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**Subject: Reply to the Special Rapporteur on Children's Rights and the Environment**

The Human Rights Ombudsman Institution of Bosnia and Herzegovina is an independent institution established to promote good governance and the rule of law, the protection of the freedoms of individuals and legal entities, as guaranteed by the Constitution of Bosnia and Herzegovina and the international agreements annexed to the Constitution.

Based on the competencies established by the Law on the Ombudsman for Human Rights of Bosnia and Herzegovina, the Ombudsman of Bosnia and Herzegovina develops its strategic goals in order to achieve the mission and vision of the Ombudsman of Bosnia and Herzegovina, which include, among other things, the more effective protection and promotion of human rights. rights and cooperation with the authorities and institutions of Bosnia and Herzegovina, as well as cooperation with non-governmental organizations and citizens.

In accordance with the Law on the Ombudsman for Human Rights of Bosnia and Herzegovina, the Ombudsman of Bosnia and Herzegovina, in addition to acting on individual complaints and registered cases, undertakes a number of activities and measures aimed at the protection and promotion of human rights, of which research on certain phenomena, education is certainly significant. , drafting of special reports, participation in expert meetings discussing human rights in general, giving opinions and suggestions when drafting laws, strategies and the like.

Human Rights Ombudsmen of Bosnia and Herzegovina have been making additional efforts since the establishment of the Section for Monitoring the Rights of the Child (June 2009) in order to protect and promote the rights of the child in Bosnia and Herzegovina. Of the many problems in all areas of the child's life in Bosnia and Herzegovina, the Ombudsmen have so far not addressed the rights of the child to a healthy environment and environmental protection. The fact is that the Department does not have the human and financial resources available for serious and comprehensive research and fieldwork to address this topic to a greater extent. In this regard, it is pointed out to the Office of the United Nations High Commissioner for Human Rights that it would be useful and significant to enhance the cooperation of the Ombudsman of Bosnia and Herzegovina and the UNICEF office in Bosnia and Herzegovina in the areas of child rights and environmental rights in the near future. Especially when one considers that the issue of the environment and its protection is an urgent and topical issue in Bosnia and Herzegovina, which shows the number of 18 complaints received in violation of rights in this field during 2018.

The Ombudsmen in their Annual Activity Report of the Ombudsman Institution for 2018, made it clear that in Bosnia and Herzegovina there is no clearly defined policy of action in this area, despite the enactment of a large number of laws, which raises issues of fulfilling its obligations at the international level.

International treaties in the field of environmental protection are framework conventions to which the parties commit themselves and create a legal framework for the gradual adoption of additional protocols with detailed and specific obligations, and those governing the protection of particular environmental components of regional or global importance. Bosnia and Herzegovina has ratified a number of conventions and protocols, such as: the UN Framework Convention on Climate Change, the Kyoto Protocol, the Convention on the Control of Transboundary Movements of Hazardous Waste and Disposal, the UN Convention on Biological Diversity, the Cartagena Protocol on Biosafety, Water and Health Protocol, etc. One of the major conventions is the 1998 UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Environmental Judiciary, Aarhus, Denmark. This convention is often referred to as the Aarhus Convention. The Aarhus Convention is an international legal framework for the regulation of the environment, concerning access to information and judicial instances, and public participation in environmental decision-making. Bosnia and Herzegovina signs the Aarhus Convention 15. 09.2008. years. Environmental issues are not included in the ten points in which the Constitution of Bosnia and Herzegovina defines the competences of state institutions, and therefore fall under the following provision: “All governmental functions and powers not expressly vested in this Constitution with the institutions of Bosnia and Herzegovina” (Article III , paragraph 3.) Ombudsmen mainly deal with environmental issues, acting on individual complaints from citizens. The complaints were not related to the possible violation and endangering of the rights of the child.

The Ombudsmen of Bosnia and Herzegovina, with the support of the OSCE Mission to Bosnia and Herzegovina, organized a working meeting on "February 28, 2019 in Banja Luka" on Environmental Protection - The Role of the Ombudsman. The meeting was attended by over 30 participants, including representatives of the ombudsman institutions of the countries of the region (Slovenia, Croatia, Serbia, Northern Macedonia and Montenegro), authorities of all levels in Bosnia and Herzegovina, academia, non-governmental sector and environmental activists from Bosnia and Herzegovina and the region. The working meeting resulted in conclusions and proposals for improving the work of the Ombudsman in this area.

Ombudsmen take the opportunity to point out that at the end of 2013 they produced a Special Report entitled Children and Leisure[[1]](#footnote-1).Article 31 of the UN Convention provides for the right of every child to rest, leisure, play, recreation and participation in cultural and artistic life. The report was drafted because of the Ombudsman's concern that these rights were not recognized by the relevant authorities as significant and important. Globally, the increase in population in cities / larger communities, the rise in all forms and types of violence, especially child abuse and their economic exploitation, the constant increase and spread of educational requirements and tasks, and the commercialization of children's rights to play, are inevitably reflected in the exercise of their rights. Article 31 of the Convention. The Ombudsmen made it clear that adults should not forget their obligation to create time and conditions for children to play, recreate and entertain spontaneously. Simply put, in addition to the right to life, children have the right to development and survival, that is, children, as opposed to adults, develop, which is why it is imperative that adults have the obligation to provide children with adequate psychophysical development in addition to food, accommodation, clothing. When drafting the report, the Ombudsmen clearly stated that there were schools in some municipalities that did not have a gym, that there were not enough parks and green spaces. The Ombudsmen recommended it to the competent executive authorities[[2]](#footnote-2) to ensure, in accordance with their legal powers and competences, through their competent ministries, in the forthcoming period, continuous monitoring of the use of funds allocated to the work of sports and cultural and artistic societies in municipal budgets, to provide, in accordance with their financial capacities, training parks and playgrounds in the municipalities they deem necessary, to provide the necessary resources to train the necessary gymnasiums at each school in Bosnia and Herzegovina, and, given the importance of UN Committee General Comment No. 17, make additional efforts to promote and implement the rights of the child to rest and leisure, play and recreation appropriate to the child's age and to free participation in cultural life and the arts.

Sincerely,

 Ombudspersons of Bosnia and Herzegovina:



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Nives Jukić

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Prof. Dr. Ljubinko Mitrović



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Jasminka Džumhur, PhD

1. Available on the website [www.ombudsmen.gov.ba](http://www.ombudsmen.gov.ba) [↑](#footnote-ref-1)
2. The Government of the Republika Srpska, the Federation of Bosnia and Herzegovina, the Governments of all Cantons in the Federation of Bosnia and Herzegovina, and the Government of the Brčko District [↑](#footnote-ref-2)