System, in support of children without parental care in Bosnia and Herzegovina
(Entity Analytical Report)

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MONEE Country Analytical Report
November 2006
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MONEE 2006

Entity Analytical Report

ON THE SYSTEMS IN FEDERATION BiH IN SUPPORT OF CHILDREN WITHOUT PARENTAL CARE

Federation of Bosnia and Herzegovina
Federal office of Statistics

Sarajevo,
October 2006
CHILDREN WITHOUT PARENTAL CARE– ANALYTICAL REPORT

In the last ten years, the transition procedures are in process in all spheres of the society that are, in a direct or an indirect fashion, reflected upon the lives of children. The country is additionally burdened by efforts to overcome the consequences of recent conflicts, and the unfavourable economic movements have also been reflected on the significant increase in poverty. According to data from the year 2004, 17.8% of the BiH population lives below the general line of poverty, while it is estimated that an additional 30% of the population is under the risk of finding itself below the line of poverty.

The laws that regulate social protection in BiH define the child (“the minor”) without parental care as one who does not have parents, whose parents are unknown, who has been abandoned by parents, or whose parents have not been able to provide him or her with complete care due to the limited capacity to conduct their parental duties, or this parental right has been taken away from them. Children without parental care present a particularly vulnerable, sensitive, and risky group. The involvement of all subjects of the society, particularly those who can provide support and assistance during this quite complex and meaningful process of development, socialization, and integration, is necessary for their proper growing up and preparation for independent life.

Considering the tradition, customs, legal regulations, and religious views on our territories, this group of children has always been a subject of interest and protection, both in terms of individuals, as well as social institutions that provide direct or indirect assistance.

A harmonious family environment is necessary for a proper growth and development of the child. The family is a basic cell of the society that provides the child with a proper and complete personal development. The war in Bosnia and Herzegovina caused an extremely pronounced form of family disorganization. A great number of children have been left without parental care. Therefore, it is necessary to provide adequate protection and assistance to children and youth. In a situation where the child has been deprived of parental care, the Law on Social Protection prescribes the possibility for placing children into social protection institutions, placing them into other foster families, and adoption.

The protection of children is conducted by providing institutional care and placement into other foster families, placement under guardianship, adoption, involvement in schooling or social institutions, through assistance in kind, or other forms of organized assistance.

The effective Law on Social Protection provides a minor without parental care, a minor whose development has been disturbed due to family circumstances, educatively disregarded and neglected children the right to placement into an institution for social protection or foster family.

In conducting their activities, the institutions may not place any restrictions in terms of territorial, national, religious, political, and any other affiliation of the users of these institutions (race, skin colour, gender, language, and social origin).

According to the effective Law on Social Protection, the home for children and youth without parental care provides housing, care, education, and training of children and youth without parental care and children and youth whose
development has been disturbed due to family circumstances, until conditions are secured for their return into their own family, adoption, involvement into life outside of the organization for social protection, or the application of another adequate form of protection.

A reception point for the short-term placement and supervision of children until conditions are provided for their return to parents, adoptive parents, guardians, or placement in an institution may also be organized at the home.

Children who need constant care and assistance and the fulfilment of social protection rights and other needs, but cannot realize the afore mentioned within their own family or in some other fashion, have the right to a placement into an institution of social protection.

A/ The Functioning of an Official System of Protection of Children Without Parental Care

The direct work is conducted through centres/Departments for social protection on the level of the local community, which have a key role in the social protection and care for children without parental care.

According to the official data, there are 57 centres for social work and 22 departments for social and child protection in the Federation of BiH, as well as two cantonal centres for social work. These institutions employ 605 persons, out of which 451 women. In the structure of officially employed personnel, there is a dominance of social workers 241, then lawyers 66, psychologists 13, and special education teachers and therapists 5.

Considering the post-war context and economic transition, the centres and departments for social work are faced with an increased scope of work (an increased number of users, a wider and a more complex problem matter), while, at the same time, their capacities (personnel, financial, and material) have been significantly weakened and are insufficient to respond to the grown needs.

The available data in several recent years (Table 1) indicate that approximately 23000 minors in the Federation of BiH (in the year 2005, 22 626 minors) are endangered by their family situation.

We note that the data are available only for those children who are users of social protection services.

**Table 1 Children endangered by their family situation, according to various categories and gender, state at the end of the year**

<table>
<thead>
<tr>
<th>Category</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Without parents and of unknown parents</td>
<td>1437</td>
<td>5,9</td>
<td>1383</td>
<td>6,0</td>
<td>1164</td>
<td>5,2</td>
</tr>
<tr>
<td>Abandoned by their parents</td>
<td>630</td>
<td>2,6</td>
<td>609</td>
<td>2,6</td>
<td>649</td>
<td>2,9</td>
</tr>
<tr>
<td>The children of parents who do not have sufficient financial means to</td>
<td>16577</td>
<td>68,6</td>
<td>15487</td>
<td>67,3</td>
<td>12937</td>
<td>58,3</td>
</tr>
<tr>
<td>support them</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abused by their parents</td>
<td>607</td>
<td>2,5</td>
<td>568</td>
<td>2,5</td>
<td>750</td>
<td>3,4</td>
</tr>
</tbody>
</table>
With an analysis of data from Table 1, we observe a constant increase in the number of children who are abused by their parents and children who are educatively disregarded and neglected (the share of these children in the total number has increased from 9,9% in 2000 to 15% in the year 2005). On the other hand, the share of children of parents who do not have sufficient financial means to support them has shown a decrease in the year 2005 in comparison to the time period from the year 2000 to the year 2004.

The available data for the year 2005 (Table 2) illustrate that there are 2063 children without parental care in the Federation of BiH, which is 25, 6% less compared to the state at the end of year 2000.

**Table 2 Children without parental care, according to categories and gender, situation at the end of the year**

<table>
<thead>
<tr>
<th></th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>number</td>
<td>%</td>
<td>number</td>
<td>%</td>
<td>number</td>
<td>%</td>
</tr>
<tr>
<td>Children without both parents</td>
<td>1330</td>
<td>48,0</td>
<td>1204</td>
<td>48,5</td>
<td>1067</td>
<td>28,7</td>
</tr>
<tr>
<td>Children of unknown parents</td>
<td>107</td>
<td>3,9</td>
<td>179</td>
<td>7,2</td>
<td>97</td>
<td>4,0</td>
</tr>
<tr>
<td>Children abandoned by their parents</td>
<td>630</td>
<td>22,7</td>
<td>609</td>
<td>24,5</td>
<td>649</td>
<td>26,7</td>
</tr>
<tr>
<td>Children of parents deprived of parental rights</td>
<td>252</td>
<td>9,1</td>
<td>62</td>
<td>2,5</td>
<td>189</td>
<td>7,8</td>
</tr>
<tr>
<td>Children of parents prevented from conducting their parental duty</td>
<td>452</td>
<td>16,3</td>
<td>427</td>
<td>17,3</td>
<td>425</td>
<td>32,8</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Out of which: girls</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The share of children without both parents in the total number of children without parental care is in constant decrease, so that the share of the above mentioned fell from 48% in the year 2000 to 39, 9% in the year 2005. The same also stands true for children of unknown parents (in the same period, there had been a fall from a 3, 9% share to a 2, 5% share).
The situation is completely different with the share of children abandoned by parents (the increase of share from 22.7% to 35.3%), as well as children of parents prevented from conducting their parental duty (the increase of this share from 16.3% to 20.2%).

**B/ Children without parental care placed into institutions for provision of care**

In the Federation of BiH there currently exist 13 institutions for the provision of care for children without parental care, which are registered by the official authorities (9 public and 4 SOS villages). In addition to these, there are two additional registered institutions for the care of children that are of a religious nature, which most often do not deliver data on the number and categories of children they provide for.

According to the data of the competent institutions from the year 2005, approximately 80% of the institutions’ capacities have been filled, and approximately 50% of children are situated in institutions for longer than three years.

According to the data from the year 2005, approximately 66% of the children without parental care are at an age up to 14 years, and the remaining children are at an age from 15 to 18 years.

Table 3 gives an overview of the total placement to institutions for the provision of care for minor users of social care.

**Table 3 The placement of children without parental care into institutions and other families for the provision of care for minors, state at the end of the year**

<table>
<thead>
<tr>
<th>Year</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>Into preschool institutions</td>
<td>63</td>
<td>2.6</td>
<td>56</td>
<td>3.0</td>
<td>45</td>
<td>2.5</td>
</tr>
<tr>
<td>Into homes for children and youth</td>
<td>50</td>
<td>2.1</td>
<td>58</td>
<td>3.1</td>
<td>145</td>
<td>8.1</td>
</tr>
<tr>
<td>Into institutions for children without parental care</td>
<td>541</td>
<td>22.4</td>
<td>540</td>
<td>28.9</td>
<td>517</td>
<td>29.0</td>
</tr>
<tr>
<td>Into foster family</td>
<td>1452</td>
<td>60.0</td>
<td>841</td>
<td>45.0</td>
<td>685</td>
<td>38.4</td>
</tr>
<tr>
<td>Into a student home</td>
<td>41</td>
<td>1.7</td>
<td>50</td>
<td>2.7</td>
<td>72</td>
<td>4.0</td>
</tr>
<tr>
<td>Into an institution for rehabilitation and protection</td>
<td>129</td>
<td>5.3</td>
<td>210</td>
<td>11.2</td>
<td>175</td>
<td>9.8</td>
</tr>
<tr>
<td>Into other institutions</td>
<td>143</td>
<td>5.9</td>
<td>114</td>
<td>6.1</td>
<td>143</td>
<td>8.2</td>
</tr>
<tr>
<td>Total</td>
<td>2419</td>
<td>100.0</td>
<td>1869</td>
<td>100.0</td>
<td>1782</td>
<td>100.0</td>
</tr>
</tbody>
</table>

If we were to exclude the placement of children into other families, it is clear that the number of children admitted into institutions mostly corresponds to
both the housing capacities as well as the financial possibilities of the above mentioned.

In the time period from the year 2000 to the year 2005, there is a continued decrease in the number of minors – wards in the institutions for care. Thus, in the year 2005, there has been a 35, 5% decrease recorded in the number of wards in institutions for the provision of care in comparison to the year 2000.

What is particularly interesting in the analysis is the following: - on the one hand, the number of children placed into institutions for children without parental care in the absolute amount is mostly constant from year to year, that is, there are no significant oscillations; on the other hand, the committal of children to institutions for children without parental care is recording a constant increase. Namely, the portion of minors in institutions for children without parental care has been continuously growing from year to year, so that the participation increased from 22, 4% in the year 2000 to 36, 4% in the year 2005.

Table 4 gives a brief overview of the relation of the total number of children without parental care and the number of children placed into institutions for the provision of care for of minors. The data on the percentage of children without parental care that are directed to institutions for care (without children placed into foster family) illustrate that, firstly, there has not been a significant decrease in the number of children placed into institutions compared to other forms of care provision, but, at the same time, provide a clear picture of the accommodation and financial capacities of the institutions for accommodation and care provision.

**Table 4 Children without parental care directed to institutions for care provision in comparison to the total number of children without parental guardianship, state at the end of the year**

<table>
<thead>
<tr>
<th>Year</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children without parental care</td>
<td>2771</td>
<td>2481</td>
<td>2427</td>
<td>2615</td>
<td>2087</td>
<td>2063</td>
</tr>
<tr>
<td>Children directed to institutions for care /without placement into foster family</td>
<td>967</td>
<td>1028</td>
<td>1097</td>
<td>1030</td>
<td>857</td>
<td>946</td>
</tr>
<tr>
<td>% of children directed to institutions for care</td>
<td>34,9</td>
<td>41,4</td>
<td>45,2</td>
<td>39,4</td>
<td>41,1</td>
<td>45,9</td>
</tr>
</tbody>
</table>

In the time period between the year 2000 and the year 2005, the institutions for the care of children without parental guardianship admitted between 35% and 46% of minors who remained without parental guardianship. Considering the available capacities, it is presumed that the institutions in the Federation of BiH are ready to admit approximately 1200 children, which confirms the assessments that 80% of accommodation capacities are filled.

**C/ The placement of children without parental care into foster families**

The placement of children without parental guardianship into foster families is provided by law and is one of the most significant forms of social protection. According to the opinion of experts, placement into a family is one of the most favourable means of providing the children with accommodation, as well as of satisfying their emotional needs and preparing them for an active
independent life. Those responsible for family placement are obliged to provide
the children without parental guardianship with conditions for a normal inclusion
into the family life and the life of the community. The aim of placement into a
family is to provide the children an adequate replacement for their biological
family, as well as to provide all necessary conditions for a successful growth and
development. Apart from satisfying the children’s material and social needs, the
foster families should provide them with safety and psychological support.

Considering the fact that the accommodation capacities and financial
possibilities of institutions for care are limited, the placement of minors into other
families – foster care has a significant role in the overall care for endangered
categories, particularly children.

The comparative data for the time period from the year 2000 to the year
2005 indicates that the percentage of children placed into foster families
decreased / in the year 2000 it amounted to 60%, and in the year 2005 39, 4%,
which is probably affected by the fact that a great number of children, who
remained without parents during the time of war became mature in the
meantime.

The absence of adequate standard procedures for recruitment, selection,
training, support, and supervision of foster families is observed as a significant
problem for the regulating of foster care. The financing and regularity of
compensations for the costs of satisfying the needs of a child placed into a foster
family differs from one canton to another in the Federation of BiH.

D/ Guardianship and adoption

The number of children without parental care placed under guardianship is
significant in the Federation of BiH. The data in the time period from the year
2000 to the year 2005 states that this number is rather constant. Table 5 gives
an overview of the number of children under guardianship and the number of
adoptions.

**Table 5 Children under guardianship and the number of adoptions, state at the
end of the year**

<table>
<thead>
<tr>
<th>year</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children under guardianship</td>
<td>546</td>
<td>474</td>
<td>433</td>
<td>558</td>
<td>461</td>
<td>542</td>
</tr>
<tr>
<td>Adoptions</td>
<td>116</td>
<td>142</td>
<td>142</td>
<td>134</td>
<td>174</td>
<td>59</td>
</tr>
<tr>
<td>total</td>
<td>662</td>
<td>616</td>
<td>575</td>
<td>692</td>
<td>635</td>
<td>601</td>
</tr>
</tbody>
</table>

There exist two types of adoption in FBiH.

**Full adoption** A child may be completely adopted up to his or her 10th
year of age. A child may be completely adopted only by marital partners jointly,
or by the stepmother or stepfather of the child being adopted. A complete
adoption is permanent and may not be terminated. The adoptee is legally treated
as the biological child of the adoptive parent. On the other hand, a complete
adoption ends all relations and links with the biological parents.

**Partial adoption** may be realized until the child reaches 18 years of age.
Children older than 10 years of age must give their consent. A single person may
also become an adoptive parent.

The proceeding for the establishment of adoption in FBiH is administrative.
The welfare authority, which is the centre for social work that exists in every
municipality, is competent for the conducting of the adoption proceeding. The proceeding is conducted without the involvement of the court. The potential adoptive parents submit a request to the centre for social work. The centre for social work will, ex officio, collect the opinions on the existence of conditions and the eligibility of the persons who wish to adopt the child. The public is not involved in the adoption proceeding. If the welfare authority determines that all conditions have been met, it will issue a ruling on the establishment of adoption, and if these conditions have not been met, it will issue a ruling denying the request for adoption.

According to some estimated data in the time period from the year 1992, the average age of adopted children is:

- 0-3 years of age (82.5%)
- 7-12 years of age (15%)
- 13-18 years of age (2.5%)

From these results, it is visible that there is a practice of adoption of children of youngest age, which, in the opinion of professional personnel, is best for the child, as well as for the adoptive parents. Precisely for this reason, particular attention must be paid to the establishment of an effective system for the resolving of requests for adoption that would speed up the process itself, placing a special emphasis on the time for which the parents (mostly the mother) are under the obligation to give consent for adoption.

The ratio between the number of adopted girls and the number of adopted boys is the following:

- 50.8% of adopted children are girls
- 49.2% of adopted children are boys

The complicated adoption procedures are one of the factors that restrict a more active use of this form of care for children, which, if conducted professionally and according to the adequate criteria for the selection of children and adoptive parents, is considered the best and permanent solution for the care and protection of a child without parental care.

**Concluding remarks**

The protection of children without parental guardianship, presented through this document, relates to children up to 18 years of age, which are under risk in view of their physical, mental, intellectual, and social development because they live outside of the family environment, whether the child could be separated from his or her family due to the dysfunctional nature of the family, violence he or she suffered, etc. The system of social protection of children should favour family forms of care for children without parental guardianship, the transformation of large institutions into small accommodation units, where the existing capacities and resources will be transformed into a series of departments, primarily directed towards the activities on the prevention of separation of children from the parents.
Definitions

**Children without both parents** – children and youth whose both parents are dead.

**The children of unknown parents** - children and youth whose parents’ identity may not be determined.

**Children abandoned by their parents** – children and youth whose parents are known and of known residence, but have abandoned their children and refuse to care for them, as well as children of known parents of unknown residence, and other cases of abandonment of children by their parents.

**The children of parents deprived of parental rights** – children and youth whose parents have been deprived of parental rights with a court decision. Also, when only one of the parents has been deprived of parental rights.

**The children of parents prevented from conducting their parental duty** – due to the serving of a sentence, a longer medical treatment in a stationary, difficult chronic illness, temporary work abroad, deprivation of legal capacity, etc.

**Placement into foster family** – implies the provision of housing, upbringing, and care in a family in which persons in a state of social need are placed.

**Guardianship** – is a form of protection of minors without parental guardianship and mature persons that are not able, or are not in the position to care for himself/herself, his or her rights, interests, and obligations.

**Adoption** – implies a special form of family law protection of children without parents or without adequate parental guardianship, with which a parental, or a cognate relationship is established.