



Input to inform the drafting of the report of the Secretary-General on progress towards ending child, early and forced marriage worldwide, pursuant to General Assembly resolution 77/202 on "Child, early and forced marriage"

More than 25 years after the end of the war, Bosnia and Herzegovina continues to face unresolved war legacies. Divisive narratives and hate speech are on the rise in the country alongside the rise of small extremist groups including those espousing violence as a means of furthering their aims. Persistent tensions and unaddressed challenges between groups remain, with one of BaH's federal entities threatening withdrawal from State institutions, raising concerns over peace and stability in the country. Despite being the country of origin of victims of all forms of human trafficking for decades now, the authorities of Bosnia and Herzegovina have hardly undertaken any efforts to prevent and address the root causes of child, early and forced marriage including social norms, gender inequalities and stereotypes. Also, „Novi put“ has not learned about any efforts to implement General Assembly resolution A/RES/77/202 and address the recommendations of the Secretary-General's latest report on the issue of child, early and forced marriage (A/77/282).

Roma people continue to be the most vulnerable and disadvantaged minority in Bosnia and Herzegovina. According to official estimates, in Bosnia and Herzegovina live between 25,000 and 50,000 Roma people. They are recognized as the largest, most neglected and most vulnerable minority in Bosnia and Herzegovina and the conditions in which the majority of the Roma families in Bosnia and Herzegovina live can be characterized as a state of chronic, multidimensional poverty. Poverty and unemployment are the biggest problems faced by majority of Roma women and girls, and that is reflected in the upbringing and education of their children, which consequently prevents them from breaking the barriers of poverty and get the chance to survive and learn.

Already from a young age, many Roma girls are still excluded from essential services. Many of them are legally invisible, have never been registered in the birth records, thus being deprived of social welfare and healthcare. They are rarely provided with kindergarten services. Girls face special difficulties in breaking this cycle. Some parents do not send them to school and instead get them ready for marriage or send them out to work in the streets. Lack of social care and absence of comprehensive and long-term strategy maintain the status quo. Child marriage and school drop-outs are closely linked, particularly for girls, and such marriages also expose girls to the dangers of early pregnancy and childbirth, as well as a high risk of

domestic violence. Eventually, Roma girls make the vast majority of identified victims of child, early and forced marriage and they are exploited both, in the country and abroad.

Bosnia and Herzegovina has committed itself to respecting and guaranteeing the rights of children listed in the Convention without any discrimination in respect of child's race, color, sex, language, religion, political or other affiliation, national, ethnic or social origin, property status, disability or other status. Also, Bosnia and Herzegovina has ratified all international conventions on prevention and eradication of trafficking in human beings, including those referring to children. The Dayton Peace Agreement sets forth Bosnia and Herzegovina's legal alignment with the UNCRC and the cantons also include within their family law provisions key terms such as "best interests of the child". The **general principles of the UNCRC** (identified in articles 2, 3(1), 6 and 12) **are reflected** in the legislation of all Bosnia and Herzegovina entities. However, the exploitation of children and child begging are issues of concern. Only a **small number of cases of violence against children are reported**, resulting in few cases still being brought before the courts. At the same time, **little to no training have been carried out with respect to forced marriage.**

Noting that Roma children are a particularly vulnerable group, in the first report GRETA urged the competent authorities to take measures to ensure that they had **effective access to education as measures for preventing trafficking** in human beings. The 2017 GRETA report on Bosnia and Herzegovina stated that the **number of child victims was on the rise, in particular those trafficked for the purpose of forced begging, forced criminality and sexual exploitation.** There is still **absence of comprehensive policies** to address equally devastating forms of violence against women such as forced marriage. As regards positive developments in the legal framework, new criminal offences, including forced marriage were introduced at the entity level with a view to **aligning the legal framework more closely with the Istanbul Convention.** In its 2022 report GREVIO invited the authorities of Bosnia and Herzegovina to align more closely the provisions on civil consequences of forced marriages with the standards of the Istanbul Convention. GREVIO noted that various studies and stakeholders met with during its evaluation visit have pointed to the high incidence of sexual harassment and, although less documented, to the practice of other forms of equally devastating violence such as forced marriage.

However, **prevention mechanisms are mostly not in place**, few to no awareness-raising efforts have addressed forced despite indications that they are indeed present in society. On the other hand, civil society organisation that work on prevention of human trafficking and contemporary forms of slavery to eradicate child, early and forced marriage implement various prevention and awareness raising activities once they have relevant ongoing projects.

There are official statistics on victims of human trafficking in general. However, there is the **gap between reported and unreported cases of trafficking in children**, and in human beings in general, including cases of early, child and forced marriages, that challenges the official statistics, and calls for additional victim studies that could provide an insight into the amount of unreported criminal offences.

Digitalized birth and marriage registration systems have been used in Bosnia and Herzegovina, they require mandatory registration of all births and marriages. However, most child, early and forced marriages have been made according to customary laws and have not been officially registered. Under the relevant Family Laws in the Federation of Bosnia and Herzegovina and Republika Srpska, forced marriage may be annulled if it is determined that the requirements for the validity of marriage were not fulfilled, including if the spouse consented to its conclusion out of fear caused by a serious threat. In these cases, the request for the annulment of the marriage can be requested only by the spouse who entered into the marriage under threat. In principle the annulment process does not entail any cost as the courts initiate the process ex officio. However, any such annulment may only be filed within one year from the day when the danger/threat ceased.

The practical experience of „Novi put“ has shown that Roma children, who make the vast majority of both, minor and adult victims of trafficking in human beings, have been discriminated against and their exploitation has been justified as traditional life style of Roma population.

Child marriages of Roma girls are hardly paid any attention to. Over the last few years it has been observed that exploitation of Roma children, especially girls had worsened due to increase of drugs and gambling addictions among Roma men.

Roma girls were found to be valuable tools to make money which will enable adult Roma to pursue their addictions. Many Roma men end up in debt bondage due to their addictions and human traffickers, who are also Roma, help them out. However, in most of the cases, families are not able to pay back the amount due to traffickers and in many cases they are forced to force their minor daughters to marriages.

Centres for social welfare can play an important role in preventing child trafficking. However, in most cases they are under-staffed and lack financial and material resources. Further, social workers lack training on prevention of child trafficking. By way of example, some social work centres fail to react to reports of child, early and forced marriages, regarding them as part of Roma traditions. Further, no proper monitoring or risk assessment is carried out by the social work centres when returning trafficked children to their parents. Due to an increase in number of minor victims of trafficking in human beings in the City of Mostar, the Association „Novi put“ opened in 2013 a counselling centre for minor victims of all forms of exploitation.

GRETA was informed that officials of social welfare centres do not always react appropriately to cases of early or forced marriages in the Roma community, which they tend to see as part of Roma customs, and return children to their families even when the parents have been involved in the exploitation of the child. Roma children have a different treatment by the BiH authorities in comparison to non-Roma children, despite the fact that their human violations have been severely violated in most of the cases.

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