be focused on continual assistance to teaching staff in preparation and application of programs of individual work with children.

Ombudsmen conclude that legislation covering health and social protection in Bosnia and Herzegovina are not in conformity with the Convention on the Rights of the Child and other international standards and stress that this is a key problem, due to which it is necessary to undertake measures for harmonization of regulations and harmonization with the Convention, too. In RS right to free health protection exercise children to age of 15, regardless whether their parents are insured or not, which indirectly means that person younger than 15 is considered to be a child. In the Federation of BiH, in practice, exercise of right to health protection is frequently linked to parents' payment of contributions, which indirectly disseminates a message that if parents are without health insurance, the children, too, encounter problems in exercise of this right. Through adoption of the Law on Amendments to the Law on Health Insurance in the Federation of BiH the situation is improved in the way that the children are enabled to obligatory health insurance and free health protection (the Law entered into force on 01.01.2009), yet, unfortunately, some cantons do not apply it, since they never adopted by-laws and planned earmarked budgetary funds. Competent governmental organs should still do a lot to comply with Committee's recommendations from are of health and social protection and harmonize legislation with the Convention, and primarily concerning issue of legislative/normative framework and treatments, and the Ombudsmen emphasize that in forthcoming period they shall pay attention to this issue.

The State should harmonize legislation covering health and social protection in BiH with the Convention to enable children to age of 18 to exercise free health protection and free health insurance, ensure application of the Law on Health Protection in the Federation of BiH and in all its cantons, through competent health intuitions to initiate examination, checking and following health of pregnant women and newborns due to suspicion expressed by the professionals that in postwar period in BiH, in comparison with prewar period, evidently there is increased number of children born with special needs.

A big problem in area of children's health protection springs from absence of conditions for work of dentists practices specialized for work with children with special needs, and undoubtedly we ascertain that the State should enable establishment of mechanisms for early detection and diagnosis for children from autistic spectrum and undertake measures for establishment and development of the system for identification and monitoring of autistic children.