



Foster care development in Bosnia & Herzegovina

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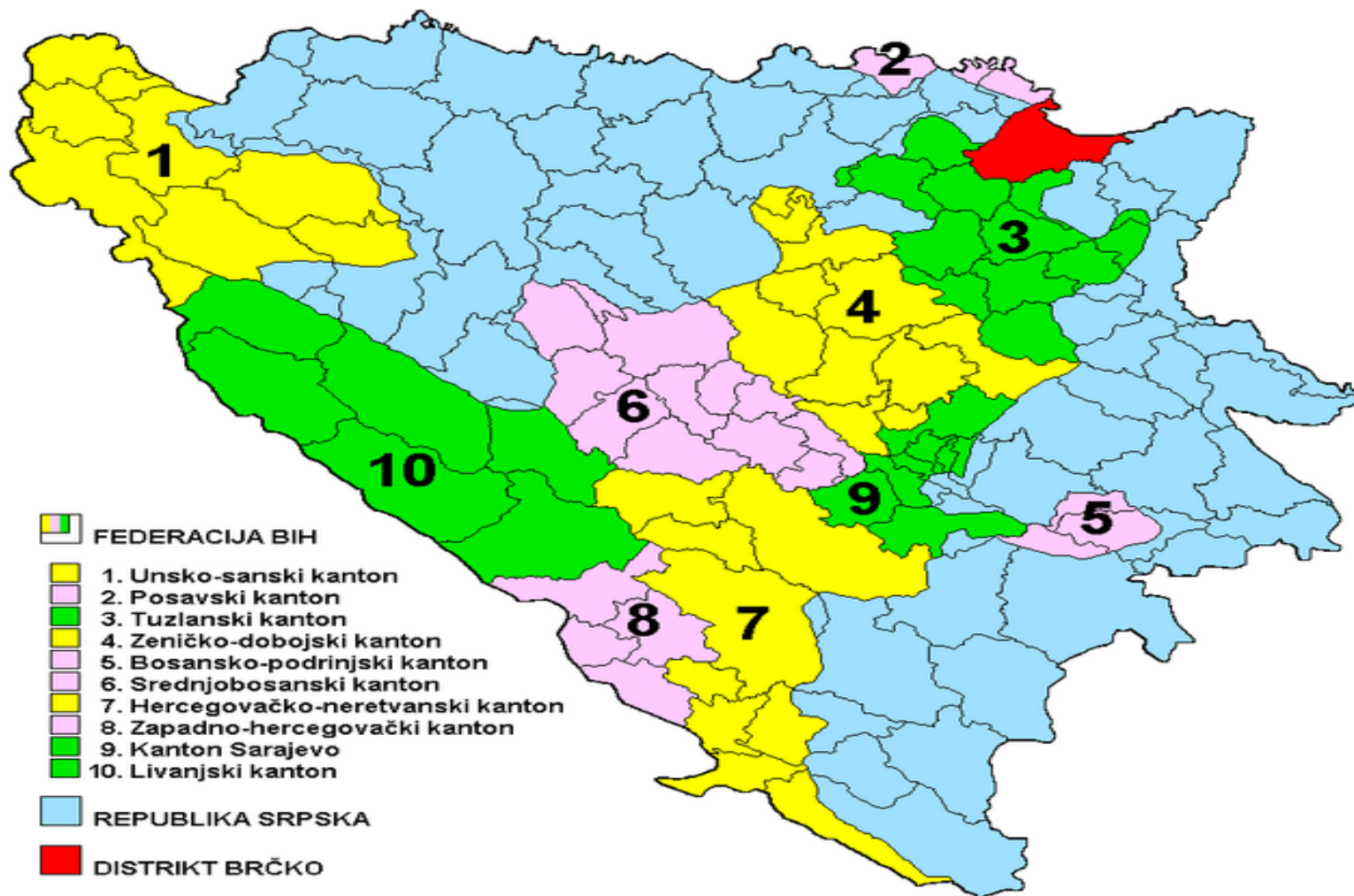
Foster care development in Bosnia & Herzegovina

- Legal and institutional context of foster care in B&H
- Strategic documents and policies
- Features of foster care in B&H
- Conclusions

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Legal and institutional context of foster care in B&H



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Legal and institutional context of foster care in B&H

Bearers of responsibility	Jurisdiction
<p>State level of B&H authorities</p> <ul style="list-style-type: none"> B&H Ministry of Civil Affairs B&H Ministry of Humna Rights and Refugees B&H Council for Children 	<p>Transferred to Entities</p>
<p>Entity level and Brčko Distrikt B&H</p> <p>Federation of B&H</p> <ul style="list-style-type: none"> Federal Ministry of Labour and Social Protection Cantonal governments (10) <p>The Republic of Srpska</p> <ul style="list-style-type: none"> Ministry of Health and Social Protection Ministry of Family, Youth and Sports Public Fond for Child Protection RS Council for Children RS Ombudsman Office <p>Brčko Distrikt B&H</p>	<p>Federal government and Cantons</p> <p>Government of the Republic of Srpska</p> <p>Government of Brčko Distrikt</p>
<ul style="list-style-type: none"> Municipalities Social Work Centers Parents 	

Legal and institutional context of foster care in B&H

Laws governing the care of children without parental care

Federation of B&H (FB&H)

- Family Law of FB&H (“Službene novine Federacije B&H”, br. 35/05, 41/05)
- Basic Law for Social Protection, Protection of Civilian War Victims and Families with the Children of the Federation of B&H (“Službene novine Federacije B&H”, br. 36/99, 54/04, 39/06, 14/09)
- Cantonal Laws of Social Protection, Protection of Civilian War Victims and Families with the Children (10 Cantons)

The Republic of Srpska

- Family Law (“Službeni glasnik Republike Srpske”, br. 54/02, 41/08)
- Law for Social Protection (“Službeni glasnik Republike Srpske”, br.5/93, 15/96, 110/03, 33/08, 37/12)

Brčko Distrikt B&H

- Family Law (“Službeni glasnik Brčko Distrikta B&H”, br. 23/07)
- Law for Social Protection (“Službeni glasnik Brčko Distrikta B&H, br. 1/03, 4/04, 19/07)

Legal and institutional context of foster care in B&H

Comparative content analyses of the laws in B&H

- Over 20 Laws governing the issue of foster care
- Protocol for content analyses (categories: users; rights; jurisdiction; financing)
- Concepts:
 - ✓ juvenile, underage person, children without parental care – child (under 18 years)
 - ✓ foster care – accommodation in other family / synonyms

Similarities:

- B&H legislation doesn't differentiate accommodation in foster family and accommodation in the extended family.
- Through the institute of guardianship all Family Laws in B&H provide special protection to the children without parental care
- Nowhere in the Law is specified whether the foster parent is the guardian
- Placement in another family / as a form of intervention (Family

Review of the most relevant action plans and strategies of Bosnia and Herzegovina (B&H)

- National action plan for children in B&H 2002 – 2010

(Council of Ministers, 2002)

- **Policy of protecting children without parental care and families at risk of separation in B&H, 2006 – 2016**

(2008)

- Initiatives of relevant entity ministries, UNICEF-a and Save the Children UK
- Improving the field of foster care as one of the strategic objectives
- Situational analysis of the implementation of the objectives of the policy

- Action plan for children in B&H 2011 – 2014

(Council of Ministers, 2011)

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Situational protection analysis of the children without parental care in Bosnia and Herzegovina

- Situational analysis of the protection of children without parental care in B&H, for period of 2001-2004
(Save the Children UK i UNICEF-a in cooperation with relevant entity ministries, 2005)
- Situational analysis of the protection of children without parental care in Federation of B&H and implementation of Policy document of protection of the children without parental care and families under a threat of separation in Federation of B&H, for period 2005-2009
(Hope and Homes for Children BiH, UNICEF and relevant ministry of FBiH, 2010)

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Situational protection analysis of the children without parental care in B&H

- **The child protection system in B&H, Analysis of situation** (IBHI B&H and UNICEF, 2007)
- **Analysis of the situation of children without parental care and/or children at threat of losing parental care based on children's rights** (SOS Children's Villages, Bosnia and Herzegovina, 2008 and 2010)
- **Analysis of legislative and budgetary allocations for categories of children without parental care and families at threat of separation in Federation of B&H**
(Hope and Homes for Children, with the support of UNICEF and the ministry of Federation of B&H 2011)

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Features of foster care in Bosnia and Herzegovina

Finance / Budget- territorial discrimination, different sources of funding

Representation of foster care- residential care as the dominant

Record- data that contains information of the number of children in foster care are incomplete (particularly in kinship families)

Tracking: lack of professional supervision and monitoring after accommodation with foster families (particularly in kinship families); lack of standardized procedures of support and supervision of foster parents

Contact with biological parents and relatives: it is not recognized as a right of the child (no systematic records, support, evaluation of contacts)

Children without parental care in kinship/extended families- about 80%

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Funding / budget of foster care in B&H

FB&H

- **Compensations for the placement of a child in foster care / territorial discrimination** - there is no compliance between the cantons
- Irregular payment of compensation for existential cost of children in foster care
(Analysis of policy implementation of Federation B&H, 2010)

RS

- The Ministry determines the amount of compensation, but it is not funding for it
- Investment in the social, family and children protection from 2006 to 2010- **no special grants for foster parents, children in foster care or foster care promotion**

(Ministry of Health and Social Protection RS, 2011)

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Representation: Foster care vs. residential care in B&H

- 2001- 2006.

- Slight decrease of the number of children placed in foster care in B&H
(SOS Children's Villages, Bosnia and Herzegovina, 2008)

- 2005 – 2009

- Number of children without parental care that are placed with foster families is not increased

(Analysis of policy implementation in Federation of Bosnia and Herzegovina, 2010)

- Data analysis of republican and entity institute for statistics - number of children placed in a foster family is not increased in RS (2002-2010)

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Representation: Foster care vs. residential care in B&H

<i>Institute for statistics BiH</i>	2002	2003	2004	2005	2006	2007	2008	2009	2010
Placement in foster family	961	908	918	934	821	742	610	599	961
Residential care	632	666	629	669	595	661	679	595	527
<i>Institute for statistics RS</i>	2002	2003	2004	2005	2006	2007	2008	2009	2010
Placement in foster family (85%: 15%)	272	245	292	311	269	263	258	229	263
Residential care	113	122	107	94	96	128	129	117	109
<i>Institute for statistics FBiH</i>	2002	2003	2004	2005	2006	2007	2008	2009	2010
Placement in foster family (no data)									
Residential care	453	449	510	490	498	529	540	518	525 760

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The records of foster care in B&H

- The lack of an efficient system of records of users of social services (adequate database)
- Incomplete data of the number of children in foster care (particularly in kinship/extended family)
- Officially about 2 000 children are without parental care, but unofficial estimates put the number between 3 000 and 4 000 children
(SOS Children's Villages, B&H, 2010)
- Data obtained by different research are not consistent with official data

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Kinship and non-relation care

- RS: The majority of children in foster care are placed with their extended family (from 85% to 90%), **but certain number of these children is not registered**
- Federation of B&H: The largest number of children in foster care are placed in extended families
- Non-relation foster care is insufficiently developed
- Non-relation foster care is unequally developed

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Monitoring the process of foster care in B&H

- Department of Statistics of B&H
 - **Clear evidence of institutional care**
 - **Foster care- partly `hidden zone`**
- **The lack of professional supervision and follow-up of responsible professionals and foster family** - mostly inordinately, without adequate plans, and only in `emergency cases`
(Ministry of Health and Welfare RS, 2008)

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Conslusions

- Over 20 Laws governing the issue of foster care
- Laws elaborate common places - the adoption of bylaws are left to administration
- The conditions for the implementation of the law do not follow the development of legislation
- The lack of accredited training programs of professionals and foster parents
- The absence of a unified database of foster families
- Not exist continuous monitoring, support, supervision and control of the process of foster care

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Conclusions

Positive development shifts:

- Development of strategic documents which significantly include the rights of children, much more than does the B&H legislation
- Improving cooperation between governmental and non-governmental sectors

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Conclusions

Positive development shifts:

- Analysis of the implementation of relevant strategies - monitoring of realisation of strategic objectives
- Recognizing the importance of adequate records, funding, preparation and monitoring of foster care process
- Programs of foster care development (Tuzla, Sarajevo, Banja Luka, Trebinje)
- Active associations of foster parents

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Thank you for your attention!

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