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ANNUAL REPORT
OF THE
OMBUDSMAN FOR CHILDREN OF REPUBLIC OF SRPSKA
FOR 2011.

Banja Luka, March 2012.

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Respected sir/madam,

In accordance with Article 17. of the Law on Ombudsman of Republic of Srpska I submit the Report on the work of the Institution of Ombudsman for Children for the year 2011.

This report highlights the need of consistent application of the UN Convention on the Rights of the Child, its basic principles and demands, quality cooperation of all the subjects of protection and greater responsibility of those caring for children.

Ombudsman for Children
Nada Grahovac LL.M



I INTRODUCTION

1. UN Convention on the Rights of the Child

Among numerous international documents by which international community is showing interest for children and their special protection, UN Convention on Children Rights has a special significance.

Convention importance is related to

- firstly legal status of a child, because Convention for the first time introduces a child as a subject of international laws and protection as a person in possession of all human rights;
- for the first time ever it ensures all rights to all children;
- it is universal because it demands that each right is provided for every child in all situations a child could find him/herself until adulthood.

The fact is that Convention recognizes all categories of human rights, civil and political, economic, social and cultural what makes it special amongst numerous international agreements on human rights in general.

Convention on Children Rights is one of rare international documents that was widely supported and accepted. It was adopted on United Nation General Assembly on November 20th, 1989 and today almost all countries of the world have ratified it.¹

Convention is unique instrument of implementation and protection of children right because it established different rights of a child in a way that makes them all equally important for development and growing up of each child, that rights are just the need that every child has in childhood, from the moment they are born until they become adults and all those rights should be provided and ensured by adults.

Convention establishes universal principles that require new and better approach to children but also it introduces some new legal standards.

All rights enlisted in Convention are based on four basic principles that are obligatory:

1. Protection of a child from any form of discrimination obliges that every right guaranteed by Convention must be provided for every child without discrimination on any basis,²
2. The best interest of a child must be priority, what requires that in all activities that involve children in any way, regardless of that if they are undertaken by public or

¹ UN Convention on Children Rights was ratified by 193 countries, and USA and Somalia have signed it.

² UN Convention on Children Rights, Article 2.

private institutions, courts, administrative bodies, or legislative bodies, the best interest of a child must be priority,³

3. The right on survival and development is obligatory in terms of providing right on life and development,⁴
4. The right on respecting their opinions obligates on providing a child with the right on participation in solving all issues related to him/her and the right to freely express personal opinions.⁵

The best interest of a child, besides the fact it is presented as the right of a child⁶, is emphasized as one of four principles of Convention, actually as a prerequisite for implementing of all rights guaranteed by Convention.

It is not possible to generally define what the best interest of a child is even if we speak about separate right or right of a certain child category. The answer to this could only be obtained by proper understanding of Convention and appropriate engagement of various professionals so each individual case is given needed attention.

The best interest of a child in every proceeding should be justified and explained because:

- every child in all proceedings has the right on proper attention and respect in order to ensure protection of child's best interest,
- many decisions passed in earliest age of a child in long term define his/hers maturation and leave consequences for whole life.

Examining Initial Report of Bosnia and Herzegovina on Conditions of Children Rights, the Children Rights Committee has expressed concern and it gave numerous recommendations regarding implementation of basic Convention principle.

Committee states that principle of best interest of a child in practice is not applied in full and it has ordered B&H to intensify its activities and to ensure that this principle is introduced in all legal provisions and also in all court and administrative decisions, plans, programs and services that are related to children.⁷

The right of a child that in the field is very hard to understand is the right to express own opinion and participation of a child in all proceedings that children are involved in.

However, it is not sufficient to only state the right on opinion, it is very important to give due attention to child's opinion. This right is very often misinterpreted as if it jeopardizes the authority of adults, mainly parents and teachers. Experts warn that the child's right on participation actually supports the authority of adults who recognize different needs of

³ UN Convention on Children Rights, Article 3.

⁴ UN Convention on Children Rights, Article 6.

⁵ UN Convention on Children Rights, Article 12.

⁶ UN Convention on Children Rights, Article 3.

⁷ UN Committee on Children Rights, Recommendations of UN Committee on Children Rights after submitting Initial Report on Implementation of Convention on Children Rights in B&H in 2005, point 29.

children and expect active participation of them. In this way, they teach children independence and responsibility.

Opinion that a child has a right to express is not decision nor is decision adjusted to a child's opinion. The right that Convention prescribes should be accorded with child's age, in a way he/she can understand procedure initiated and his/hers rights in that procedure and, at the same time, he/she is not held responsible for decision that will be passed. Decisions related to a child should be based on child's opinion and assessment of an expert.

In accordance to the Article 4 of Un Convention on Children Rights and State obligation to undertake all legal, administrative and other measures for implementing rights recognized by Convention and Article 12 on right of a child to express opinion, in 2010 enforced was Council of Europe Convention on implementing rights of a child that for a goal has promotion of children rights and it guarantees easier application of those rights where children themselves or through other persons or institutions are informed on all proceedings related to them so they can participate in all these proceedings, especially in domain of family relations.

Contrarily to Declaration on Children Rights from 1959 that had moral strength, Convention is legal act that obliges states which have accepted it to act in accordance with its demands and basic principles.

By accepting Convention state accepts obligation and responsibility to⁸:

1. Undertake all appropriate legal, administrative and other measures for implementation of rights recognized by Convention,⁹
2. Undertake all measures, to the maximum extend and by all available means, that will allow exercising economic, cultural and social rights,¹⁰
3. Establish international cooperation and relevant information exchange where it is necessary for the needs of exercising right,¹¹
4. Introduce children and adults in appropriate and adequate way with basic principles and rights prescribed by Convention,¹²
5. Committee for Children Rights reports on measures it has adopted and which contribute to implementation of rights, as well as on achieved development in implementation of these rights.¹³

Implementation of Convention is a process where member states take all measures in their jurisdiction to provide exercising of all rights stated in European Convention for every child equally. It is necessary to accord legislative with Convention in order to be able to respect Convention's demands and basic principles and to directly implement it. Since the goal of Committee is to assist member states in implementation of Convention, as supervising

⁸ B&H has accepted Convention by notification on succession on November 23rd, 1993

⁹ UN Convention on Children Rights, Article 4.

¹⁰ UN Convention on Children Rights, Article 4.

¹¹ UN Convention on Children Rights, Article 23.

¹² UN Convention on Children Rights, Article 42.

¹³ UN Convention on Children Rights, Article 44.

mechanism in Convention implementation, it has determined number of measures that states should take in order to provide full application of Convention¹⁴.

UN Committee for Rights of a Child is special body for supervision established by Convention¹⁵ consisted of independent professionals, experts, whose task is to supervise:

- Harmony of national legislative in domain of child protection and Convention and
- Condition in the field of member state on exercising and protection of rights of a child.

UN Committee for Rights of a Child has adopted 13 general comments which, even though they are not legally obliging for state and its institutions for children and parents they represent additional "guideline" for better understanding of Convention and its better implementation in the field.

Committee for Rights of a Child observes and checks in which extend advancement is achieved in application of Convention in a way that it periodically examines member state's reports on conditions of children rights. Besides this report, Committee may invite specialized agencies to "complete" the picture on condition on children rights in certain country. Based on their analysis it gives relevant recommendations for the given state.

Committee has examined Initial Report of Bosnia and Herzegovina on children rights condition in May 2005 and in June of the same year it has adopted Concluding Observations. Since it contains numerous concerns regarding Convention implementation, Committee has sent numerous recommendations¹⁶ to B&H and some of them are enlisted in this Report.

On 105 session held on November 18th, 2009, Council of Ministers of Bosnia and Herzegovina has adopted the First Periodical Report of Bosnia and Herzegovina on implementation of Convention on Rights of a Child that on February 11th, 2010 was renamed into Combined Second, Third and Fourth Periodical Report of B&H on implementation of Convention on Rights of a Child and it was delivered to Committee for Rights of a Child for examination.

European Court for Human Rights, and other international bodies, have developed very fertile practice regarding children and family and related to violation of rights guaranteed not only by European Convention on Protection of Human Rights and Basic Freedoms but also with other international documents. On international level, Convention on Rights of a Child has confirmed its authority in protection of children rights.

According to the practice of European Court for Human Rights, the most common cases that lead to violation of rights of a child are related to the unacceptably long procedure for realization of right of one parent to attain contact with a child with whom he/she does not

¹⁴ General Comment No.5, 2003, General measures of implementation for the Convention on the Rights of the Child – Articles 4.42 and 44b, CRC/GC/2003/5, 2003.

¹⁵ UN Convention on Children Rights, Article 43.

¹⁶ UN Committee for Rights of a Child, Recommendations

live with. Complaints usually point out violation of Article 6. of European Convention on Protection of Human Rights and Basic Freedoms that guarantee right on fair trial, Article 8. that guarantees the right on respecting private and family life and Article 13. that guarantees right on effective legal remedy.

European Court for Human Rights in its verdicts states that the right on fair trial, Article 6. of Convention is violated because court did not take all necessary measures to insure that decision on contacts of a child and a parent is respected and that there is a violation of a right on respecting private life of complainant because he/she could not have contact with children on regular basis¹⁷.

Furthermore, Court states that "appropriateness of certain measure is estimated based on speed it is implemented, because time lapsing may have unacceptable consequences for relationship between child and parent with whom child does not live with"¹⁸.

For the need of improvement of child protection in certain fields, in 2000, alongside with Convention, two Optional Protocols have been adopted. They represent a step forward in protection of a child from participating in armed conflicts but also from other kinds of exploitation and violence:

1. Optional Protocol alongside Convention on Rights of a Child on participation in armed conflicts¹⁹,
2. Optional Protocol alongside Convention on Rights of a Child on child trafficking, child prostitution and child pornography²⁰, which Bosnia and Herzegovina has ratified in 2002.

Non-existence of a system of individual assumptions, actually non-existence of legal mechanism on international level that would provide more efficient child protection, that would additionally oblige State parties to implement Convention, in many countries for consequence has that all rights enlisted in Convention are only declarative. This was a trigger for initiative for establishing additional mechanism on international level. Campaign for new protocol lasted almost five years and UN General Assembly finally on December 19th, 2011 have adopted the new Optional Protocol on Convention on Rights of a Child that enables children and their guardians to file complaints to Committee for Rights of a Child in situation when national system does not have appropriate protection of children rights.

New Protocol affirms position of a child as a right bearer and with the new protection mechanism it contributes to additional protection of children in all domains. It is expected that Protocol in 2012 is enforced after all UN member states ratify UN Convention on Rights of a Child what would create conditions for application of Protocol and for the first time legal mechanism of child protection on international level would be established.

¹⁷ Case at European Court, number 14011/07

¹⁸ Case at European Court, number 27966/06

¹⁹ Optional Protocol, "Official Gazette SRJ"- International Agreements, No. 7/02

²⁰ Optional Protocol, "Official Gazette SRJ"- International Agreements, No. 7/02

B&H Constitution, in Article II, states that Bosnia and Herzegovina with its both entities will provide the highest level of internationally recognized human rights and basic freedoms²¹.

Internationally recognized human rights and basic freedoms are established with Annex I to the Constitution of B&H²² as additional agreements on human rights that will be applied in Bosnia and Herzegovina. Fifteen international agreements that guarantee citizen's rights and freedoms effectively complement Article II of Constitution by determining which rights and freedoms are internationally recognized whom B&H and its both entities have to provide in highest possible level.

European Convention on protection of human rights and basic freedoms has a special status in Constitution. Constitution emphasizes it in a way that is not only a part of legal system of B&H and it must be directly applied but also that it has priority over all other laws²³.

UN Convention on Rights of a Child is part of Annex I and question of its application in B&H is still, unfortunately, differently interpreted even by official state bodies. Constitutional Court of B&H with its decision has clearly determined its stand on this issue and it pointed out that enjoying rights and freedoms prescribed by Annex I is not individually guaranteed but only in connection with Article II/4 of B&H Constitution – "non-discrimination"²⁴. This position Constitutional Court held until decision U-9/09 have been passed.

Enforcement of Constitutional Court of B&H decision number U-9/09²⁵ changes the position of the Constitutional Court in regard to the application of international documents from Annex I in a way that Constitutional Court has competencies to examine alleged violations of international agreements of Annex I to the Constitution of B&H in appellation procedure and when question of discrimination is not mentioned in appeal, it is individually examined. Regardless of fact that this concrete case is about alleged violation of Article 25. of International Treaty on Civil and Political Rights, and since this treaty is a part of Annex I as well as Convention on Rights of a child, by change of Court attitude created are conditions for permissibility of appellation at Constitutional Court related to violation of children rights guaranteed by UN Convention. This contributes to a better application of Convention and at the same time it protects rights and interests of a child in a whole.

²¹ B&H Constitution, Article II

²² Annex I to B&H Constitution

²³ B&H Constitution, Article II

²⁴ B&H Constitutional Court decision number Ap-415/08 is rejected as inadmissible appeal. Appellant also states violation of right stated in Article 14. of International treaty. In regard to these statements Constitutional Court reminds that its appellation competence is relevant to the rights guaranteed by Constitution of Bosnia and Herzegovina and European Convention that, according to Article II/2 of B&H Constitution is directly applied in B&H. Also, Constitutional Court reminds that in Annex I, point 8. of the B&H Constitution – Additional Agreements on Human Rights that are applied in B&H, stated, among others, is International treaty on Civil and Political Rights, 1996. However, Constitutional Court already has pointed out that exercising rights and freedoms prescribed by this article is not individually guaranteed but in connection with Article II-4 of B&H Constitution - Non-discrimination. Based on the stated, Constitutional Court believes that appellation in part where appellant calls on violation of Article 14. of International Treaty without invoking on discrimination in regard to those rights, is inadmissible because *ratione materiae* is incompatible with B&H Constitution.

²⁵ B&H Constitutional Court Decision, U-9/09, November 26th, 2010, "Official Gazette of Republic of Srpska" number 21/11 dated March 3rd, 2011.

Constitution of Republic of Srpska states that child has a right on special protection²⁶, and that the freedoms and rights are enforced directly based on Constitution, and laws, for certain rights, provide only conditions for their application²⁷.

Foundation of constitutional order in Republic of Srpska is respecting human dignity and protection of human rights and basic freedoms in accordance with international standards²⁸.

Therefore, Constitution of Bosnia and Herzegovina and Constitution of Republic of Srpska have paid great attention to protection of human rights and basic freedoms.

However, principles guaranteed by Constitution for protection of human rights, unfortunately, are not sufficient guarantee that those right will be provided. Much more is needed for realization of human rights and freedoms than just normatively declaring them. It is very important to provide quality mechanisms in all segments that will ensure its application and, especially, their protection in order to remove existing disharmony of normative and actual condition.

Bosnia and Herzegovina by accepting Convention on Rights of a Child has also accepted obligations that are prescribed by Convention. These obligations are harmonization of existing legislative with demands of Convention, and at the same time encompassing plans and programs that will define measures and activities of competent bodies and priorities. Children and adults will also be introduced with basic principles and rights contained in Convention. Those who work with children, who on daily basis with their decisions contribute to creation of environment in which child is growing, and those who act in proceedings for realization of children's rights, on daily basis must apply principles and rights prescribed by Convention.

²⁶ Constitution of Republic of Srpska, Article 36.

²⁷ Constitution of Republic of Srpska, Article 49.

²⁸ Constitution of Republic of Srpska, Article 5.

2. Rights belong to children on daily basis

UN Convention on Rights of a Child, as universal international document dedicated to children, is expression of the need to provide children with special protection and care because existing system of protection of rights and freedoms of citizens on international level does not guarantee protection of rights and interests of children.

UN Convention on Rights of a Child, passed 22 years ago, is not only a list of different rights of a child, it prescribes adults obligation to ensure all does different rights to each child in order to provide their proper development and maturation. The concept of Convention is based on rights and obligations that are internationally complimentary; it should provide needed care as necessary prerequisite for proper development and maturation.

Children rights, as established by Convention, are only the needs of each child that are different in different periods of their life. Therefore, it is important to recognize the needs of each child in every period of his/hers maturation in order to be insured and provided for all circumstances, in the family, school, local community...

By defining children rights, Convention defines that:

- parents have primary obligation and responsibility to provide healthy development and maturation of their children²⁹,
- state is obliged to undertake all needed legal, administrative, educational, social and other measures in providing rights for each child³⁰, taking in consideration rights and obligations of parents, legal guardians or other individuals who are legally responsible for a child³¹; at the same time state invites all others who might contribute to improvement of child's position in society where significant role is given to non-government organizations.

Every child, regardless of the fact where he/she lives, in town or small municipality, do he /she live within or out of family, has all rights prescribed by Convention under same conditions and society has obligation and responsibility to enable those rights.

Every child must feel safe and protected. Society must create conditions and provide for each child health care, primary education, due attention and respect, where there will be no abuses, neglecting or any other kind of degrading child's personality.

Adult's obligation is to provide child with such protection and care that is necessary for child's well-being, having on mind that:

²⁹ UN Convention on Rights of a Child, Article 18.

³⁰ UN Convention on Rights of a Child, Article 4.

³¹ UN Convention on Rights of a Child, Article 3.

- every right stated in convention is basic right, they are all equally important and they should be observed in interconnection,
- rights cannot be ranked by their importance,
- just for being children they have those rights,
- children cannot be deprived of those rights if considered that they have not deserved them.

Rights that children have do not mean that children can do whatever they like, or that they are overprotected, or by being introduced with those rights they cannot neglect their duties, etc.

To teach children only about their rights would mean that they were prepared for adult's world where only their rights are respected. Adult's world is much more complex than that and it requires that children from their earliest age are taught are prepared for independent life in it. This means that there are no rights without obligations and responsibilities, and that children from the beginning should be taught at the same time about rights and obligations and responsibilities towards themselves and others.

Children have their obligations and responsibilities in accordance to their age and capability to take those obligations and responsibilities. Do children know their obligations, do they know consequences of unacceptable behavior, for example, or will they take responsibility for their actions and decisions depends on us adults, how well we have taught them that. In their childhood we have to create conditions where we provide children with their right but at the same time teach them to take responsibility for their actions.

Numerous situation children find themselves in speak of our relation towards them and they are confirmation that we have not recognized their need and in given circumstances did not take needed actions.

Regardless of that if we are talking about children who abuse alcohol, children in collision with the law, begging children or those getting in the juvenile marriages, they are only children and situations they have found themselves in are very often consequence of their childhood conditions and adult's inertness it taking measures to remove causes that led to this.

Children without parental care, challenged children, children victims of violence and abuse, are only children and they have right on special protection and creation of conditions where their dignity is respected and it encourages and provides children's active role in society.

All individuals, all institutions, and all authority levels have the obligation and responsibility, in all activities that are related to children and when making decisions regarding children, to bear child's best interest on their minds.

3. The Law on Ombudsman for Children

The Law on Ombudsman for Children clearly prescribes competencies of Institution³², and therefore Ombudsman for Children does:

- monitors accordance of laws and other regulations in Republic of Srpska that are related to protection of rights of a child with provisions of the Constitution of Republic of Srpska, UN Convention on Rights of a Child and other international documents on protection of rights and interests of a child,
- monitors execution of obligations of Republic of Srpska that outcome from UN Convention on Rights of a Child and other international documents that are related to protection of children's rights and interests,
- monitors application of all regulations on protection of rights and interests of a child,
- monitors violation of rights and interests of a child,
- pleads for protection of children rights and interests,
- proposes measures for protection and promotion of rights of a child as well as for prevention of harmful actions that endanger rights and interests of a child,
- informs public about condition on children rights,
- performs other tasks established by this law.

In accordance with obligations established by the Law, Ombudsman for Children delivers Report on work to the National Assembly which for a goal has:

- to introduce National Assembly and other institutions and organizations with implementation of children rights in Republic of Srpska and protection of these rights,
- to emphasize the need of additional activities in certain areas of establishing and protection of children rights,
- to act preventively on actions and work of institutions that initiate proceedings and decide on children rights, and
- to point out activities and engagement of institution in promotion, enforcement and protection of children rights.

Even though competencies of Institution are clearly defined³³ it is widely expected from Institution to pass and change decisions of competent bodies. Consistent application of the laws related to protection of children rights and interests must be provided by bodies and services in the frame of their authorities, Ombudsman does not have mandate nor it can pass or process decisions in their name. But, Ombudsman can propose measures to prevent their harmful proceedings and warn on irregularities in proceedings, what she has been doing by giving recommendations to different bodies.

³² The Law on Ombudsman for Children, "Official Gazette of Republic of Srpska", No. 103/08, Article 5.

³³ Decision on admittance of Institution to a full membership of ENOC – Association of institutions of European Ombudsman, among other things, states that the Law on Ombudsman for Children is in accordance with the essential role of institution prescribed by Parisian Principles and ENOC standards.

In addition to authority to initiate and conduct procedure upon filed complaint or ex officio, investigating if there is violation of children rights, Ombudsman for Children is authorized to file initiative for changes and amendments of laws, other regulations and general acts and also to initiate passing of new laws when considered of importance for implementation and protection of children rights. Ombudsman for Children gives opinion on law proposals that are in procedure. Certain number of filed initiatives has already been implemented, and the rest of them are in final procedure.

Working on individual cases requires great engagement and it is time consuming. Each case is unique, because every child has the right to have his/hers best interests protected. Therefore, engagement on every individual case should show if and how certain situation is recognized by the system, how it is defined and implemented in the field so acting in each case would be a measure of prevention for every future similar situation. If system solutions in certain areas are not adequate, if they are incomplete or unclear, if they leave space for different interpretation and its application in the field, it requires reaction in sense of consistent application of the law in the best interest of a child.

Institution of Ombudsman for Children in its first mandate has very responsible task, firstly to bring institution closer to children and to those that provide care for children, but also to the authorities. Building institution of Ombudsman will contribute to a better understanding of children rights and to adequate position of all those who conduct proceedings or are in any other way responsible for realization and protection of children rights.

Acting in accordance with authorities prescribed by the Law, Institution, in year 2011, has dealt with almost all segments of children's maturation. What is mutual to implementation and protection of almost every right of a child is that there are many participants who, in domain of their authority, have the obligation to recognize violations of children rights and they should react in accordance with their competencies and in the best interest of a child. If only one of those participants – parent, school, Center for Social Work, media, justice system... Does not react timely and adequately, consequences for child might be hard and lasting, not even mentioning situation where number of participants does not proceed in accordance with best interest of a child.

Therefore, besides the quality laws that will recognize international standards and principles and which in practice will be adequately implemented, besides professional and educated cadre that is also additionally sensitive, patient, has knowledge and understanding to work with children and continuous education, imperative is multidisciplinary approach, continuous and realistic cooperation of different experts in finding the best solution for each child and each situation. Shifting responsibility from one to other institution and expecting that the other one will react is very common scenario that does not contribute to child's protection, on contrary, it additionally makes situation more complex.

Institution of Ombudsman for Children is organized in three offices, Central office is located in Banja Luka and there is one in Dobož and one in Foča. It employs 19 employees – 12 with faculty degree, 1 with college degree, 6 with high school diploma; 6 are male and 13 female employees of all nationalities.

Office premises are rented and they do not provide space where on daily basis activities with children could be performed, so all those activities are done in cooperation with schools, Centers for Social Work or non-government organizations.

II RIGHTS GUARANTEED BY THE CONVENTION

Convention on Rights of a Child, in one document establishes numerous and very different rights of all persons until they become adults.

Convention establishes:

- right to life, right to non-discrimination, right to know your background, right to birth registration, right to name, right to citizenship, right to identity, right to live in family and on parental care, right to adoption, right to express opinion and right to have this opinion considered in all proceedings related to a child, right on privacy, right to freedom of information, right to free thinking, consciousness and religion, right to free cultural and artistic expression, right to relaxation, leisure time, play and recreation, right to association and peaceful gathering, right to honor and respect, right to education, right to health protection, right to adequate standard of living, right to social protection, right to protection from violence, abuse and neglecting, right on protection from illegal displacement, right on protection from sexual abuse and exploitation, right to protection from abduction, trafficking and human trade, right to protection from other forms of exploitation, right to protection from economic exploitation, right to protection from torture, inhuman and degrading procedures and punishments, right to legal and other assistance in case of freedom deprivation, right to dignity in criminal procedure.

Nowadays, in practice, very common is classification of right prescribed by Convention on different basis – as right to development, right to participation and right to protection, or as preventive, participative and protection rights.

Regardless of basis for classification, same is done for practical reasons, for easier monitoring of implementation of Convention, actually implementation of child's rights in different fields.

Even UN Committee for Rights of a Child, in intention to make easier for member states submission of report on improvements in Convention application and implementing obligations those states have accepted, has offered special classification. Committee for Civilian Rights, right to family surrounding and alternative care, right to education, health care and social protection, right on leisure time and cultural activities and children rights in special situations, especially quotes definition of a child and basic principles of Convention.

The rights guaranteed by Convention, in this report are given in several categories:

- personal rights of a child,
- right on health protection,
- right to education,
- right to leisure time, recreation and cultural activities,
- economic-social rights,
- legal-protective rights of a child.

1. Statistics on children

For the needs of monitoring children rights and their protection, and proposing appropriate measures for improving children position in certain fields, necessary are appropriate indicators – records on different basis. Appropriate politics in different sectors, budget and budget planning on all level require complete insight in condition in field on local level as well as joint and up-to-date records for entire Republic of Srpska.

Bureau for Statistics of Republic of Srpska in last couple of years, in many segments gave importance to those indicators that are related to system of child protection.

Examining Initial Report of Bosnia and Herzegovina on conditions of children rights, UN Committee has expressed worries about Convention application and it has sent recommendations to B&H that are also about collection of data on children.

Committee recommends Member State to develop coordinated system for data collection which should “cover” all children younger than 18 and to break down data on groups of children who are in need of special protection. Member State should also create indicators for efficient monitoring and evaluation of development in Convention implementation and for assessment of influence of politics related to children³⁴.

UN Committee emphasizes importance of possessing encompassing and up-to-date quantity and quality data on all aspects of early childhood and on children that are in risky groups³⁵.

Institution of Ombudsman for Children researching presence of child begging in Republic of Srpska, among others, has addressed certain number of primary schools in republic of Srpska for the need of getting data from their records on juvenile misdemeanor on this basis.

Addressed Courts have made great effort in providing Institution with asked data, but among other things they state that Court does not have separate record for juvenile misdemeanor so they do not have data if there was any request for initiation of minor offence proceedings from Article 26. of the Law on Public Peace and Security.

Taking in account that children (all persons up to age 18) on different basis come to a conflict with the law, it is necessary that information system of judiciary recognizes children in both minor offence procedure or criminal procedure and additionally to recognize the basis on which procedure against those children will be conducted at competent courts.

³⁴ UN Committee for Rights of a Child, Recommendation, data collecting, point 18. and 19.

³⁵ UN Committee for Rights of a Child, general Comment no.7/2005, Implementation of rights in early childhood

This approach would make possible to:

- monitor occurrence of juvenile delinquency,
- recognize and monitor children at risk on different basis – misdemeanor in traffic, begging, participating in a brawl and many other situations defined by the Law as socially unacceptable behavior of juvenile, and
- define politics in various areas for improvement of position and protection of children,
- courts would have, at any time, all indicators at one place and would not have to search for them manually.

Knowing the importance of above stated data, Ombudsman for Children has addressed High Judicial and Prosecutors Council in anticipation that it will recognize the need and create possibilities that Court records recognize children who are in need of assistance , and children that are in conflict with the law are certainly in this sensitive category.

This is only one of indicators that point out need for establishing such records on children in various domains, so certain occurrences could be monitored and for which appropriate solutions should be found.

For having appropriate records on children it is necessary to have unified methodology and unified standards so the situation of very different information on same issue does not occur. Such different information is consequence of getting information from different source and based on different authority and competence on same issue.

Creating and maintain records on children requires additional sensitivity regarding protection of child's privacy and therefore it is very important to define how does records are going to be maintained, under which conditions and who has access to children data, who supervises it, what kind of data will be collected and how they will be protected, etc.

III ACTING UPON COMPLAINT – APPEAL

During 2011, the Institution has acted upon 451 cases that indicate violation of rights of a child and which are from almost all segments of child's growing up.

Work on each individual case requires that all statements in the complaint are verified with relevant body, verification of existing legislative in that field and procedure at competent body as well as monitoring if competent bodies have proceeded in appropriate way and in time they stated in their response to the Institution.

For same period Institution was approached either by phone or in person by 1350 citizens who seek legal advice for situation they have found themselves in or they looked for information who they address with their problem and how in order to realize rights of a child.

Number of new complaints – 376 in comparison with previous year when this number was 201 is almost two times higher such as the number of citizens who have contacted Institution in reporting period. If we bear on mind that number of complaint for first six months of 2009 were 81 it is clear that for a very short time recognized was the role and significance of Institution in protection of children rights and interests.

In reporting period the Ombudsman for Children has been contacted by great number of institutions who asked for assistance and opinion of the Institution in solving relevant cases.

Institution was contacted by students asking for Institution stand on different questions that are thesis of their seminars, magistrate and doctor's works.

Such addressing to institution are not registered as cases not they are part of statistics, but questions are recorded for the simple reason of knowing which area and in which part should we act in order to make relevant information available for citizens.

Citizens usually ask for clarification of competencies of certain institutions that provide care for children, they ask which laws define concrete situations; ask for deadlines in which cases should be closed at certain competent bodies.

Institution was contacted by certain number of citizens from Federation B&H and regardless of the fact that Institution has no authorization to act in these situations; clients are immediately acknowledged with this, they all get information on how disputed situation could be solved.

Individual complaints, in its content, usually are of such nature that they require lasting correspondence and description of situation what, for certain, would not have expected result, primarily in understanding the core of problem and secondarily procedure would last much longer. Therefore, Institution paid a visit to a certain number of Centers for Social Work, some more than once, in order to find solution not only for that concrete case but

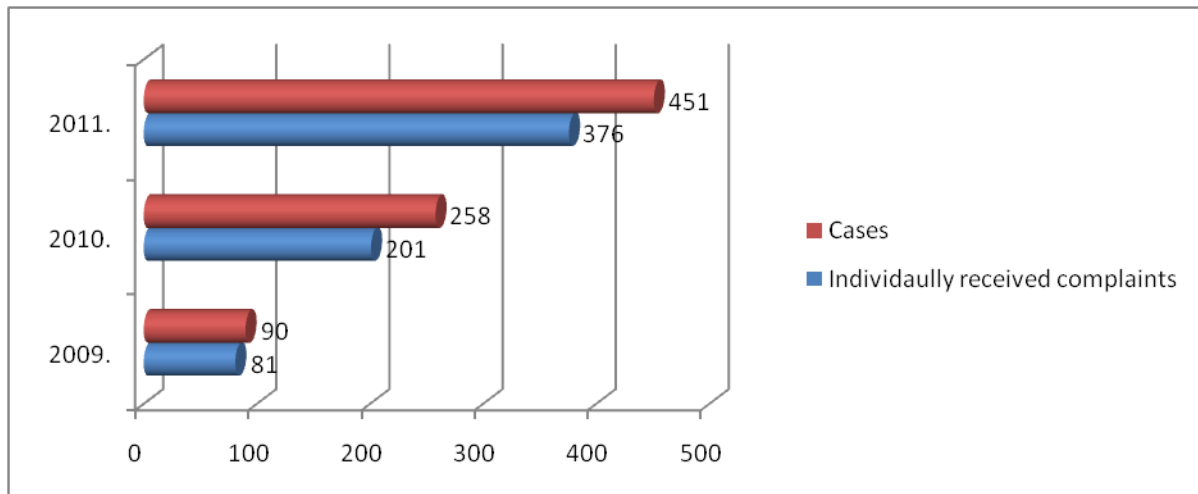
also for additional systematic solutions that would shorten, in child's interest, shorten procedure and made responsible those who are violating children rights.

Accepted complaints do not only indicate violation of a right in certain case.

Very often situations are such that it is impossible to estimate number of complainants, nor number of persons whose rights on certain base are violated for the simple reason that complaint only states, for example: „we are writing to you on behalf of class VIa” or "my friends and I", or "on the behalf of association and non-government institutions", etc.

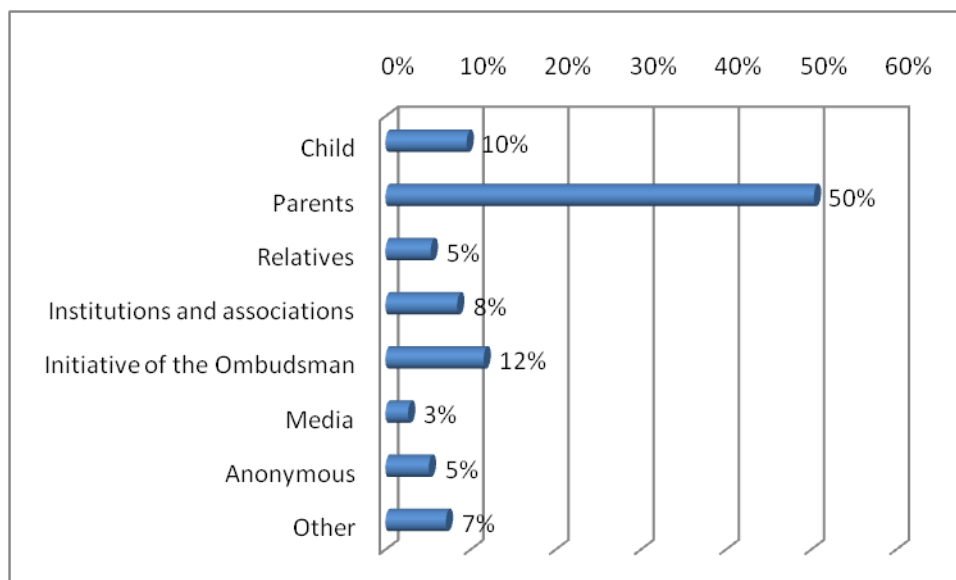
In certain number of cases, addressing Institution should have contributed to realization of certain rights of adults, because violations that have been stressed do not relate to children rights as guaranteed by Convention. Regardless of the fact that when those rights are not realized, implementation of children rights and their protection is also put in a question – work annulment, problems with paying utilities, etc., Institution in such cases declares itself incompetent and instruct complainants to the competent address.

All cases	
Complaints-appeals	376
Ex officio	45
Cases carried forward from 2010	28
Cases carried forward from 2009	2
Total	451



1. Statistical indicators

1.1. Complainant



As in previous period, complainant is usually one of parents and most often they point out violation of personal rights of a child. In reporting period, Institution has admitted 190 parents; in year 2010 that number was 135, what in percentage comes done to a same number.

However, number of children who made complaints to Institution on violation of their rights has significantly increased compared to the previous period. In reporting period 10% of complaints were made by children; and in previous year it was 6%.

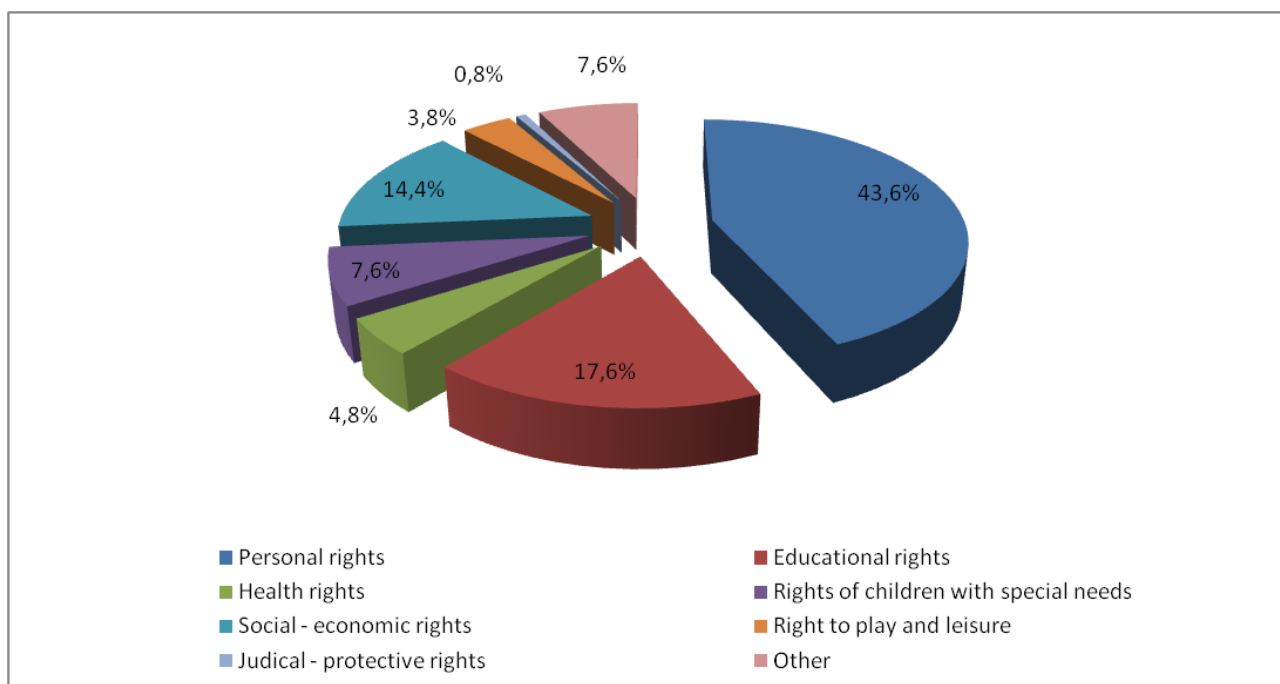
Children in their complaint indicate violations of their rights in educational system or various forms of violence.

Child's family usually complains because of impossibility to contact child or because child abuse.

Media usually indicates cases of child abuse.

Institution has acted in certain number of anonymous complaints because they contained sufficient elements for initiation of investigation, while others were not preceded because there were not enough indicators based on which investigation should be initiated.

1.2. Complaint indicates following violations of children's rights

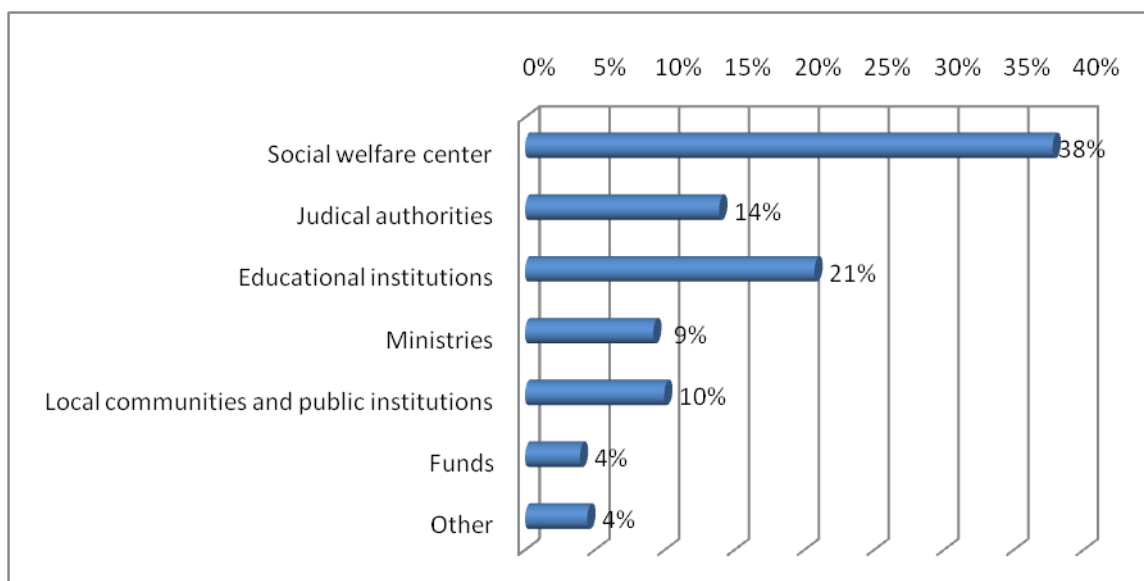


Of the total number of cases on which the Institution has worked during the reporting period, the number of complaints related to the violation of personal rights of the child decreased from 49% in the previous year to 43.6% in the reporting period, but they are still the most present.

The biggest increase in reports is related to educational rights, from 5% in the previous year to 17.4% in the reporting period, and this increase is completely understandable if one bears in mind that the number of children who are applicants is increased substantially.

Judicial - protective rights, although in the past were present with 2% are further reduced to 0.8%, while the reports related to health rights remained at the level of the previous year.

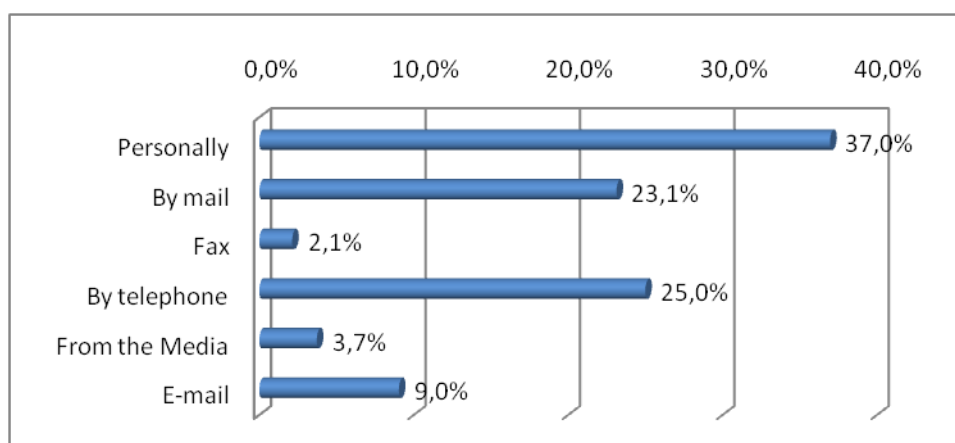
1.3. Complaints to institutions



Bearing in mind that complaints usually indicate violation of personal rights of a child, which is under competence of social welfare centers, from this institutions in the reporting period, in most cases, 144, a response was requested to treatment in respect to violation to which the complaint points.

As the number of complaints related to educational rights in the reporting period increased, thus the number of complaints to the educational institutions is significantly higher. Reports related to schools usually indicate the issue of discipline and conducting of proceedings on that basis, peer violence, evaluation, etc.

1.4. Methods of complaint delivery

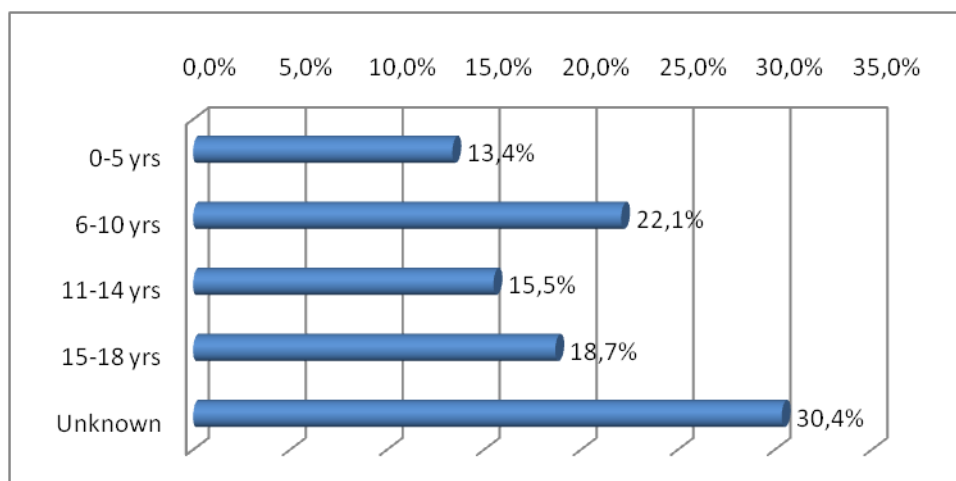


Most complaints – reports to the Institution citizens have personally submitted, by coming to the Institution, 130, a smaller number of those who submitted it by mail, and number of those who have submitted complaint by electronic mail is growing.

1.5. Number of children

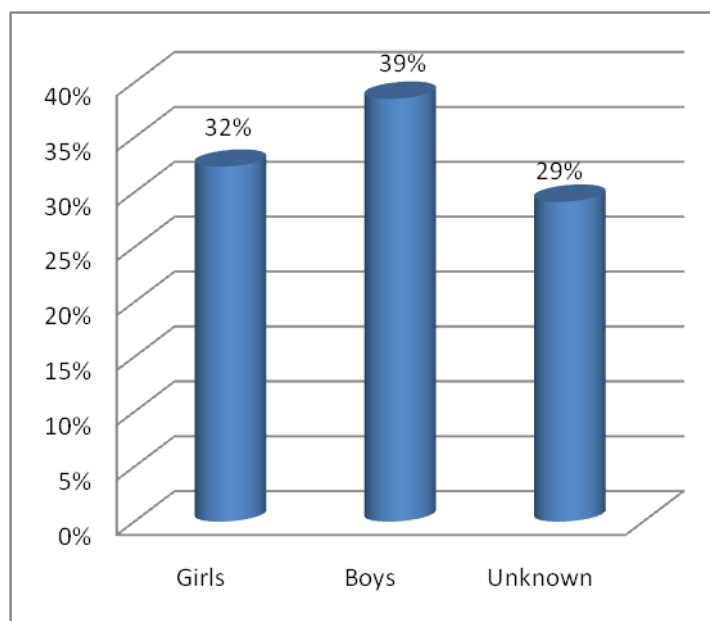
The number of children whose rights are violated is difficult to express based on the received complaints. In all cases which point to the shortcomings in the existing system solutions, it is not possible to determine the number of children violated on that basis. In all cases where the Institution has performed research, in the reporting period that is related to beggary in children or leaving school, the number of children whose rights have been violated in that respect is showing, their age and sex structure of children in these situations. These data are not part of the statistical indicators, as they are shown separately. Statistical figures refer only to the individual complaints from which the number of children, age and gender is clearly seen.

1.6. What is children's age?



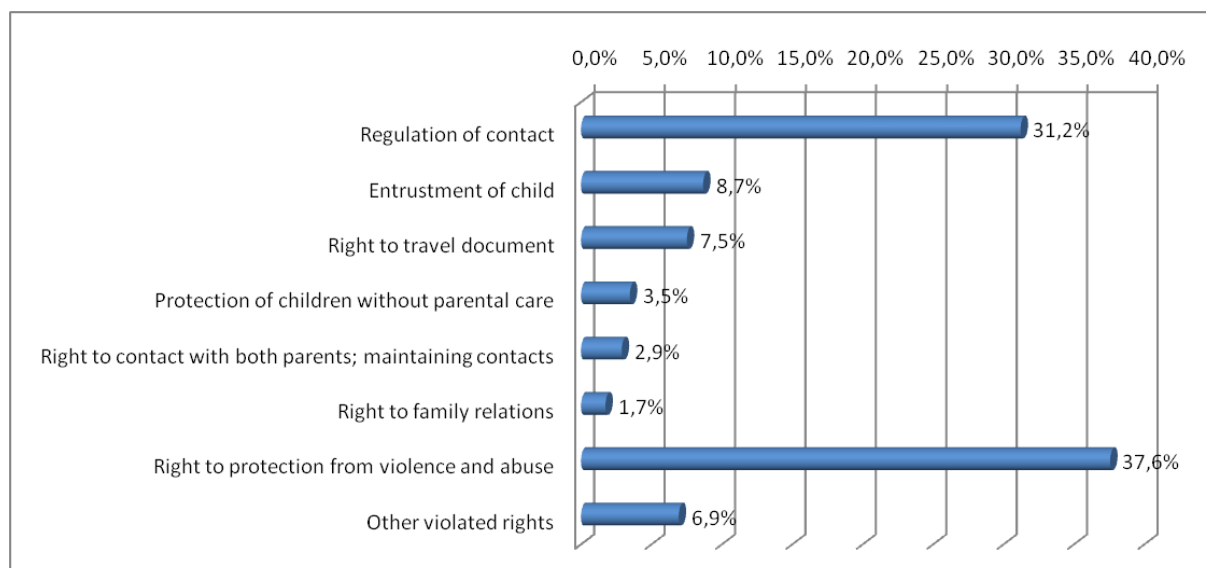
From the complaints received it stems that children under 10 years of age are most vulnerable to situations that lead to violation of their rights. Exactly this category of children is totally dependent on parents and is unable to protect themselves. If the child's age is brought in connection with the data on divorces and the time when it is happening and what kind of consequences this leaves on the child and what are resulting actions, than it is clear that it is about children of that exact age.

1.7. Which gender are children?



When it comes to gender of children, then from the complaints stems that greater number of boys was in a position to have his rights violated on some basis guaranteed by the Convention. In previous year as well indications were pointing to that, although this percentage was even higher, 48%.

1.8. Personal rights of a child

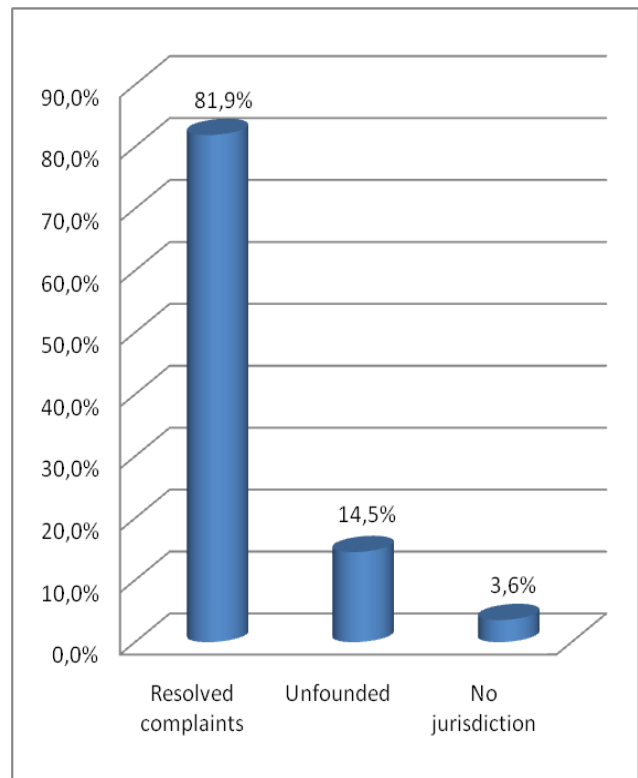
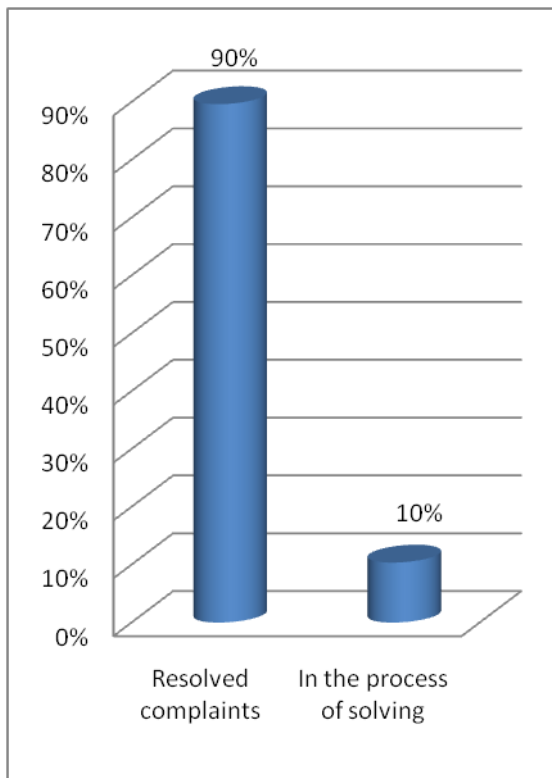


Under the Convention, personal rights of the child include right to life, right to know own origin, right to birth registration, right to name, right to acquire citizenship, right to preserve identity, right to family life and parental care, right to privacy, right to honor and reputation, right to protection from violence, abuse and neglect, right to protection from illicit transfer.

Unfortunately, most of the complaints are related to protection from violence, abuse and neglect. Other violated rights are: the right to abode, right to residence, entrustment of a child, exercise of parental rights, right of children to live with their parents, right to custody, determination of paternity, protection of privacy.

1.9. Total number of cases – resolved complaints – appeals

The Institution, in the reporting period, was acting in a total of 451 cases, of which 376 cases relate to individual complaints of which 337 were resolved.



Of the total number of the resolved complaints (337) 49 of the cases of report of violations of children's rights were unfounded, and the Institution announced no jurisdiction in 12 cases.

2. Personal rights of a child

2.1. The right of a child to live in the family and have parental care

One of the basic rights of every child guaranteed by all international documents and domestic regulations is right to life in family. Family is basic and irreplaceable environment where child grows and has all love, care and attention of a parent.

Confirming the right of a child to live with his/hers parents, Convention establishes joint responsibility of both parents in raising their child, providing care for a child, upbringing, education and development of a child.

By confirming the rights of a child, Convention, at the same time, establishes obligation of a state on taking all necessary measures in providing all rights to all children.

Member states will put great efforts in respecting the principle that both parents have joint responsibility in raising and development of their child. Parent or, depending on a case, legal guardians have primary responsibility for child's upbringing and development. Child's interests are their primary concern³⁶.

According to Family Law of Republic of Srpska, parents are obliged to protect their juvenile children and to care about their life and health³⁷. Parents can not refute their parental right but they can, in certain situations prescribed by the law, be deprived of this right.

Right of a child to live with his/hers parents can be denied only in exceptional situations when interests of child demand it and when appropriate procedure proves this measure appropriate.

Unfortunately today very common are situations when child can not exercise his/hers right to live with both parents, either because parents are divorced or a child was born in common law.

According to the statistic indicators³⁸ in 2009 there were 6131 marriages and 455 divorces; in year 2010 there were 5767 marriages and 517 divorces.

Out of 455 divorces in 2009 in 30 cases marriage lasted less than a year, in 84 cases marriage lasted between 1 and 2 years, in 53 cases it lasted 3 to 4 years and in 358 cases more than 5 years.

Out of 517 divorces in 2010 in 17 cases marriage lasted less than a year, in 64 cases it lasted 1 to 2 years, in 78 cases it lasted 3 to 4 years and 358 cases it lasted more than 5

³⁶ UN Convention on Rights of a Child, Article 18.

³⁷ Family Law, "Official Gazette of Republic of Srpska", No. 54/02 and 41/08, Article 81.

³⁸ Republic Bureau for Statistics of Republic of Srpska, Annual statistics for 2010

years. In 149 divorced marriages there is one child involved, 78 cases has 2 children and 13 has 3 or more children. 271 cases did not have children at all.

If taken in consideration is a fact that very small percentage of those marriages was divorced by mutual agreement, what includes agreement on contacts with a child and also agreement on all other issues relevant to child's life, than it is clear that all the rest cases have requested intervention of competent services from whom it is expected to regulate such sensitive question and intervene in personal relationship of parents and their children. If this process is not implemented properly and professionally and if it lasts for years, consequences for a child are extremely serious for a child. In few cases, doctor's analysis confirms that health problems of children are direct consequence of the stress they are handling because of their parents' divorce.

Parents are forgetting that by getting divorced they do not stop being parents, that their decision on divorce is not what children want and which they have no influence over, however, consequences of divorces are extremely hard on children. Primarily sole procedure of divorce is stressful for all involved and especially for children and even than when competent bodies complete their part of work, children are feeling all consequences that directly have impact on their development and life.

At the same time, parent take parental right as right forgetting the fact that it is also obligation and responsibility they have towards their children.

Violation of child's right to family life and parental care does not happen only when parents are divorcing. Unfortunately, very common are situations that child within the family does not get any parental care and those children are practically on their own. Neglecting a child means that child's basic needs are not fulfilled, his/hers health protection, education and consequences of such behavior towards child might be very difficult and lasting. Competent institutions do not recognize this problem on time, in a way that they timely and adequately react in order to replace lack of parental care with community care so the children will know that regardless of the fact that their parents who, for any reason, are not capable to provide care for them, their childhood will not be endangered.

Lack of family care for a child, regardless of reasons – parent illness, alcoholism, violent behavior, poverty or similar, society must recognize at right time and replace it with community care, firstly by adequate measures of legal family protection – measures of supervision and increased supervision in the family and than other measures that are in accordance with the law.

Removing child from a family is a repressive measure that is applied as ultimate measure that for a goal has protection of child and his/hers best interest.

2.2. The right of a child to have relationship and immediate contacts with other parent or close relatives

Number of complaints received by Institution during reporting time that is in regard to exercising of the right on contacts of a child with a parent with whom he/she does not live with and with close relatives, indicated the presence of violation of rights of a child not only on this base but also on numerous stressful situations that child in such proceedings is exposed to.

According to data of Ministry of Health and Social Protection in 2010 Centers have receive 512 requests to regulate personal contacts of a parent with their children³⁹.

Every child, since their earliest age, need love and support of both parents and they have right to be protected from interpersonal conflicts between parents.

"I am informing you that until today situation has not changed, every attempt I make in trying to make a contact with my son is prevented. Please help me and my juvenile son that in this case is being viciously manipulated and therefore parental right in this situation are being abused."

(Letter sent to the Ombudsman by a parent)

Child must have right on both parents, and responsibility for not exercising this right lies on parent who is not incapacitating or preventing this right and on competent body that did not take all necessary measures in providing this right to a child. When in procedure it is established that contacts could be harmful for children actually they are not in child's best interest, competent body with its decisions prevents such contact taking in account the best interest of a child that was proven and explained in the procedure.

Complaints received by Institution usually are filed by fathers who state they hardly ever see their child or they see child irregularly or for shorter time than prescribed, or that there are always new request as conditions for seeing a child.

Child manipulation in these cases is almost a regular occurrence. By telling young child that his/hers father has abandoned him/her, that he does not love him/her because he has a new child and similar makes it easier to reach the goal which is prevention of any contact between child and a father. Parent, usually mother with whom child lives, very often, in proceedings for arranging contacts, ask for additional time to prepare child for contacts and on the other side those preparation just draw children further from their fathers. Parent with whom child lives rarely admits openly that they are preventing contacts; the most common reasons are unpaid alimony or its irregularity or that the other parents goes to school or kindergarten to see child even though it was not arranged like that.

³⁹ Ministry of Health and Social Protection –Bulletin of social, family and child protection for year 2010.

In certain number of cases, parent accepts to allow contact between child and the other parent but under conditions he/she dictates and not in accordance with decision made by competent body. This approach creates illusion of unobstructed contact that are in this way actually being prevented. Contact of a child and a parent in presence of the other parent expose child to their arguments, fights, insults, blaming for divorce, so conflict of child's parents continue after divorce and additional harm child.

Many parents that do not succeed to have contact with a child easily give up because it seems that every attempt is doomed to be a failure and by insisting on contact they feel like they are additionally disturbing child.

Situations where procedure on arranging contact lasts for couple of years, leads to situation when child does not want any contact with other parent.

Legislator gave Centers of Social Work not only possibility but also obligation to take all necessary measures in protection of best interests of a child regardless of what each parent thinks about it. In practice this is hardly ever being implemented.

Even though Family Laws prescribes sanctions for parent who does not oblige decision of a competent body passed in a procedure of protection of children rights, in practice, there is almost no adequate reaction nor sanction for irresponsible parent. At the same time participation of a child in a procedure, in a way that child gives its stand and states opinion, very rarely happens so in these procedures rights of a child are violated on several grounds.

One parent in his letter states: *"Children now are resentful towards Center too because they fear repetition of unpleasant moments. I hope that this appeal will come to hands of someone who possesses knowledge and understanding to solve these kind of cases in human and civilized way and with professional approach to those children who are certainly damaged for a life, to create easier life without pain and trauma."*

European Court for Human Rights with its numerous decisions indicates "that adequacy of certain measure is evaluated based on speed it is being implemented because time flow might have unacceptable consequences in relationship between children and parent with whom they do not live with⁴⁰".

Besides the right of a child to meet and spend time with a parent he/she does not live with, Convention guarantees child the right to preserve family relations and therefore:

Member states have been obliged to respect child's right to preserve identity, including their citizenship, name and family connections as stated by the law and without illegal intrusions⁴¹.

⁴⁰ European Court case number 27966/06

⁴¹ UN Convention on Rights of a Child, Article 8.

Complaint on violation of children rights on this ground is submitted by grandmother and grandfather because their contact with grandson has been obstructed. Parent with whom child lives is not allowing that child is contacted by parents of divorced partner. In some cases this is openly said and in other cases message for grandparents is initiate procedure. Especially hard situations when grandfather and grandmother have additional need to see their grandchild, as in cases when their child has deceased, and yet they are prevented in that.

Disabling child to exercise this right happens not only during divorce, but also in some situations while parents are still married and yet children are prevented to see their grandparents and other relatives. Sometimes, children are prevented to contact relatives from both father's and mother's side.

Most often this problem exists when there is no consent of one or both parents for a child to have contact with its close relatives. In situations when there is no willingness and readiness of parents to allow those contact, Center for Social Work refuses such complaint because this condition is not regulated by Family Law. Consequences of such decision fall on a child who then is deprived of love and attention of its grandparents and other relatives.

One grandmother in her letter states: *"Mother of 4 year old child, who has been entrusted to provide care and upbringing of a child after divorce, does not allow contact of a child with his/her father and his father's parents."*

Family Law does not regulate this question in a way that child has this right, or that child's relatives have same right, and therefore the law does not determine circle of relatives with whom child may have contact.

Convention does not prescribe who the persons-relatives are with whom child has right on contact; regulation of this issue is left to domestic laws.

However, according to European Court for Human Rights decisions, circle of people with whom child has right to have family relationship is constantly growing, starting from the fact that this right of a child is extremely important for proper and healthy development of a child and in these situations state is responsible because it did not take all necessary measures to allow this right⁴². In all those cases complainant, in name of compensation, have gained significant findings.

Even though European Convention on protection of Human Rights and Basic Freedoms is directly applied in Bosnia and Herzegovina and European Court for Human Rights with its numerous decisions has established State obligation to protect children on this basis, the right of a child on family relationship still is not regulated appropriately.

⁴² European Court case number 14011/07

2.3. Implementation of decisions

Implementation of competent bodies' decisions, when there is no consent of parties involved in process, is always hard and awkward for all involved in the process. The hardest are cases of handing over a child. Children have no contribution in being part of administrative procedure; they usually do not understand these procedures, under of influence of one parent on how to behave they are additionally confused and in long term it leaves consequences on child's development.

Execution of final decisions of competent bodies must not be questioned. However, in proceedings where child is a subject of executing, the basic concern is have all necessary measures of preparing participant been taken, especially preparation of a child in order to protect him/her in such proceeding.

In order to minimize consequences that implementation of decision has on a child, implementing decisions on handing over child must not be considered just as handing over a child for certain period of time. Implementation demands appropriate preparation but also work with a child after decision is implemented. Competent institution's obligation is to prepare child on a change that will occur by decision implementation as well as, prior to compulsory implementation of decision, to apply all existing measures in work with parents using even sanctioning measures for the parents who are preventing or disabling implementation of passed decisions. All of this should be done in order to prevent situations when police has to assist handing over of a child between parents or to have repeated execution caused by lack of preparation measures.

Centers for Social Work emphasize the problem of implementing their decisions especially present in situations when contact of a child and parent with whom child does not live should be arranged. Such procedures of passing decisions at Centers for Social Work might last for long time. However, when decision is passed only then problem occurs because passed decision is not being implemented. In some situations implementation of decision takes couple of years. In cases when a child does not accept decision, when it cries and screams for the consequence has delay or cessation of decision execution what additionally complicates situation. "Administrative execution of Center for Social Work decision, that became valid on August 3rd, 2008, is postponed until Centers professionals' and mother of child prepare him for a contact with father"⁴³. "Administrative execution of decision on arranging contacts between father and his juvenile daughter, that became valid on September 30th, 2009, passed by Center for Social Work is postponed"⁴⁴.

Decisions of competent municipal body, that give infinitive time to Centers for Social Work to prepare everything for contacts, without right to appeal on such decisions, open numerous questions. First of all, why preparation measures have not been taken prior to execution and

⁴³ Department for General Administration – Administrative Service of municipality Derventa, Conclusion No. 05-544-1-26/10 dated June 28th, 2010

⁴⁴ Department for General Administration – Administrative Service of municipality Srbac, Conclusion No. 03-544-2/10 dated September 20th, 2009

in procedure preceding implementation of passed decision that is in best interest of a child, if such decision became valid and yet it is not implemented. What is the best interest of a child in such situation – this stated by valid decision or it is established in a new proceeding which is not in accordance with already passed decision; who establishes best interest of a child in such proceeding and who is being responsible for traumas child has additionally been exposed to?!

Period of time counted and left for additional preparations do not solve the problem, on contrary, it additionally draws parties in a process apart and it can have unacceptable consequences in relationship of a children and parent with whom child does not live."⁴⁵

Since they are not authorized to implement their own decisions, Centers for Social Work see possible solution for this problem in establishing Court's competency in such proceedings. However, Center's authorities can not be overseen in taking necessary measures and activities in process prior to decision execution; those are adequate measures that will prevent compulsory execution or at least it would minimize the need for such measure.

2.4. Placing children under care

Complaints received by Ombudsman for Children indicate the problem of handing over a child in a situation when child is found with his close relatives and when parent to whose care child was placed in dies and yet child continuous to live it family of that parent.

In a letter sent to Ombudsman for Children, one father states: *"Please, I do expect you to take active part in placing a child under fathers care as her legal representative and only living parent. I can not take her because she is under constant pressure, when I call her on the phone, they are eavesdropping our conversation and that give negative comments."*

Legislator, in its attempt to protect child, gave guardianship body a possibility, if circumstances require, to urgently and adequately react.

Possibilities given by legislator mean obligation of Centers to protect the best interest of a child.

Bearing on mind all above stated, Ombudsman for Children has given recommendation to Ministry of Health and Social Protection as second instance body and body that supervises professional work of Centers for Social Work in which it is order that in proceedings when it is indicative that child is staying with third parties who have no legal grounds to take care of that child, to take all necessary measures that will regulate questions of caring and upbringing of a child until final decision at competent body is made having in mind the best interest of a child in each concrete case.

⁴⁵ European Court case, No. 14011/07

Centers for Social Work justify their acts when they do not pass decision with the fact that courts are competent for placement of a child in stated situations⁴⁶. Indisputable is the fact that this is Court's competency, but at the same time it is indisputable that until court passes decision, child stays with third persons, without appropriate decision and without supervision of competent bodies. In these situations initiated are even procedures of arranging meetings of a parent and a person who has no authority to provide care for that child.

Guardianship body, according to the Law, protects child's interests what obliges it to take necessary measures for protection of a child and his/hers interests including guardianship as one of these measures. Necessary measures, among others, require that guardianship body as of the moment it learns that child is without parental supervision, regardless of the reasons that created such situation and if there is or not court or some other proceeding ongoing, takes all necessary measures that will provide care to a child until final decision of competent body on who will provide care for child is made.

2.5. Issuance of child's travel document

Violation of the rights of a child are also present in the procedures of issuing travel documents when consent is asked from a parent with whom child does not live with after divorce, who refuses to give a consent using all possible means to prevent child's traveling.

Since huge number of complaints during 2010 was on Center's actions in giving opinion on justifiability of issuing travel document for a child⁴⁷, Ombudsman for Children has, in order to prevent situations that lead to violation of child's right in this issue, primarily in case when there isn't mutual consent of both parents, delivered recommendation to all Centers for Social Work and which for a goal has to establish the best interest of a child in such proceeding.

From the response of certain number of Centers for Social Work, this Recommendation has clarified and simplified centers proceedings in such situations, what in conclusion should decrease number of complaints on violation of rights of a child on this basis.

Institution has delivered to Centers for Social Work decision⁴⁸ of District Court Banja Luka that has annulled decision by which request for issuing travel document for a child was refused. Decision, among other things, states that opinion of Centers comes down to a paraphrasing reasons that father has given as his argument for refusing issuance of travel document for a child, that it was not considered if traveling is in child's interest or is child's interest to possess travel document and as such it could not be the base for deciding in this subject.

⁴⁶ Family Law, Article 91.

⁴⁷ According to data of Ministry of Health and Social Protection in 2010 to Centers for Social Work 868 request for opinion on justifiability of issuing travel document to juvenile children has been submitted

⁴⁸ District Court Banja Luka decision number 11 0 U0004980 10 U as of December 23rd, 2010

Even though in reporting time number of complaints to institution based on travel document issuance, problem of getting consent of one parent for child traveling is still present.

In a letter of one mother she states: *"father has never lived with a child, right to contact child he asked for when I addressed Center with request for travel consent, and child is 4 years old. Center has summoned father couple of times to give his consent, what he successfully avoided,...Not giving consent is just his way to project his hidden intentions to get even with me and this is the only situation he feels in control and where he can manipulate."*

On the same grounds Ombudsman was addressed by different institutions, amongst whom Center for Social Work has written: *"Child's father did not want to sign consent for issuing travel document so last year this girl did not participate in project Kumbor Summer Camp. Girl now has travel document but father does not want to sign consent for her trip to this camp. Father does not have contact with children, there are problems on financial support and alimony, and according to our professional assessment his motive is emotional and other blackmail of his ex wife, at the expense of juvenile child."*

Having on mind that consequences of not giving consent for child traveling fall solely on a child –excursions or summer vacation, role of Center for Social Work here is great because in situations where there is no parental consent or parents act against child's best interest, Center is guardianship body that protects rights and interests of a child.

Center is expected to make decision in each individual case on justifiability of request for child's travel documents since this is institution that has insight in complete family history and eventual consequences bearing in mind child's needs and their right to healthy and safe childhood.

The Law also prescribes procedure of Center for Social Work in situations when there is no consent amongst parents based on any right of a child. By acting in such cases Centers should prevent consequences parental dispute can have on a child.

The most important is that the stand of Center can not be based on parental statements and their requests. Based on the same, respecting all key facts and circumstances, Center's expert team must give explanatory professional stand on what is the best interest of a child in each individual case.

2.6 Child support

Right of a child on support, as one of his/her basic rights, is guaranteed by UN Convention on Rights of a Child, and is derives from Constitution of Republic of Srpska and Family Law⁴⁹.

Parents are primarily responsible to financially support their juvenile children and in fulfilling this obligation they have to use all possible options⁵⁰. Responsibility and a right of a parent are to protect their juvenile children and to provide care for their life and health⁵¹.

Furthermore, Law states that parent is coarsely is neglecting his/her parental right if he/she

- does not provide care for a child with whom he/she lives longer than a month,
- if he/she neglects basic life needs of a child with whom he/she lives or does not obey measures that competent body⁵² has passed in order to protect rights and well being of a child.

For the above stated reasons parent could be deprived of his/her parental right. However, even in cases of when a parent is deprived of a parental right, his/her obligation to financially support child does not cease.

In intention to further protect child, the Law prescribes that when Court establishes that parents jointly are not able to financially cover the needs of a child, guardianship body will be informed of that so it can provide fund for child support⁵³.

Obligation to support a child is relevant to all those conditions that are necessary for child's development and growing up – accommodation, food, medical treatments, education and everything else child's proper development requires. If parent do not live together this obligation becomes alimony that usually is implemented by court decision, but there are many examples that even then it is not realized.

Child's right on financial support must not depend on family status and relations within it, regardless of fact are parents in marriage or not, do they live together or not, have child been born in marriage community or not; supporting child is obligation of both parents. Unsolved issues of marriage partners for consequence often have lack of legal obligation to support a child. Number of children that in court procedure must demand their support is relevant to increased number of divorces and additionally, with number increase of divorces made in agreement. Therefore, getting alimony for many of them is not only slow but also

⁴⁹ Family Law of Republic of Srpska, Article 82

⁵⁰ Family Law, Article 232.

⁵¹ Family Law, Article 81.

⁵² Family Law, Article 106.

⁵³ Family Law, Article 255.

followed with humiliations in which they are proving what is indisputable and yet there is no result.

If a person, in obligation to support child, is not willing to pay alimony than this must be regulated with court decision. However, even decision of marriage annulment that prescribes this obligation to support a child, does not solve this problem. For many, this is only the beginning of a problem, not acting in accordance with court decision for result has administrative procedure where payment is claimed. For filing proposal for execution, party must know exact address of obligor, what is the most common problem, must know if and where obligor works and if not employed all movable and immovable assets of obligor must be stated in proposal. Impossibility to know actual assets possession or the fact that the property is not registered on obligor's name prevents many attempts for filing proposal to the court. Even if in such procedure payment is collected – after assessment and sale of obligor's movable property, this payment is collected only for a part of his obligation towards children. After this procedure, another proposal for new, past due receivables, must be filed.

The law prescribes authorities of Centers for Social Work to file proposals for execution in name of a child; this is rarely done in practice as well as sanctions against responsible parents. Non-payment of alimony for a child is sanctioned by the law as criminal act, not supporting a child is child neglecting and violence against children but sanctions against irresponsible parent are very rare as well as cases of criminal responsibility⁵⁴. Existing problem does not only endangers child and his daily needs but also his/her family that is forced to ask from and prove to various services and institutions obligation to support but also it is additional pressure for services of social protection for those children who are in real need of social protection because parent refuses to fulfill his/her parental and legal obligation.

Relevant complaints that Institution has received, regardless of diversity of situations, for result have the same - in numerous cases children have to prove that parent should support him/her.

One mother in her letter to Institution states: *"I must address you once again because child's father is not paying alimony for over a year. I do not know what to do, my old grandmother who lived with me has died, we lived of her pension; it is a shame that a disabled women has feed and supported his child."*

Court response in one case that Institution has received states: *"Acting upon your request you are informed that according to the file condition, your case is in continuous procedure. All administrative activities, decision on execution, registration, assessment and sale of movable assets, note that legal representative of juvenile child has taken over certain funds that have been collected from sale of property."*

⁵⁴ According to Ministry of Health and Social Protection data, total number of initiated procedures for deprivation of parental right in 2010 was 27. These procedures were initiated by guardianship bodies.

Parents organized in associations emphasize that problem of not paying alimony does not mean that child is only denied of funds for living but it also aggravates exercising of other rights because awarded alimony is considered as paid out regardless of all evidence that payment has never been made.

On the other side, legal⁵⁵ decision, which in court proceeding determines amount of alimony for a child, is not related to the needs of child but to financial possibilities of a donor what, again, is contrary to child's best interests. The law does not prescribe minimum that parent must provide so paying certain percentage deducted from parent's salary usually is not right reflection of his/her realistic possibility to contribute in child support.

Many parents with whom children stay after divorce on every day basis are faced with numerous questions and problems that follow their development. Alimony is just one of the problems and absence of it additionally complicates already existing problems.

2.7. Strengthening capacities of social welfare centers

In the frame of legally established competencies, Centers for Social Work have great responsibility and authority when they conduct procedure and pass decisions, or, in a court procedure or procedure at other relevant bodies when they give their opinion regarding implementation and protection of children rights.

In numerous situations when Institution has acted – marriage divorces and arrangement of contacts, paying alimony, issuance of child's travel document, child victim of various abuses and neglecting... Centers for Social Work have crucial role.

Problem of child begging, placement of children without parental care in children home, behavioral deviations, children in conflict with the law, alcohol problems and other category of children at risk, very often are consequence of inadequate parental care and untimely reaction to such conditions. Disputes that were held in regard to these and many other questions of protection of rights and interest of a child have emphasized the necessity of strengthening Center's for Social Work professional teams so they could, in frame of measures for family and legal protection, provide necessary assistance and support to a family in order to protect child's interests.

According to the law, guardianship body is obliged to take all necessary measures in protecting personal and property rights and interests of a child. Among other things, if justified interests of children require, guardianship body is authorized to order, by legal protection measures, continuous supervision of parental right, measure of increased supervision

⁵⁵ Family law, Article 259. and 261. (person obliged to pay alimony, and is employed or is pension beneficiary or has permanent financial rent in paid out on monthly base, the court will oblige such persons to pay future monthly alimony that is determined in percentage of personal income, pension... This percentage can not be less than 15 % for each supported person, and percentage for all persons that demand alimony can not be higher than 50%.)

Of a parent and other measures that are in accordance with the Law. In this way family is being assisted in upbringing of a child and personal status of child is being improved.

On the other side, Centers for Social Work always stress out problems that they face on daily basis and which have impact on quality of their work, and those are – broad authority of centers on various grounds is not followed by appropriate number of employees⁵⁶, than insufficient cadre of different professions that has the key role in performing tasks of competent center, impossibility to create expert's teams to work on certain domain of social protection, lack of counseling for children and parents and other organized forms of support for children and parents in situations they face on their way to adulthood, insufficient financing ,inadequate professional trainings of employees.

Examining Initial report of Bosnia and Herzegovina (2005) on condition of children rights , UN Committee for Rights of a Child in its conclusion ascertains important work and broad mandate of Centers for Social work and it recommends that:

- Centers for Social Work are provided with appropriate human and financial resources and systematic training of its employee, as well as to take all necessary measures that would guarantee quality, efficiency and transparency of all activities taken by this institution.

Starting with the fact that Centers for Social Work have extremely important role in system of social protection, and not forgetting that problems that Centers face on daily basis, for consequence have inadequate measures in protection of interests of a child, and based on data on Centers proceedings, not speaking only about processing individual cases and based on conversations with Centers on their authorities and possibilities to act properly – it is necessary to ensure needed conditions for Centers actions that are in accordance with their authorities, especially in part of:

- providing needed number of skilled professionals
- continuous education of Center's employees and
- mandatory professional supervision, in order to prevent situations where proceedings last too long and do not give expected results that are in interest of a child :
 - ordering measures of family legal protection, supervision and increased supervision
 - taking measures against parent that prevents or disables contact of a child with other parent
 - against parent who does not pay alimony,
 - deprivation of parental right in cases prescribed by law,
 - supporting child in a way prescribed by the law,
 - making analysis and giving opinion of expert team in a way that it represents best interest of a child in individual cases,

⁵⁶ According to Ministry of Health and Social Protection data, on December 31st, 2010 in 61 municipality number of employees of Centers for Social Work and Municipal Services of Social Protection was 556, 58% or 324 of this number are skilled employees.

- in repeated procedure, contrary to demands stated by second instance body, again makes the same decision.

2.8. The right to protection from violence, abuse and neglect

Member states take all appropriate legal, administrative, social and educational measures in protection of a child from all forms of physical or mental violence, injuries or abuses, neglecting or apathetic attitude, maltreatment or exploitation, including sexual misuse while at parental care, legal guardians or some other person who is entrusted with the child care.⁵⁷

Child abuse occurs in various forms – psychological abuse, physical punishment, sexual abuse and regardless of the form of violence, every insult or humiliation; each jeopardizes child's dignity and leaves hard and permanent consequences on his development.

Republic of Srpska has taken international legal obligation to protect children from violence, so the basic requirements of Convention on protection of Children Rights are also constitutional and legally grounded obligation⁵⁸.

Unfortunately, practice shows that many children are still outside of system of needed protection, firstly because of attitude towards this problem and its recognition, inadequate reactions in situations of violence and, what is significantly important, because of lack of necessary psycho-social assistance to children victims of any form of violence.

In regard to Article 19. of UN Convention, UN Committee has expressed concern about violence against children and in its conclusion, among other things, it recommended:

- *that explicitly forbidden must be physical punishment of children within the family and in institutions,*
- *that campaign of raising consciousness and education is strengthened by involvement of children; such campaign for the goal has prevention and elimination of child abuse and promotion of positive, non-violent forms of discipline and respect for child's opinion. At the same time, consciousness on negative consequences of physical punishment should be raised⁵⁹.*

2.8.1. Domestic violence is violence against children

Every violence is trauma for a child with heavy and lasting consequences; violence that happens within family, in its worst forms, presents the most grievous forms not only domestic violence but violence in general, because it leaves heavy physical and

⁵⁷ UN Convention on Rights of a Child, Article 19.

⁵⁸ Constitution of Republic of Srpska states that children are entitled on special protection, Family Law and Law on Protection from Domestic Violence have recognized the need to protect child from all forms of abuse and neglecting

⁵⁹ UN Committee for Rights of a Child, Recommendations, point 43, paragraph d

psychological consequences on a child. Basic right of each child, right to life and development, is not only violated but seriously endangered by various forms of abuse and neglecting.

Even though right of child on protection from violence is clearly defined by Convention on Rights of a Child, Constitution of Republic of Srpska and other laws that regulate subject matter, statistic, unfortunately, indicate that reality for many children is different and their right to dignity, health, development and education is seriously endangered.

System acts that have been passed in last few years have contributed to understanding and recognition of problems and their consequences not only for a family but for society in a whole, and 2010 Strategy against Domestic Violence⁶⁰ puts accent on child protection.

Family has primary role in development and upbringing of a child⁶¹. Unfortunately, many children at earliest age go through various forms of neglecting, hurting, humiliation and abuse within their family. Violence against children within family is not only problem of that family, but it is serious social problem.

Basic problem is that child does not have any means, nor he/she can defend itself from parental methods, he/she is emotionally dependent on parents, believes parent, believes that it is his/her fault, he/se deserves it, child is afraid and ashamed to speak about what happens in the family, fears how his parent will understand him/her speaking about problem, how it would reflect on him/her and what will the consequences be for his/her parents.

The younger the child is, more serious are the consequences on his/her development and growing up, and possibility to report such occurrence is less probable. However, a present situation warns that even high school students do not indict their parents.

One high school student in his letter to Institution states: *"I believe that my class girlfriend has problems at home and that she endures violence. Few times it was obvious and whenever I asked her about it she always found some excuse. I am certain that she is hiding something. This time, when she came to school, her bruises were serious, and once again she said that it is nothing and that she can not speak about. Please check this up and help her."*

About the above stated school learned from Institution and that is what raises concerns; no one of school employees has recognized that child was exposed to domestic violence for longer period of time. The girl was relieved when she learned that someone has reported her case to Ombudsman for Children. She spoke openly about her problem and she was

⁶⁰ Strategy against Domestic Violence in Republic of Srpska until year 2013 has been adopted on Second Session of Republic of Srpska National Assembly on December 7th, 2010

⁶¹ UN Convention on Rights of a Child, Preamble – Family as basic unit of society is natural environment for development and welfare of all family members, especially for children.

afraid of her parents' reaction, expecting that Institution will tell them that she is not the one who reported violence and she expected professional help for her and her father.

Lack of support and love within family and physical traces of violence child is growing up with are serious obstruction to child's psychological and social development.

Psychological or mental abuse does not leave seeable marks such as physical violence and therefore it is harder to recognize and report it, but the consequences of mental abuse for child might be more serious. Constant humiliation, disrespect, swearing, use of derogatory names, lack of communication, mockery of child's appearance or nature, intimidation and similar leaves lasting consequences on mental and emotional development of a child.

The experts warn that because of lack of love and attention within the family, children often find their way out in aggressive and destructive behavior, and in alcoholism.

Even though presence of neglecting children, unfortunately, is on rise, it is still not recognized as violence against child. Neglecting child means that child is not provided care by which his right on life and development is violated because child's basic needs are not being fulfilled – education, health protection, love and attention, conversation and time dedicated to a child, play and leisure time, privacy protection, etc.

Every activity of a parent that is against child's right to development and growing up violates standard parental care. Society must react and protect such child.

Even though Family Law and all other laws of Republic of Srpska, in intention to protect child and his/her interests, have established measures and sanctions against such parents derived results are not as expected.

The Law on Protection from Domestic Violence states that family members will "respect rights, freedoms and safety of other family members and they will not limit, unable or prevent them in exercising their rights and freedoms prescribed by enforced laws⁶²", and that protection bodies, in all cases, are obliged to react and report cases of domestic violence immediately.

During divorces, children find themselves in situation where they suffer consequences because of it in arranging contacts, non-payment of alimony, issuance of travel documents, child abuse that, unfortunately, has not been recognized as abuse and therefore there is no appropriate action against parents who, in these situations, "restrain children in enyoing their rights and freedoms"⁶³.

According to data of Ministry of Internal Affairs⁶⁴, based on Article 6. of the Law on Protection from Domestic Violence in year 2011 1190 misdemeanor charges have been filed

⁶² The Law against Domestic Violence, "Official Gazette of Republic of Srpska", No. 118/05, Article 5.

⁶³ The Law against Domestic Violence, Article 6.

⁶⁴ Ministry of Internal Affairs data for year 2011

and out of this number biggest number of cases, 791, was reported to Banja Luka Public Security Center and fewest number of cases were reported to Public Security Center Trebinje – 18. In 2010, according to the same data source, total number of filed cases was 864. 72 children were recorded as victims of abuse, 30 boys and 42 girls.

For the same period, according to Ministry of Internal Affairs data, in accordance with Article 2085. of Criminal Code, total number of 219 criminal acts of domestic violence has been registered (in 2010 this number was 256), where as victim 31 child has been recorded, 14 boys and 17 girls. The biggest number of charges, 79 of them, was made to Public Security Center Banja Luka and least number of charges was made to Public Security center Trebinje – 15.

In 2011, because of domestic violence, 30 children, 16 girls and 14 boys asked Safe Home in Banja Luka⁶⁵ for help and they stayed in Safe Home for a month and a half accompanied by their mothers. In Modriča Same Home number of children⁶⁶ was 71, 38 girls and 33 boys that on average stayed in the safe home about 13 days. Out of this number of children 41 was in age group 1 to 7. In 37 cases father was the abuser and in 21 case it was stepfather while forms of abuse where 10 cases of physical abuse, 12 cases of neglecting, 8 cases of mental abuse, and combined in 38 cases.

Even though statistical data indicate raise in domestic violence, they still do not reflect the actual situation in the field for many reasons:

- recorded as victims of abuse are only those children who are direct victims of abuse, mostly physical; children who are for years witnesses of different forms of abuse are not recorded as victims,
- children do not report domestic violence because they are scared and ashamed,
- abuse is reported by one of the parents when that parent is also an victim of abuse, very rarely parent would report other parent who abuses child if not victim as well,
- physical punishment of children still is not considered violence but only disciplining of a child and one of disciplinary methods,
- mental abuse of a child is almost not reported at all, only in combination with physical abuse it is mentioned,
- neglecting a child in various forms is not part of statistic of child abuse.

Non-government sector engaged in this field has given great contribution not only in building social awareness on problem existence and system solutions to this problem, but also with their work in the field and assistance they provide for victims of all forms of abuse as well as with continuous emphasizing of the need to strengthen system solutions.

Since domestic violence jeopardizes growth and development of a child, regardless of the fact is a child or not a victim of abuse, it is very important to recognize all forms of abuse and protect child with all appropriate measures. Especially important is timely and

⁶⁵ NGO United Women Banja Luka data

⁶⁶ Citizens Association „Budućnost“ Modriča data

appropriate reaction of competent institutions in recognition of child abuse, its reporting and joint solving of a problem. Certain number of local communities has adopted Protocols on Competent Body Proceedings in Cases of Child Abuse, however, it is necessary to adopt such Protocol on Republic level which would define procedures of competent bodies and at the same time would have preventive and educational function in general, especially on domestic violence.

2.8.2. Peer bullying

One parent in his letter to Institution states: *" Four students are terrorizing and brutally treating one of their schoolmates for more than five months...This abuse has been repeated on daily basis and not even of "educators" has noticed it while other students were threatened not to tell anyone about this and that school has video surveillance so if children talk about it teachers will know of it. When a family reported this occurrence to director, pedagogue and teacher they did not consider this serious problem and therefore have done nothing in attempt to solve this problem except calling parents of all involved children on a mutual meeting which had no results..."*

Every violent behavior amongst children demands to be taken seriously so proper measures can be taken.

In order to react properly, solving each case must have individual approach, reasons must be found, parents and children, perpetrators and victims all have to be interviewed. It is not easy to generalize from what kind of families perpetrators come, and experts warn that children have problem with insecurity, they seek attention, they do not tolerate those who are different and they give themselves the right to humiliate, derogate, mock and abuse other children. If such behavior is not recognized at right time, if we- family and school ignore problem, expect that someone else will solve the problem or problem would solve itself, we, actually, encourage such behavior and children continue to do all those things because there is no prevention of such behavior by adults.

Protocol on Proceedings in Cases of Peer Bullying among Children and Youth in Educational System of Republic of Srpska⁶⁷ defines rules and procedures in cases of violence within educational system. Very important is cooperation of parents and school that unfortunately is very rare. Basic problem parents see is in inadequate reaction of school and hiding of problem, because they do not want to have demerit reputation. The lack of cooperation of parents and school for consequence has that causes for violent behavior remain unattended even when such behavior is registered. There are no joint actions in helping and assisting children. Enforcing measure without proper psychological, pedagogical or any other professional help and support to a child does not solve problem of peer bullying what has already been confirmed with huge percentage of children registered as repeated perpetrators of peer bullying.

⁶⁷ Protocol on Proceeding in Cases of peer Bullying among Children and Youth in Educational System of Republic of Srpska has been signed on November 19th, 2008 by Minister of Education and Culture, Minster of Health and Social Protection and Minster of Internal Affairs

Basic problem at school is lack of cooperation with parents, parents do not respond to school's invitations and they do not accept situation as it is.

Parents must be a part of educational system in a way that they monitor engagements of their children, their improvements but also problems children face in the school. System must find adequate solution for establishing and maintain such cooperation on all issues of education and upbringing of children.

Based on conducted analysis on presence of peer bullying⁶⁸ in educational system in Republic of Srpska, Ombudsman for Children has made Recommendations to a competent ministry which, among other things, stresses out need to have theme of violence incorporated in education and upbringing of children, schools with good approach in recognition and solving of this problem should be stimulated, if necessary provided should be professional assistance to schools that have recorded multiple perpetrators of this form of violence, to instigate initiative for appointing Team for coordination in all local communities for this problematic in order to have better connection of all institutions in monitoring and recording of cases of abuse in both preventive and educative work⁶⁹.

In frame of workshops "Your rights in your school" on problems and presence of peer bullying, students have confirmed that they participated in various workshops on same topic, however they do not know what, according to the Protocol on proceedings in cases of peer bullying in educational system, obligation of school, Center for Social work and other institutions is in such cases.

As solution, children propose education not only about peer bullying but also about other forms of violence because they think that only those who know what violence is, what are its consequences and how those problems can be solved by calm communication, can create non-violent surroundings for children.

On the other side, certain number of schools, due to their misunderstanding or policy of non-hassle, does not see this as a problem and they consider it a normal occurrence, this is what children always did and that it is part of their growing up. Attitude to issue of peer bullying in this part must be changed in a way that good school is a school that recognizes problem and timely seeks solutions to properly solve it together with students and parents, if necessary with other services and institutions out of school.

Besides peer bullying cases, complaints indicate cases of child abuse. Usually it is improper behavior of teacher towards students such as name calling, insulting, humiliating, unjust grading, etc.

Every student has right on protection from all forms of violence, abuse and neglecting, it is responsibility of parents and teachers to provide appropriate surveillance and timely

⁶⁸ Ombudsman for Children, Peer Bullying in educational System, Banja Luka 2010 (basic data)

⁶⁹ Ombudsman for Children Recommendation to the Ministry of Education and Culture of Republic of Srpska, number 83/10 as of February 4th, 2010

reaction, and student's responsibility is to respect rights of others, even those who are different.

2.8.3. Violence on the Internet

Surveys show that children nowadays spend most of their free time on internet. Internet provides great opportunity to them – they exercise their right to education, expressing own opinion, right to information, right to socialization, etc, but it also brings risks and dangers that children can not recognize and what for consequence has not only violation but also serious endangerment of their rights.

Usually it is about different forms of child abuse and violation of child's right to privacy such as insulting, disturbance, making threatening and insulting messages, false representation, encouraging hate and violence, stating personal data, revealing family situation, joining various groups that have different goals which may be dangerous for children, etc.

The most common violence perpetrated by adults on Internet is child pornography. Making false representation, adults easily gain child's trust and become their "friends". Once they become friends their conversations and arrangements are "only their secret".

Contrary to all other forms of violence, children now are exposed to Internet violence even where they were safe and it can be ongoing for 24 hours a day, 7 days a week.

Protection of children on Internet firstly requires that we teach them how to use Internet safely and responsibly, how to use all advances Internet provides and at the same time evade situations when they can get hurt, feel bad, live in fear, humiliated and hurt.

Every year across the world, on second day of second week of second month is Day of Safe Internet whose goal is to promote safe and responsible use of Internet and mobile phones especially amongst youth and children. The practice of having a Day of Safe Internet has been started in 2004 and every year its theme is different. In 2011 the motto of The Day of Safe Internet was "It is more than a game, it is your life".

Institution of Ombudsman for Children on a Day of Safe Internet held on February 8th, 2011 has promoted internet page www.djecanainternetu.org.

Set up of portal content makes it easy and simple for visitors to come to information that are adjusted to the age groups of children (early, middle and late childhood), parents and school.

Web page "Children on Internet" is first of a kind; it speaks of advantages and risks on internet, especially about violence, at the same time it is dedicated to children, parents and school and besides informative contents there are so-called communication contents "Brave mailbox" and "Questionnaire".

Along with set up of a web page, appropriate guide "Children on Internet" was printed for children, parents and teachers.

Internet page and guide are created for preventive and educative actions inviting all to contact competent institutions immediately if there are any suspicions of such crime.

One of completed activities in reporting period was realization of educative workshops in primary and secondary schools on territory of Republic of Srpska.

Ministry of Education and Culture of Republic of Srpska has informed Institution that all education institutions were informed of internet page and brochure "Children on Internet".

In this way they all will get needed information on Ministry of Internal Affairs of Republic of Srpska activities and their engagement in protection of children in this domain as well as the addresses where such situations that endanger children rights can be reported.

Workshops in primary schools were organized for students from grade 4 to grade 9. There are obvious differences in using computer and internet depending on the age of children. Even the youngest groups of children show interest for this theme. All children use computer and most of them use internet too. In discussions with children very obvious is their awareness on importance of computer and internet in process of communication, learning and fun. However, the fun part always comes first to them.

Most of the children have computer at home that, according to their statements, is not in a premise where parents could supervise them.

Parents of almost half of children use computers and internet. The younger the children are, the number of parents using computer and internet is bigger.

Time spent at computer is not more than 3 hours, but what is disturbing is that there is no agreement among children and parents on computer use. However, very often, according to children statements, when children's school grades are bad for example, parents use computer and internet as a mean of punishment; actually they introduce prohibition and control of using the same until child improves his/her grades.

While using internet children mostly know that it is not place with unlimited freedom but there are certain rules. Usually they are very surprised with possibilities of internet abuse and false representation on the internet.

Very often, in virtual world, children behave in a way that they do not obey rules they do in real life. Without thinking they accept friends on social networks even though they do not know them. Criteria for accepting a friend on a social network is basically based on visual appearance available on network. Number of friends in virtual world is drastically bigger than in real world.

On social networks children leave their personal data and family data. There are no criteria in network selection; children usually join groups because their friends have done so.

Children know very little about ethical communication. Children are not aware that they could be easily identified if they conduct illicit activities, nor they know what violence on internet is. All this indicates the need for continuous work with children and instructing them what is and what not acceptable behavior is, and what are consequences for such behavior. If children on the Internet do not recognize certain behavior as unacceptable or violent, than it is hard to expect from them to protect themselves in such world and to respect rights of others.

It is encouraging data that most of students who have been in problematic situations, have addressed their parents and some of them said that they have asked for help from class teachers or school professional associates. Not even one child knew that for relevant situations they could address certain institutions which are obliged to provide help.

Some students had experiences with messages of inappropriate content sent by unknown persons by mobile phone or internet. In such situations they would break up communication but they have not told anybody about this.

Atmosphere on high school workshops was very mature. Students showed great interest for subject. They could follow lectures on "high level" and they shown great knowledge about computer technology and internet. Interaction was continuous and brilliant; they have expressed great associations, suggestions, and examples. This subject was really interesting to them because they usually do not talk with adults about internet use.

To use internet they have learned alone or with help of their compeer. Their parents, according to children statements, use computer and internet rarely.

Students are multiyear users of computer and internet. Almost all of them have profiles on social networks, use Facebook social network that primarily is used for communication with friends. Social networks take up most of their time on internet, so the others opportunities offered by internet are rarely used. They emphasize a trend amongst their peers to have as many friends as possible and some of them state that they have more than 900 friends. However, they are aware that those are not their friends, nor would they choose them for friends in real life. They have not thought about fact that those virtual friends have access to their life, information they post on network and that their data may be misused.

High school students usually use computers in their rooms. Parents do not control time spent on internet, but children state that parents suggest to them that using computer is "waste of time" and they often have conflicts with their parents because of it. The reasons for such conflicts they say is that their parents do not understand what they are doing stating that parents show no interest for the pages they visit. Huge percentage of children states that they spend more than 4 hours a day during a working week and during weekend they spend even more time.

Students state that they know some rules of appropriate communication on internet even though huge number of communications seems inappropriate. They do not think about consequences of their actions on internet and possibilities of protection. They had experiences with inappropriate contents that were sent to them from unknown persons by internet or through mobile phone. Some had bad experiences in hacking - theft of social network profile.

After workshop closure certain number of students felt the need to share their experiences with workshop mediators, expecting answers to certain problems they had on internet. They said that they felt uncomfortable to ask those questions in front of other students.

This shows that because of not knowing the rules of communication and non-recognition of situations on internet which could harm and endanger them, children, when they find themselves in such situations, see problem in them and therefore it becomes embarrassing to talk about certain situations.

According to data collected from children who attended workshops, over 600 children, over 90% of children uses computer and internet that mostly serves for their communication and fun with their compeers.

There is no difference in use of computer based on gender.

Held workshops confirm how important is systematic education of children on advantages and risks of internet from their earliest age.

Educational system, in this part, must take obligation and responsibility, firstly by teaching children responsible behavior in all situations, including those on internet, and building trust in students so they could report all intimidating contents to their teachers and get needed help and support in all cases of violence at school or out of it without fear of being sanctioned or embarrassed.

Besides this, schools should provide following:

- programs of non-violent communication in schools should mandatory include education on violence on internet,
- computer science classes should, mandatory, includes education on responsible use of internet,
- for students who do not have computer science classes (lower primary school grades) this subject should be processed at home-classes,
- question of using internet should be actualized at parental meetings at the beginning of school year, and parents should be advised to look for support and assistance of competent institutions,
- by appropriate program access to pages with inappropriate content should be blocked.

Parents have primary obligation and responsibility to provide healthy maturation of their children. However, very often parents do not have enough information or knowledge on how

to control child on internet, how to recognize that child has a problem, how to protect child; parents are confused because of all those warnings speaking about dangers on internet and they restrain their children from use of computer and internet and this is exactly why children do not report cases of internet abuse to their parents. On the other side, some high school's experiences show that parents allow children unlimited use of internet with no surveillance, control or time limitations because parents are also using it unlimitedly.

This is another confirmation of need for stronger engagement of educational system in educating children and informing parents on advantages and risks of internet.

It is especially important for Institution to have experts speak about subject and stated problems; these experts are University professors who would be educating all who provide care for children. Their participation contributes to better insight of a problem in a whole, they would contribute in finding better solutions for solving some issues and not only in this field but about all questions and problems that lead to violation of children rights and interests.

Contribution of socially responsible companies in exercising and protecting rights of a child is very important and it shows that regardless of their branch, they are capable to recognize rights and interests of children. Such attitude was expressed by m-tel Company who assisted creation of internet page, brochure printing and realization of workshops.

2.9. Children and the Media

The UN Committee on the Rights of the Child, examining Initial Report of Bosnia and Herzegovina on condition of children rights, in its conclusion has expressed concern with the fact that right of a child to privacy is not being respected in full in schools, media, other institutions and in relation to it Committee has recommended taking all possible measures in order to provide conditions for respecting child's right to privacy.⁷⁰

Even children, as the most sensitive category of citizens, have right to privacy and right to privacy protection.

In accordance with Article 16. of Convention on Rights of a Child: "Not even one child must be exposed to willful or illegal intrusions into his private and family life, home or personal correspondence and illegal attacks on his honor and dignity. A child has right to be protected by the law from such intrusions or attacks."

Existing laws relevant to the subject have not given authority to any institution to monitor, control and report all cases of reporting about and for children, basically to continuously monitor this in order to provide protection of child and his/her interests. Existing relevant institutions have authority to initiate, if they will, ex officio proceedings, but provisions that

⁷⁰ UN Committee for Rights of a Child, point 35.

are obliging need additional interpretation because it is necessary that reporting is extremely sensitive, respectful of good customs and starting at best interest of child.

Child's right on protection of privacy obliges all institutions and individuals and it must be taken in wider picture and not only through media reporting as it is usually shown.

Right of a child to privacy protection in media is just one of many factors that on relation media and children and children in media require special attention.

Institution was informed about violation of children rights in media by parents, teachers and social workers. Most commonly, they indicated violation of right to privacy and right to have child's dignity respected and also they stressed the exposure of children to inappropriate media contents.

In letter sent by one Center for Social Work it is stated: "If media reveal place where sexual abuse has taken place, if they state name of offender or his initials, age it is more than enough to endanger child's identity protection and his/her interests. All this should be considered if we take in account the fact that it is almost impossible to preserve anonymity in small places as are most towns and villages in our surroundings. Therefore, I appeal that by means of your Institution and your mandate you influence..."

Other Center in its letter to Institution states: "Center for Social Work, after procedure has been concluded and factual conditions of the case established, has found that there are no elements of neglecting and child abuse. Therefore, we are asking you to act in this and all similar cases of negative media influence in a way..."

The fact is that children in media are usually present in as victims of violence and abuse or as perpetrators of criminal acts or are part of commercial messages in which they speak of or by their mere presence they are advertising various products.

Reporting about children in sensational way, revealing data no family, interviewing children without parental or guardian consent, child's school and class pictures, puts right to information before child's interest. At the same time it is forgotten that inappropriate reporting in media might have negative impact on child and his development.

Even parents, often, intending to point out problem that child had in school, for example, give information in such way that it endangers child's right to privacy and regardless of consequences that such news might have for a child.

Exposure of children to media contents relates mostly to television program and transmitting of scenes of violence in various shows. Violence in media is present in movies, commercials, music... Taking in account that from their earliest age children spend most of their free time in front of TV, contents offered to them have great influence on their development, both positive and negative contents.

Experts especially warn on influence of violent scenes on a child as well as influence of commercials.

Imperative of journalist profession is to report truthfully, and when children are in question, at the same time Convention in part of best interest of child must be respected. This means that right of public to information can not be before child's interests and his right to best interest in every situation. It is required that in every situation when reporting about children one must take in consideration if and what consequence news will have on a child not only today but looked in long-term.

Therefore it is important that besides "media laws" and mechanism for their implementation and journalists work on building standards for reporting about children.

Respecting right of child on protection of privacy does not only relate to media.

This is obligation of parents, kindergartens, schools, centers for Social Work, sport clubs and all other institutions and organizations that inform about children.

Code of Ethics on Research about Children⁷¹ states conditions under which research on children can be conducted. This requires that institutions researching do know rules and those researchers, whoever they are, must obey those rules. Unfortunately, schools do not have this Codex and very little is known about it, yet, on the other side, children are often used in researches and different projects.

The Law on Protection of Personal Data⁷² speaks about very sensitive data that can be related to children, where such data firstly must be recognized as personal and than as sensitive and on top of it are related to children.

2.10. Impact of advertisement

Impact that advertisement industry has on children and their growing up either by sending messages to or by using children for advertising their product is rarely spoken of.

Announcements and commercials today are highly present method of communication, commercial messages are 24 hours a day available to children and their basic goal is to draw attention of those who are using such products and that their product finds a buyer. Therefore, nowadays children are part of advertisement messages not only for products intended for children's use but also of those who do not use it and who know nothing about such products. Institution has received complaints where citizens warn on inappropriate use of children in this domain for insurance, hygienic products, body slimming products, etc. Sending message to children and adults too, they use those contents that quickly and easily get noticed by children even in their earliest age -music, cartoons and similar. Here, of

⁷¹ Code of Ethics on Research about Children, "Official Gazette of B&H", number 26/06

⁷² The Law on Protection of Personal Data, „Official Gazette of B&H“, number 49/06 and 76/11

course, they know which age group of children will bring buyers to them – the youngest ones and therefore, with the reason, they are usually part of commercial messages.

Parents have primary obligation and responsibility to provide care for healthy childhood. The best interest of a child is being priority even when children are participating in commercial campaigns and when assessing influence that commercials have on children. Besides issue of children participating in commercial and their influence on children development, high is availability of messages to children on billboards, televisions, daily newspaper, and pornographic contents. Messages sent to children invite them to shop, to collect..., that it is a must to have; children do not recognize trade interest in it but they know well who in their class possesses such product.

Starting from the need to protect health, psychological and moral development of child and protection of their physical, emotional and other integrity, Ministry for Trade and Tourism has accepted Ombudsman for Children Initiative for passing the Law on Advertisement – Commercials where special attention is given to methods of advertisement intended for children but also to situations when children are used in products advertisements.

Quality legal framework in all domains of exercising rights of child contributes to empowering system of protection of children rights and interest, even in advertisement.

2.10.1. Cartoons

Besides positive impact these contents have on children maturation, since they are educational, fun, informative, experts point out contents that are not in best interest of a child and yet children nowadays are more and more exposed to.

If children in their earliest childhood watch contents inappropriate for their age, they, expert's state, identify with characters, imitate them in real life; adopt their points of view and thinking. Without supervision and time limitation for youngest children to watch cartoons, for the sake of keeping them quite, does not teach him/her what is good, valuable, fair...

Scenes of violence, as unavoidable part of these contents, have special impact of psycho-physical development of youngest ones who are the most exposed to it.

Experts warn that children who are exposed to the scenes of violence, killing, hate, revenge...become less sensitive towards violent behavior and more tolerant to all forms of aggression in general; they show aggressive behaviors and conflict situations with their peer usually solve in such manner.

2.10.2. Mobile phones

Children nowadays from their earliest age are growing up with mobile phones. Certain discussions amongst experts are ongoing on proper age for children to own mobile phone.

One of advantages of mobile phones is quick and easy communication between parents and children that gives sense of security to both. However, amongst children, besides other things, mobile phones are indicators of social status. If a child has cheap phone or does not have it at all than that child has a "problem" because he/she becomes subject of mocking and even without it such child feels bad among his/he peers. On the other side, those children with expensive phones from last generation have a "problem" too because possession of such phone makes them target. Presence of violence by phone – sending text messages that are insulting, humiliating, disturbing, etc among children of younger age is at rise.

Basic obligation of adults is to teach their children, when they are allowed to use mobile phone, when and how to use mobile phone, that cheap phone can also serve their needs and that expensive phone does not mean that its owner is better or more important. Mobile phone is just one of examples of attitude towards values and methods of learning about it in earliest age.

Children should be taught positive values from their earliest age, everybody agrees, however, we often forget that on daily basis children learn from all of us what are the values.

3. The Right to Health Protection

The right on health and health protection is one of basic human rights and as such it is guaranteed by Constitution of Republic of Srpska⁷³.

According to World Health Organization "health is not only absence of illness and disability but it is a condition of full physical, psychological and social welfare, and availability of the highest possible level of health is obligation of society".

In accordance with Convention on Rights of a Child, the right of a child on health protection is stated very widely⁷⁴ what requires that health of children is improved and preserved not only in medical sector but also in family, school, sport clubs, playgrounds...

The right on health protection for children up to age 15 has been provided on territory of entire Republic of Srpska what was confirmed to us by all relevant institutions and by children in the field. However, health protection for children fro 15 to 18 years of age is still under question; if their parents do not work or their contributions are not paid in full, children can not use services of health institutions.

Child is, according to UN Convention, every person younger than 18, except in countries where legal age is attained earlier⁷⁵. Since legal age is attained at 18, guaranty by Constitution and Convention requirements give right to children, for only being children, to have their right on health protection unquestioned.

If children are not provided with health protection it puts in a question this and many other rights of a child. Consequences of non-existence of efficient control mechanisms or inefficient actions, by parents or institutions (unpaid contributions, not getting registered at Unemployment Bureau and similar) must not be laid on children but those who contributed to such situation.

Here one must bear in mind that child's health is much more than just physical health. The law on Family Relations states cases when it is considered that a parent is abusing his/her parental right and obligation⁷⁶. Each of stated reasons violates right of a child to health.

Behavioral changes that children on their way to adulthood show require professional assistance for children and their parents not only when problem occurs but before unwanted consequences take place. High numbers of divorces that need intervention of competent bodies confirm that they and their children, who are going through divorce, need assistance and support of experts. And not only divorces. Presence of alcoholism amongst children, use of drugs, behavioral problems, abandoning school, running away from home, problems in communication with peers and adults... are just some of situations that family need

⁷³ Constitution of Republic of Srpska, Article 37.

⁷⁴ UN Convention on Rights of a Child, Article 24.

⁷⁵ UN Convention on Rights of a Child, Article 1.

⁷⁶ Family Law of Republic of Srpska, Article 106.

professional assistance and support for, because on many questions on their relationship with children there is no answer. Today number of child psychologist and psychiatrist does not satisfy needs in the field. If taken in account that smaller municipalities do not have them at all, than parents are expected to additionally get engaged and travel to other municipality to reach this assistance while for all that they need additional funds, means of transportation, taking time off at work, finding someone to take care of other child at home, etc.

3.1. Protection of children from using alcohol, tobacco and drugs

According to World Health Organizations alcoholism is a disease that for consequence has numerous health and social problems.

Convention on Rights of Child obliges on taking all appropriate legal, administrative, social and educational measures for child protection from illegal use of narcotic drugs and other psychotropic substances⁷⁷.

Problem of alcoholism presence amongst youth, especially juvenile persons is evident in all surrounding countries that are, with different measures and activities, trying to find solutions to this problem, to be exact, they are trying to decrease number of juveniles who use alcohol while they are still kids.

According to European research in schools on presence of alcohol, drugs and tobacco – ESPAD that is periodically done in more than 30 countries presence of alcohol use among youngster is on rise.

According to research completed in 2011 and done by Institute for Public Health in cooperation with Ministry of Health and Social Protection on "Alcohol, tobacco and narcotic drugs abuse amongst students that are first year of high schools" in 162 classes or 3132 students of first year:

- 87,6 % of them have said that they consumed alcohol at least once in their life, while that percentage in research done in year 2008 was 75,1%⁷⁸,
- More than half of questioned students states that it is very easy to get beer, vine or hard drinks,
- About 40% of youngster has been under influence of alcohol at least once in their lifetime,
- Almost half of students have tried beer and vine at age 13 or less, while 41,3% have tried hard drinks at age 13 or less.

Conducted researches in numerous countries indicate causes that lead to alcoholism of youngsters and also factors of risk that contribute to this condition the most.

⁷⁷ UN Convention on Rights of Child, Article 33.

⁷⁸ Research of Ombudsman for Children conducted in 2010 in 25 schools or among 689 students of third year of high school, 78% of them have stated that they have consumed alcohol.

Caused that lead to alcoholism of youth are numerous and usually are relevant to their adolescence period, influence of family and, especially, peer influence.

The highest percentage of youngster consumes alcohol during a weekend or holidays in company of their peers. First experiences with alcohol usually were initiated by peers. At the same time, the age of youngster trying alcohol is related to their adolescence, when many of them by using alcohol are confirming themselves to their peer group and gain bogus security and courage.

Among many factors of risks that contribute to increase of alcoholism presence among children are insufficient knowledge and education of youngster about effect of alcohol and consequences that alcohol use leaves on their health but, what especially worries is availability of alcohol to children and lack of efficient measures and sanctions towards those who allow children use of alcohol. This was confirmed in numerous discussions with children and organized workshops on rights of children in general and especially on use of alcohol.

Fight against alcoholism, actually, protection of children against alcohol use must be simultaneously done in two directions.

One must be in function of prevention, meaning education of children from their earliest age about harmful consequences of alcohol use, and at the same time education of parents on challenges children face, ways to recognize the problem, seeking help and solution.

Second direction requires adequate sanctions for all those who have not, in the frame of their competencies and authorities, taken appropriate measures and actions to protect children, actually, who, against the interest of child and existing legal solutions, allow, enable or do not prevent children to use alcohol.

Even though laws of Republic of Srpska forbid salespersons and caterers to sell alcohol to children, we are unfortunately witnesses that it is easy for children to get alcohol. Availability of alcohol and non-existence of adequate measures against those who sell alcohol to children is one of existing problems for which competent inspection service are blaming everybody else. It is not expected that inspections are ongoing on daily basis in every shop, but it would be more than sufficient if they spend one day in one trade object and sanction that shop if irregularity observed as preventive measure for all other shops. Switching responsibility from one institution to other is a common occurrence and it does not contribute to child protection, however, it leaves alone those who do not act in child's best interest.

Problem of tobacco use among children is also present; besides its availability there is no proper measures against those who do not obey law and expose children to many risks.

According to the latest research⁷⁹:

- more than half of student easily gets tobacco, and only 12,4% of students sees this as a problem,
- 37,9% of students, mostly boys, have at least once tried cigarettes,
- 53,8% of students has had their first smoke at age 13 or younger, while 75,2% started smoking on daily basis at age 14 or older,
- 18,2% of youngsters has smoked in a month prior to 2008 research, while in latest research this number was 14,5%.

However, according to the latest research who World health Organization, children are at higher risk of second-hand smoke than smoking; usually second-hand smoke comes from their parents what commonly leads to respiratory diseases at children.

Protection of children against use of tobacco and activities directed on education of children about harmful consequences of tobacco smoke and adequate sanctions against those who allow children to smoke or do not prevent them, must be focused on consistent implementation of Law Prohibiting Smoking Tobacco Products in Public Places⁸⁰.

Institution has received complaints from children and parents that point out disregard of provisions of the Law Prohibiting Smoking Tobacco in Public Institutions.

The Ombudsman for Children together with Ministry of Internal Affairs in certain number of schools, with school management consent, has organized workshops for student and parental meetings on subject of child use of alcohol, tobacco and drugs. In all schools parent have shown great interest for stated subjects but also they emphasized the need for similar education in school on permanent basis, once a month or once in three months, to have experts of various professions clarify and bring closer to parents situations children face on daily basis. Since among parents there are few experts of various professions and they are willing to cooperate, as well as certain faculty students, without financial compensation, schools could, depending on their needs, on assigned dates have relevant lectures for student and parents.

⁷⁹ Institute for Public Health in cooperation with Ministry of health and Social Protection of Republic of Srpska in 2008, for the first time, in the frame of ESPAD has researched use of alcohol, tobacco and drugs amongst high school students in Republic of Srpska, and in 2011 new research based on same methodology was conducted

⁸⁰ Law Prohibiting Smoking Tobacco Products in Public Places „Official gazette of Republic of Srpska“, number 46/04, 74/04 and 92/09, in Article 2. under public places considered are institutions that provide public services and places of public gatherings, including:

- a) educational and correctional institutions such as: nursery, kindergarten, primary and secondary schools, faculties and universities and other educational institutions
- b) Institutions for accommodation and stay of students such as: student homes, hostels for young persons and other institutions where juvenile persons are staying.

3.2. Children with special needs

Requirements of Convention in protection of right of children with special needs firstly is an invitation for their equal participation in society where they should enjoy full and dignified life, in conditions that provide their dignity, attaining independence and eases up their active role in community⁸¹. In order to enable their active participation in community it is necessary to remove numerous obstacles that are disabling optimal development of those children potentials. Removing obstacles is concern of many subject of protection, health sector just being one of those subjects.

Parents before all, in not recognizing problems or their non-acceptance of problem, very often lead to situations when based on various grounds developmental challenges of a child are noted too late. Experts warn that early detection and adequate measures at earliest age are of great importance in overcoming or diminution of challenge that child has.

Last few years in Republic of Srpska more sensitivity for problems of this category has been shown. Establishing of numerous associations and their networking is focused on implementation of many projects, and on finding appropriate solutions, together with relevant ministry and competent services of local community, in providing appropriate assistance for this category of children.

Unfortunately, contrary to other domains, almost in all municipalities in Republic of Srpska children challenged in development are registered.

Their needs are same as needs of their peers – they want to play, go to school, spend time with their peers: they also have right to protection as their peers but also they have right to additional care that will enable them in reaching higher level of independence for each child and in social integration.

Program of socialization of children in Kumbor, on yearly basis, besides children, engages their parents who in camp are informed and educated by various experts about processes of attaining various rights of children that are challenged in development. In year 2010⁸² besides other category of children, in program of socialization participated 202 children challenged in development; 29 of them were siblings, 11 of them were detected through project early detection of children challenged in development. 86 parents have taken part in this project.

Parents of those children carry heavy burden and responsibility for numerous situations that they face on daily basis, usually they point out problem of insufficient number of experts in this field, insufficient number of daycare centers where those children could be placed for certain time during the day, yet every solution system offers they see as great contribution for their children and their whole family. Therefore, engagement of President of Republic of

⁸¹ UN Convention on Rights of Child, Article 23.

⁸² According to data of Public Fund for Child Protection

Srpska in organizing donors evening and response of all institutions and individuals in supporting this event will contribute to improvement of living conditions of children, not only financially but also in other segments of social life.

Parents of children challenged in development are pointing out non-existence of appropriate care centers which would act on status improvement of these children. As solutions to this question they see organized services of daycare centers for these children that would work on building practical skills for everyday life, which basically enable them to build independence, to develop and sustain social, cognitive and physical functions. Placement in daycares, through appropriate services of medical care, physical therapy and individual treatment depending on the state of child, and consulting services for parents are also in function of prevention of placing child under institutional care.

Daycare centers as a form of support to parents have been established in certain number of municipalities while in others this process is still ongoing. The effects of insufficient number of experts are being lessened by engagement of non-government sector who engage experts of different professions to work with children but their work is limited to certain days again because of their insufficient number.

About this problem and problem of not having personal assistants speak both teachers and parents. Teachers emphasize that they do not have enough knowledge to recognize individual needs of a child, they do not know how to extract appropriate learning materials and how to adapt it to a certain level of child's challenge, stating that regardless of their efforts they do not really know if what they are doing is in individual child's best interest. Personal assistants must be professionally trained cadre that can and know how to give support to a child in various situations. In finding the best solution for this kind of support for children it is necessary to engage experts of different profession and other sources who provide protection of child's rights and interests.

3.3. Juvenile marriages

The problem of juvenile marriages might be looked at different corners, legislative, economic, social, but regardless of what kind of problem we are taking, one thing is sure – these communities leave consequences on children and their psycho-physical development.

Experts warn that children who get married still have not fully developed, and society activities must be focused on educational programs because lack of knowledge on prevention can lead to harmful consequences not only for a child but for society in a whole.

Silence of family and school on topic children are interested in and which are part of their growing up is additional problem; children get information on issues and questions about relationships from their peers, magazines and internet.

Impact of tradition, low level of education, lack of information and any other factor that initiate juvenile marriages or their common law community can not be justification or response on actions taken by adults and their stand towards this problem.

These children by getting married are faced with those life difficulties that they are not capable to deal with, their life is rapidly changed and they are expected to take responsibility for their decisions. But those decisions are not only theirs, legislator, taking in account their maturity and capability to make important life decisions, has obliged other subjects to assess and decide if this what they want is in their best interest and are they physically and mentally capable to exercise rights and duties resulting from marriage.

Criminal Code of Republic of Srpska⁸³, Article 204, in intention to protect child, above mentioned are children at last, determines responsibility of adult living with juvenile in common law marriage, but also it determines responsibility of parent who allow their juvenile child to live in common law marriage.

The most common situations that lead to juvenile marriage are common law marriages or pregnancy.

The fact that really concerns is that already concluded common law communities are the reason for requesting permit for marriage. Even though common law communities with juveniles are punishable by the law, there is no reaction against adults living in such community with a juvenile and parents who allow it, actually who do not prevent it.

Institution was addressed by one high school teacher because opinions on allowing education to a pregnant student were divided.

According to data of Bureau for Statistics of Republic of Srpska, in 2010 mothers, age 15 to 19⁸⁴, gave birth to 436 babies.

Data speaks of number of births by juvenile, while number of juvenile pregnancies is unknown, because the number of intentional abortions is unknown. Percentage of intentional abortion of juveniles, in last decade is ascending by each year from 0,8 to 2,7% in relation to a total number of intentional abortions that have been done at Clinic for Gynecology and Obstetrics in Banja Luka⁸⁵. Out of fear from parents, reaction of community, due to a fact that those pregnancies are usually unwanted and unplanned, experts warn that most of intentional abortions are done in institutions that according to Article 14. of the Law on Conditions and Procedure for Abortion do not meet required conditions⁸⁶.

⁸³ Criminal Code of Republic of Srpska, "Official Gazette of Republic of Srpska", number 49/03, 108/04, 70/06, 73/10 and 1/12.

⁸⁴ Data of Bureau for Statistic of Republic of Srpska for year 2010

⁸⁵ Professor Dr Nenad Babic and Primarius Dr Vladimir Perendija – Problems and Risks of Juvenile marriages, Ombudsman for Children, 2010

⁸⁶ The Law on Conditions and Procedure for Abortion "Official Gazette of Republic of Srpska", number 34/08, in Article 5. states that for abortion of juvenile pregnant person request is submitted by parent, guardian or

Having on mind all risks and consequences that juvenile marriages and common law communities, juvenile pregnancies, abortions or births have on health and uninterrupted psycho-physical development of such child, it is necessary to, before all, teach children about their health from earliest age and have adequate reaction of parents , school and center for social work in all situations when there is knowledge that child lives in common law community and especially to have appropriate control on implementation of the Law on Conditions and Procedure for Abortion.

3.4. Hazardous toys

Presence of toys that do not meet basic standards of EU is, unfortunately, obvious on our market. With their low prices and colors they attract children and their parents and parents usually do not know to what risks they put their children by buying those cheap, imported toys.

According to analysis of Agency for B&H Market Supervision⁸⁷ out of 33 samples taken from B&H market which has undergone laboratory analysis, 19 contained prohibited concentration of phthalate that might cause serious health problems, different damage and disorders in children. Out of 10 analyzed samples on territory of Republic of Srpska, 8 did not meet prescribed standards.

Product intended for child use that contain not only phthalate but also other substances that endanger growth and development of a child should not be on market and for sale; therefore, competent services obligation is to maximally increase supervision for toy import and all other product meant for children – baby bottles, baby play centers, pacifiers, and also to have additional inspections of all product intended for child use.

guardianship body, Article 14. states that abortion is done in health institution that has hospital unit for gynecology and obstetrics, anesthesiology and reanimations unit, operation room and blood transfusion unit or in clinic or clinical center, Article 17. states that medical institution where abortion is done must maintain records and medical documentation and deliver their reports to the Institute for Health Protection.

⁸⁷ Results of toy and children products supervision project, phthalate concentration announced on internet page of Agency on November 7th, 2011

4. The Right to Education

UN Convention on Rights of Child and Universal Declaration on Human Rights recognize the right to education as one of basic human rights and oblige signatory countries to enable, based on equal opportunities for all, implementation of this right⁸⁸. Education is one of key factors for implementation of children rights, because children in educational system do not only exercise their rights but also they learn about rights they have within their family, health and social sector, right to participation, right to express opinion⁸⁹, right to access information⁹⁰, right to protection from neglecting and abuse⁹¹ and other rights. Teaching children from their earliest age about rights they have, at the same time, we teach them their obligations that must be fulfilled and their responsibilities relevant to given right.

Talking with children on workshops, but also with school administrations, Ombudsman for Children came across many information on implementation of children rights in educational system – number of subjects, material volume, evaluation, textbooks, student-teacher relationship,, school discipline, school rules, extracurricular activities, working conditions in the school. The most common questions and problems that were emphasized are related to school discipline, evaluation, school curriculum. Complaints Institution has acted upon in reporting period indicate violation of right of a child because he/she has dropped out school, enrollment in high school, organizing of school excursions, and safety of children in the school.

4.1. School rules – school discipline

If a discipline is at all “group of rules and regulations that provide functioning of certain institution, organization, group or individual in accordance with goals and tasks that have been set”, than it is indisputable that it is very important for educational system and every school individually as well as for every individual if it is taken as presumption for independent work, work of one class or school in a whole.

Problem of school discipline, attitude towards classes and teachers, occurrences in school yard, cooperation with parents and similar, is, often, a consequence of undefined rules that must be clearly set in educational system.

⁸⁸ UN Convention on Rights of a Child, Article 28. – member states respect the right of child to education and, for the sake of its gradual implementation based on equal opportunities for all, especially

- a- declare primary education obligatory and free for all,
 - b- promote development of different forms of secondary education, including general and vocational education that is available to all children and take appropriate measures such as introduction of free of charge education and providing financial assistance if such assistance is needed
 - c- take measures for promotion of regular school attendance and decreasing number of school drop outs.
- Universal Declaration on Human Rights, Article 26. –everybody has right to education. Education should be free of charge, at least in primary schools. Primary education should be obligatory.

⁸⁹ UN Convention on Rights of a Child, Article 13.

⁹⁰ UN Convention on Rights of a Child, Article 17.

⁹¹ UN Convention on Rights of a Child, Article 19.

Rules of school discipline must be known, they must be defined by students, parents and teachers, they have to apply for all and for each unacceptable behavior proceedings and sanctions must be known.

Parents have the primary obligation and responsibility to provide healthy development of their children, however, school must take over its share of responsibility not only for education but also for upbringing of children.

Teachers have great responsibility; they support children not only in learning but also in their growing up. However, teachers can not do that without active role of parents.

At the beginning of school year parents should be introduced with rules, obligations and responsibilities – as it is already determined by positive legal regulations what includes cooperation with school and consequences of not obeying this obligation, evaluation criteria, school work methods and pedagogic measures, authorities of school psychologist or other services that provide parents with support in situation parents find themselves during upbringing of their children.

Very different situations, for which Institution has received complaints, say that to this question needed attention should be given in order to prevent situations where we have to deal with consequences in for example cases when parents do not respond on school invitation, when parent drives his/her child to the school door and by doing so injures another child, when student or teacher use mobile phone during the class, when students under influence of alcohol attend classes, duties of duty teachers and students, duties of students monitoring classroom neatness and other students absence, situations when teachers or students are late on class, commencement of the last day of school, especially final year of primary school but also many other situations that require agreed rules for all in educational system – students, parents and teachers and their mutual respect.

The law prescribes that organization, work methods and school rules are closely defined by school statute, regulations and other general acts of school in whose creation participated students, parents and teachers, in accordance with positive provisions⁹².

However, in practice very different situations occur, from the fact that school rules have not been passed, or they have been passed but they relate only on students or students have no information if such rules have been passed.

Book of School Rules in certain number of schools have been passed pro forma, so it is just a paper and has no purpose. Some schools state that they have Book of School Rules and that children have been informed of them, but even those schools do not see importance of such rules and they do not think that such rules will have any effects.

⁹² The Law on Secondary Education, " Official Gazette of Republic of Srpska", number 74/08, 106/09 and 104/11

Certain number of schools has good practice even in adopting school rules in a way that they have defined rules for behaving of all under school roof, those rules are placed on announcement board for all to see it and these rules are obeyed. There are some good examples where schools, based on Book of School Rules that applies to all, have left opportunity to each home class to additionally reorganize and adopt those rules for the needs of their home class.

Passing and respecting Book of School Rules contributes primarily to better safety of students, better atmosphere and work discipline, greater success, smooth school work, better working atmosphere where all will respect jointly agreed rules.

Importance of Rules of Behaving that were defined together with parents and students is not only the fact that all participants are familiar with those rules but also they all have participated in their creation.

Rules of behaving are defined together with students what contributes not only to their right on participation but we also teach them responsibility and independence in this manner, especially on taking responsibility for consequences of their decision and choices.

Taking in consideration the goals of education defined by the Law⁹³ and fact that Young Advisor to Ombudsman for Children have emphasized as priority request the need for better solutions to all questions and problems of school discipline that must be precisely and jointly defined and respected by all included in educational system; it is necessary to:

- have all schools in Republic of Srpska pass normative act that will define rules of school discipline in educational institution,
- have all schools should pass those rules in cooperation with students and parents,
- have rules of school discipline applicable to students, teachers and parents and also to all other persons while visiting schools,
- rules of school discipline should be posted on a prominent place – classroom, school lobby, teachers room, school entrance,
- provide control and supervision of rules implementation.

4.2. Evaluation

Monitoring and student evaluation in school syllabus is ongoing process that especially should:

- a) determine student's improvement in adopting syllabus contents in objective and reliable way,
- b) regularly informs teachers, students and parent on their achievements,
- c) encourage teachers, students and parents in active role in school curriculum and extracurricular educational activities,

⁹³ The Law on Primary Education, "Official Gazette of Republic of Srpska", number 74/08, 71/09 and 104/11, Article 7. and the Law on Secondary Education, Article 4.

- d) enables student for objective assessment of their own achievements and achievements of other students,
- e) represent efficiency of curriculum organization and teachers work⁹⁴.

According to children, majority of assessment is related to the acquired knowledge at classes designated for curriculum repetition. Students believe that goal of such method of assessing "is to catch them unprepared" what does not motivate them to be active, show their knowledge and actively participate in discussions during learning classes because it is not taken in account when evaluating. Students confirm this with the fact that the biggest number of testing, either in written or orally, are done before end of semester or before ending of school year. However, they confirm that there are never more than two written tests during one week, nor they are tested orally from more than two subjects in one day, what is in accordance with the School Book of Rules.

Article 5. of the Book of Rules it has been prescribed that while assessing personality of student must be respected, developed should be their self-confidence and competency, student should be trained for self-study, self-evaluation and self-assessment of their knowledge and skills and assessment of other student's knowledge. Students say that rare are examples of teachers who talk to them about their evaluation, who encourage them to give comments and assess their and other student's knowledge, to point out theirs and others faults and mistakes.

Complaints received by Institution point out the problem of informing about evaluation publicly.

The Law prescribes that teacher evaluates student during class, with explanation, and evaluation is public and available to both student and their parents⁹⁵.

Besides situations when evaluation is not public and when it is not explained during verbal examination during the class, same situation is for written examination; it is written in class assessment book without being said to students and parents and special problem is when more than 50% of students fail test and yet evaluation grades are noted in class assessment book.

Assessment of student behavior is separate problem that have been emphasized in complaints received by Institution. School Rule Book that, in accordance with the law, defines student's responsibility in violation of their duties, precisely defined must be the procedure that precedes educational-corrective measures, disciplinary measures and measures that are taken after disciplinary measure, taking statements from students in process of defining their responsibility, informing parents, passing and delivering of decisions, reduced grades for misbehavior as consequence of prescribed educational-disciplinary measure and not disciplinary measure as in certain cases has been done.

⁹⁴ Rules on Student Assessment in Primary School, "Official Gazette of Republic of Srpska", number 108/09, Article 3.

⁹⁵ The Law on Secondary Education, Article 58.

4.3. Curriculum

Curriculum is one of parameters for monitoring quality and efficiency of education. Too many subjects, non-understandable lectures, exhausting schedule and insufficient time for explanation, practicing and examination are the most commonly stated problems for students.

In discussion with student on number of subjects, by enlisting them as those that are "important and difficult" and which must be "studied" confirms that curriculum is excessively voluminous and number of 15 subjects for grade 6, for example, is greater than their age.

Students emphasize that they are learning too many abstract terms which they have to adopt, there is too much data that are meant for short-term memorizing of numbers, dates, names, formulas, definitions. This was especially pointed out for geography, history, biology and chemistry. All students confirmed that they gladly learn about past, theirs and other countries and cultures, but they think that too many data kills their curiosity because in so much data it is very hard to extract the most important that is worth memorizing.

It is quite interesting that primary school students propose that some subjects they could have once a month or once a week, contrary to their timetable, what would ease their burden of voluminous curriculum and still those subjects would not lose their importance.

Teachers and school administration confirm that curriculum is too voluminous and that, in run with implementation of curriculum, very often it is impossible to monitor how much of knowledge children have adopted permanently.

Students remind that during the year they are being examined last year or last semester lessons what is a problem for them because they have forgotten it. This is a problem for teachers too because they are once again repeating what already they have taught children in order to maintain curriculum continuity and they do not have planned time for it.

Besides this, student state that textbooks⁹⁶ for certain subjects are written in non-understandable language, sentences are too long and complicated and that there are too many words that children do not know meaning of. Older students for example gave chemistry textbook.

Some textbooks contain too much of unnecessary information, for example geography textbook, and some offered data, as in Computer Science textbooks, students have overcome long ago.

⁹⁶ The Law on Primary Education, Article 38. para.1 states that textbook must meet scientific, pedagogic, psychological, didactical – methodical, ethical, linguistic, artistic and technical requirements prescribed by standards for production of textbooks.

4.4. Leaving school

The Education Development Strategy of Republic of Srpska for the period 2010 - 2014. in accordance with European standards envisages an increase in coverage of children in primary education to 100% and 85% in secondary. Bearing in mind the defined goal of the Strategy and information that the Institution had about a number of children who start and do not complete their education, the Ombudsman for Children has conducted a research with the aim to determine:

- the presence of the appearance of leaving primary and secondary school,
- number, gender and age of children who leave school,
- reasons why children leave school,
- reactions of the competent when children leave school,
- school suggestions for preventing and resolving cases of leaving school.

The questionnaire that was developed by the Institution was delivered to all primary and secondary schools in Republic of Srpska in order to come to as more objective data as possible. To cooperation responded 120 elementary and 61 secondary schools (64.41% of total number of primary and secondary schools) that have provided data on students who left school for two school years 2009/2010. and 2010/2011.

Summarizing the data

In accordance with the objectives of the conducted research on the number, reasons and treatment of school and competent institutions when children leave educational system, the Ombudsman for Children states:

- By research of the phenomena of student leaving educational system in Republic of Srpska in 2009/10. and 2010/11. school year 120 elementary and 61 secondary schools were included. The questionnaire was distributed to all primary and secondary schools, and to the same responded the total of 64.41% of all primary and secondary schools in RS.
- During 2009/10. and 2010/11. school year in 36 primary schools or 30% of the 120 who responded to the questionnaire the cases of leaving school were recorded. In the same period, 40 secondary schools or 66% of the 61 secondary schools that have submitted the data record cases of leaving school.
- During the two school years 79 primary school children have left education, that is 44 boys and 35 girls and 499 secondary school students of which 326 boys and 164 girls (for 7 students the gender was not documented). From these data it can be seen that boys in larger number leave school, in secondary school the number of boys is two times higher than the number of girls.
- From the obtained data it is noted that students leave primary school, mostly in the third triad, i.e. from 6. to 9. grade, regardless of the reasons that lead to it.
- Secondary school students leave school in equal number from 1.to 4. grade

- When analyzing the reasons why students leave primary school, then one comes to data that 60% of primary school students leave school due to unsettled family life, 35% for other reasons, and 5% due to illness. Other reasons due to which primary school students leave school are, in most cases, attaining the age of 15, and then marriage, voluntarily leaving school, etc.
Secondary schools most children (49% cases) leave due to poor success, unexcused absences or voluntarily.
Due to the pronouncement of educational - disciplinary measure of exclusion from school 27% of students in secondary schools leave education, and that number is even higher if one considers that among other reasons the schools cited a large number of unexcused absences, for which this measure is mostly pronounced.
Establishment of a marriage is the reason of leaving school in 13% of cases. By analysis of the data on the reasons for leaving secondary school it was found that 74 girls or almost 15% of the total number left school because of the conclusion of marriage or cohabitation and pregnancy.
Unstable family circumstances are the reason for leaving secondary school in 5% of cases, and students in 4% of cases left secondary school due to illness.
- The Law on Primary Education obliges schools, in cases when a child does not attend school or leaves the school, to inform social welfare centers, bodies of local self governance and the Ministry of Education and Culture. Of the 36 schools that have had cases of leaving school, 33 schools have notified social welfare centers and only a quarter of these schools notified bodies of local self governance and the Ministry of Education and Culture. By the analysis of responses provided by the schools it is concluded that in the same situations schools react differently, and that one number of schools inform on each case all the competent institutions in accordance with the Law, while one number of schools transfer responsibility to parents, social workers or the students themselves.
Of 40 secondary schools that had cases of leaving school 22 schools addressed social welfare centers, one school addressed public safety center and one mental health center.
- Considering that a primary school is compulsory and that all children who enroll in primary school must finish it, each informing the competent authorities on cases of leaving school requires feedback on the measures taken to support and assist the child and his parents, depending on the reasons that have led to leaving school. Feedback from the institutions that were addressed received only 9 primary schools and that data indicates the lack of cooperation between the competent institutions in recognition of the need and obligation to, by working together, in accordance with its authorities, take measures with the aim to protect the child.
In 9 secondary schools there is feedback about the students who left school and that is from courts and social welfare center.
- A total of 36 schools out of 181 schools that provided data yielded their comments and 21 primary and 15 secondary schools have almost the same proposals that would prevent or minimize the occurrence of leaving school:
 - Educational and counseling work with students and parents, inclusion of pedagogues and social worker and home class teacher in those activities.

- Greater involvement of services of social protection and more resources to the same institutions to assist in solving of these problems.
- Necessary assistance and support to families with lower income.
- Early prevention and involvement of children with hearing and speech problems in education.
- Lack of knowledge, education and information on the establishment of marriage and pregnancy in the period when they are still children.

In order to obtain the opinions of experts, the Ombudsman for Children has organized, in collaboration with the Government of Republic of Srpska Gender Centre, a roundtable with the topic "No child outside the educational system" on November 22. 2011. on the occasion of the International Children's Day.

The right to education is a basic human right, because its exercise directly affects the ability to access and exercise many other rights. Primary school is mandatory and the law does not know any reasons why a student may be excluded from primary school. Secondary school is not mandatory, but child care is mandatory. Any leaving of education is a violation of the basic right of a child. The aim of the roundtable was to seek an answer to the question of whether we have identified all the risks and taken all necessary measures to enable the realization of this right for every child.

The round table was attended by representatives of the Ministry of Education and Culture, Ministry of Family, Youth and Sports, Ministry of Internal Affairs, Republic Pedagogical Institute, Educational Inspection, Public Security Center Banja Luka, Social Welfare Centres Banja Luka, Kozarska Dubica and Srbac, primary schools from Bronzani Majdan, Sitneši, Kozarska Dubica, Banja Luka and secondary schools from Kneževo, Prnjavor and Banja Luka, Board of Directors of Elementary Schools, Children's Home "Rada Vranješević", Youth Council of RS, Young Advisors of the Ombudsman for Children, OSCE, Save the Children Norway and Genesis Project.

The attendees in the discussion emphasized the importance of education and provided the data on similar studies as well as the need to act educationally and preventively on students and parents to reduce the number of children who leave school. To solve this problem the multidisciplinary approach is necessary, because the reasons for leaving school are various and the consequences for the child are severe and long term.

From the discussion the following conclusions resulted:

- leaving school is not child's choice, nor his will, but a consequence of failure to recognize situations that lead to it,
- lack of information of parents on various issues and problems in their children's growing up, frequently, results in lack of adequate and timely support and assistance to the child in his growing up,
- inadequate cooperation between parents and school is a key problem that is present in all issues of realization and protection of the rights of the child,

- primary education is compulsory and the law does not know any reasons why a child can leave primary school, therefore in each single case the reasons that led up to it must be eliminated ,
- leaving secondary school on the basis of unexcused absences requires determining the causes of absence from school and taking the necessary measures so that the child and parents understand the full weight and consequences of such behavior,
- leaving secondary school because of bad success and behavior is a result of lack of preparation and motivation of children for school in which they have enrolled, which requires more attention to be given to the matters of professional orientation and enrollment in secondary school,
- passing of entrance examination for enrolment to secondary school would contribute that children enroll in schools for which they have real capabilities,
- teaching children about their health, healthy lifestyles, sexual behavior would have to be a part of educational system in a manner adopted to children, their age and needs,
- determining disciplinary responsibility of students must be made under clearly defined rules and procedures of treatment and measures that are taken with the aim of educational and disciplinary sanctions,
- professional services in schools would have to, through additional programs, pay special attention to all risk factors that lead to leaving school,
- a school should, together with the report on work, show the number of students and the basis on which the students left the school in school year for which the report is filed,
- strengthen cooperation between school, social welfare centers and local community with the aim of common recognition and solving of problems that were identified as risk factors.

For each child individually and for society as a whole, education is a key factor that must be a priority for all. Children who leave school, already as children are brought into social sector, it is not their choice, but failure to recognize situations in which children grow up and lack of adequate support for the elimination of the causes that led to it. That is not problem only today, nor just theirs, the problem is long term and for each child, his family and society as a whole.

A child, who leaves educational system, is excluded from all other systems, except social, unfortunately.

By leaving school, regardless of the reasons that lead to this, children become additionally vulnerable category exposed to numerous problems economic and social and personal. Due to the low level of education, already as children they are exposed to risks of poverty and social exclusion long term, due to inability of employment and any kind of work engagement they become dependent on welfare.

Unfortunately, the decision to leave school, is not only based on an isolated cause, very often, the decision is the result of several factors which, in mutual connection, have led to this decision.

Understanding the reasons why children leave school is crucial, only in that manner this category of children will be identified. Understanding the reasons requires a multidisciplinary approach as well as elimination of the causes that lead to leaving school. A positive example is the primary school "Vuk Karadžić", Sitneši in which the Director of the school in which *"the two children do not attend regular classes, and one child who is on the list for enrollment in first grade the parents refuse to enroll in school"* has notified all the relevant institutions, which under their jurisdictions have taken the necessary measures that children continue their regular classes. By leaving school not only the child's right to education is violated but also the right to adequate parental care, the right to protection from all forms of neglect, the right to unhindered growth and development ...

By leaving school the society as a whole faces many problems, because:

- the number welfare cases is increasing and the number of people whose existence depends on social sector,
- the number of persons seeking employment with a very low level of education is increasing,
- it contributes to increased delinquent behavior in children because these children because of exclusion from educational system are exposed to various risks.

Although the data obtained from schools, statistically speaking and in comparison with neighboring countries⁹⁷, are not disturbing, disturbing is even if only one child for ever, while still a child, remains on the margins of society. And each that remains outside educational system is exposed to risks of poverty and social exclusion long - term.

Bearing in mind the consequences that leaving school has on the development and growing up of a child, it is necessary

- Primary school is mandatory and the Law does not know any reason nor possibility that a child leaves primary school.
It is the responsibility of each school in each single case, in accordance with Article 56, paragraph 2 of the Law to notify on that the competent authorities who are obliged to take the necessary measures to return the child in educational system. The notification that is submitted to authorities is not notice on that but a request for an adequate response and support to the student and family to eliminate the cause that led up to it. No child in elementary school can remain outside educational system, without the knowledge of the relevant ministry.
- Secondary school under the Law is not mandatory, but child care is mandatory, therefore in each single case, the school ought to request that the competent

⁹⁷ According to data that the European Commission has published in the Report on progress towards Lisbon objectives in the field of education and skills development, early leaving of school in most European countries ranges between 5% and 15%, and in Strategic directions of development of education in Bosnia and Herzegovina with the implementation plan 2008 - 2015. as one of mid - term goals reduction in leaving school to 7.5 percent was noted.

institutions, in cooperation with the child and his parents take the necessary measures to eliminate the causes that led to such decision.

- Poor success, lack of interest of student and their lack of motivation already in first year of secondary school lead to leaving school.

Leaving school due to poor learning and behavior very often is a result of inadequate preparation and motivation of children for school in which they have enrolled, which requires that special attention is given to the issues of professional orientation and enrolment in secondary school.

The introduction of entrance examinations for admission to secondary schools would reduce the risks that children in first grade are faced with the curriculum which realistically they can not master and they see the solution in leaving school.

- Very often the reason for leaving school is educational - disciplinary measure of exclusion.

The Regulation on disciplinary responsibility very often does not define the conduct of disciplinary proceedings (initiation of proceedings, giving statement, hearing, passing decision and its delivery) with the aim that the student realizes that with his behavior he violated rules of school discipline and that due to such unacceptable behavior the sanction would follow, which should be in the function of prevention, so that student would not make new violation.

Unique Regulation on disciplinary responsibility of students that would be passed by the line ministry, which would in accordance with the Law define the rules for conducting disciplinary proceedings and treatment proceedings, would help to reduce the number of students who on this basis leave school.

- Cooperation of parents and school is essential for educational process and any failure of parents to cooperate with the school, not responding to the invitation of the school, not recognizing the needs of the child and failing to take the necessary measures with the aim to protect the child, is the neglect of a child that must be recognized on time, because the lack of timely responses lead to different consequences above all to the detriment of the child.

- It is unacceptable that children leave school because of entering into marriage.

Teaching children about their health, about healthy lifestyles, sexual behavior, sexually transmitted diseases and similar by pre - defined programs, adapted to the age and needs of children would have to be part of educational system. Teaching children about all the risks and consequences of entering into early marriage, regardless of its form of organization - an optional subject, homeroom class, additional class in cooperation with appropriate faculties, must be recognized in order to prevent the consequences not only for each child individually, but for society as a whole and the long term.

- Annual Report of school work would have to include not only the number of children who left school but also the reasons that led to it and the measures taken in this regard.

- It is necessary that professional services in schools through additional programs pay special attention to children at risk including the risk factors leading to leaving school.

- It is necessary to constantly work on strengthening the cooperation between school and local community with the aim of mutual recognition and resolving of all issues in order to improve the position of children in society.

5. The right to play and leisure

The Convention on the Rights of the Child⁹⁸ obliges states to recognize the right of the child to rest and leisure, to play and recreational activities appropriate to the age of the child and free participation in cultural life and art, and to respect and promote the right of the child to participate fully in cultural and artistic life and encourage provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activities.

In leisure time children can exercise many of their rights - the right to the best interest, right to education, expressing their own opinion and participating in making decisions that affect them, the right to protection from various forms of violence, abuse and neglect, development of healthy lifestyles and what is very important, leisure time of children should be in function of prevention of various forms of unacceptable behavior in children. Leisure time of children, and this is the time when children are not in school or kindergarten, seeks to be well organized in accordance with the age of the child, his needs, desires and abilities, otherwise, this space – non - organized leisure time in children precisely opens the path for unacceptable behavior in children.

Because of the exceptional importance that the exercise of the right of the child to rest and leisure has on the proper growth and development of the child, it is necessary to determine the duties and responsibilities of different subjects for organizing various contents and activities for children in leisure time.

Now everyone agrees that children have that right, children and parents and teachers and health workers, however, issues arise with the manners and possibilities of their realization.

The availability of content both physical and financial for the exercise of this right of the child, especially availability of this content for children with developmental disabilities, leisure and activities for children without parental care who are placed in institutions, local community involvement in creating conditions for the provision of this right for children, school's role and importance of extracurricular activities for children, abilities of parents to recognize and meet the needs of children in the exercise of their right to play and leisure, are just some questions that require the engagement of experts and institutions in various fields in order to recognize the importance of this right for proper growth and development of a child.

According to children's statements, at the workshops on the right to leisure, parents of children have a different approach related to their leisure time, of it that they are not part of their leisure and do not participate in finding those activities that will really motivate them and in which they will develop their creativity and responsibility, to situations that children are under constant pressure and guidance from parents for various contents, which sometimes are not an expression of neither the child's will or desire to do exactly that in leisure. In both situations the actual recognition of the role and importance of leisure in

⁹⁸ Un Convention on the Rights of the Child, Article 31.

growth and development of the child is absent. A child needs support and understanding of the family for his activities in leisure time, but it is also necessary to direct and supervise a child in such activities so that they have positive effects on his growth and development. Family increasingly leaves the organization of children's leisure to various clubs, playhouses, clubs that organize various activities for children, not following in this the actual participation of children and contribution of those activities to the development of children in general. Quality spending of leisure primarily in the family from the earliest age of a child is extremely important in creating trust and understanding between parents and children, which will to both, with growing up of the child be additionally important.

The fact that concerns is that in all the workshops as the most common way of using free time children have cited the Internet and Facebook, which is further evidence that children in the absence of quality content use those that are easily accessible to them. Spending free time on this form of communication (sitting for hours in front of a computer) not only is not the best interest of a child, but it is harmful to his health, and not to mention all injuries and violence and abuses to which a child may be exposed while spending his leisure in this manner.

Watching television is one of the activities of children, which daily engages their attention even for several hours, which reduces the time for playing sports or reading books, and on the other hand children are enabled the same with no time restrictions and supervision of content they watch.

Cafes and hanging out in restaurants are contents that are offered and which they use, which again, according to the statement of children, is not their choice, but in some areas impossibility of a choice. At the same time secondary school aged children warn that in their leisure the activities such as night clubs and betting shops that do not require proof of legal age are available to them.

Children of the earliest age most of their free time spend in play that should develop their physical abilities and skills, imagination, creativity, sense of friendship and cooperation. These games are fostered in preschool and in early school age, but they would have to be a part of the activities of children of this age also in their leisure time.

Schools have a vital role in organizing various activities for children in their leisure time. The students we talked to say that the school offers a number of sections, but some of them have a very few members just because they do not offer contents that are interesting to children, they point out that they do not go to sections for which they have no preferences and interests. What children suggest are activities that will enable them to meet and socialize with peers from other schools and from other areas in which they will share their experiences.

Local communities also have a crucial role in organizing the various contents for children and young people. The attitude of local community towards this right of the child varies from municipality to municipality so that in larger municipalities the offer for leisure activities for children is greater. In smaller communities children expect from the school to be the

center and driving force of cultural, artistic and sports activities and that the school be a place where in free terms various activities will be organized such as sections and extracurricular activities for students, as well as lectures and conversations with parents.

The proposals of children confirm how the cooperation of parents, school and local community is necessary that would with planned and joint activities contribute to the quality of life of whole community, and of course of children and their leisure.

The right to leisure time requires that it be exercised in conditions in which children will be safe and protected and where their best interests will be priority. By organizing spaces to work with children under the name of children's playhouses, many mislead parents and exposed children to risks, while at it they were not under the adequate supervision. The main objective of children's playhouses is quality fulfillment of children's leisure and as such must be organized under the conditions stipulated by the law and under the constant supervision that will primarily provide full safety of children but also quality content adapted to their age.

On the Recommendation of the Ombudsman for Children, the Republic Educational Inspection conducted in 2011. 130 controls in the area of preschool education⁹⁹. It made 58 decision ordering the removal of deficiencies and issued two misdemeanor warrants. The control found that the activity of pre - school education perform "independent businesses" and "citizen's associations" which are not registered in accordance with the Law and did not get decision on work of pre - school institution from the Ministry of Education and Culture. The Educational Inspection has ordered that the subjects of supervision obtain decisions on work and to harmonize activities and acts with the Law. In the control of execution of decisions the irregularities were removed, and those who meet the necessary requirements, received a work permit from the Ministry of Education.

The Ministry of Education and Culture in the "Official Gazette", number 7 of 01.31.2012. has published a list of pre -school institutions that have received the decision of approval for work of preschool institution.

Although the right to leisure belongs to all children, without discrimination on any basis any as well as every right under the Convention, it unfortunately, for all children for various reasons is not guaranteed and secured. This right as well requires that the child's best interest be priority in all activities of the child in his leisure time and that it is exercised under conditions in which children will be completely safe and protected.

⁹⁹ Notification of the Chief Republic Educational Inspector number 24.120/054-15-2/12

6. Social and economic rights

6.1. Social protection

States Parties shall recognize the right for every child to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with the national laws¹⁰⁰.

Children have the right to a standard of living adequate to their physical, mental, spiritual, moral and social development¹⁰¹.

Providing social protection for children includes appropriate measures and activities of relevant services of social protection for:

- children without parental care,
- children in conflict with the law,
- children victims of violence, abuse and neglect,
- children with disabilities and
- children whose development is hindered by family circumstances.

Each of the stated categories of children, depending on the age of the child and his needs and the reasons that led up to it, requires a range of activities of different sectors and their coordinated action in order to determine the actual situation and to protect children and their interests by adequate solutions, primarily by their empowerment for independent life and work, and thus reduce their dependence on assistance and support of social services.

Social protection is not only financial help, but a range of measures and social welfare services that have a preventive role, but which reduce or eliminate the dependence of the individual and family social services.

The economic situation of parents and families today affects the quality of implementation of children's rights. A large number of unemployed, irregular payments of wages, irregular payments of contributions by employers directly affect the economic stability of families, and thus children. The fact is that the funds of social welfare centers are limited and insufficient, and that the situation varies from municipality to municipality. Parents complain that because of the difficult financial situation they have not been able to regularly settle their obligations under the requirements of public companies (liabilities for delivered electricity, water, heating ...) and that directly affects the living conditions of their children. Some municipalities are trying with various kinds of assistance to rehabilitate the social needs of its citizens - subsidies for heating, electricity, hygiene packages and similar. Any kind of assistance to family is at the same time assistance to children.

¹⁰⁰ UN Convention on the Rights of the Child, Article 26.

¹⁰¹ UN Convention on the Rights of the Child, Article 27.

However, when children are concerned poverty is much more than just financial status, every child who is not enrolled in school is poor, regardless of the reasons that led up to it, every child who suffers violence of any kind is poor, one that enters into a marriage or common - law marriage, one that is forced to work while still in elementary school, one that leaves school, all these and many other situations, children while they are still in development bring to the margins of society, excluding them from all the systems except the social.

Growing up in such conditions reduces the chance of children from the start to develop their potentials, and due to the inability of access to different services their participation in the community is also limited.

Parents have the primary duty and responsibility to care for the development and upbringing of their children. But if parents are unable to do so for reasons which are in a proper procedure determined, then society has to react and find appropriate help and support to the child. Nothing can or may be the reason that a child does not enroll in primary school or leaves it. School should, in cooperation with center, have to know the number of students who need support in the procurement of textbooks for example and with the support of other subjects of protection seek solutions in a manner that will not additionally hurt the child.

Centers are authorized to submit claims for alimony from all the assets of the debtor, and even at the expense of his support. These children very often are not social cases, but were brought into the state of social need, therefore the approach to this problem and its solution must be changed in a manner that parents are responsible and obligated to provide support for their children.

Complaints point to the unevenness of criteria for allocation of social assistance between individual users, slow work on complaints, lack of standard forms - requests, and citizens are forced to write their own requests, lack of expertise of persons who decide upon requests, requiring from citizens demands to submit various certificates and testimonials, which are later found to be unnecessary or easier obtained by the authority ex officio.

Social welfare centers are the main institutions that provide social protection for citizens. Given that their funding is from the municipal budget, thus the allocation of resources for social protection varies from municipality to municipality. However, the problem is much more complex and requires defined policies in various areas, which will provide assistance and support to family that is the most important in growing up of the child. Prevention programs in different areas are the best protection of a child, and they require organized and professional approach, continuing work with children from the earliest age and supervision in implementation of these programs.

6.2. Economic exploitation of children and performing harmful tasks

According to the Article 32. of the Convention on the Rights of the Child states parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with child's education, or to be harmful to child's health or physical, mental, spiritual, moral or social development.

In this regard states are obliged to undertake necessary legislative, administrative, social and educational measures for the protection of the child on that basis.

The Law on Labor, Family and Criminal Law of Republic of Srpska have recognized international standards in the protection of children from economic exploitation and exploitation, in the part of determination of age limit when a child may be employed, the conditions under which it may be employed, working hours, protection from performing tasks where there is an increased risk of injury or increased adverse effect on health.

In addition, the Family Law sanctions a parent who abuses parental rights by forcing a child to over - work or to work inappropriate to his age, in a manner that court will to such a parent, in extra-judicial proceeding take away parental right, and the Criminal Law establishes criminal liability for the person who forces a child to excessive labor which does not correspond to his age.

Today there are no reliable data on whether and under what circumstances children are employed and under what jobs. The institution has not received any report which indicates the violation of the right of the child on this basis.

According to the data of the Republic Administration for Inspection Affairs of Republic of Srpska - Department of Inspections and Safety at Work, in 2011. a total of 13 minors was recorded who were working for the employer on the basis of employment contract and with the registration with the relevant funds. The tasks they performed were in accordance with the provisions of Article 75. of the Law on Labor - Revised text ("Official Gazette of Republic of Serbian" number 55/07)¹⁰².

Considering that under this basis the reports are not generally submitted to the competent institutions, the solution is in increased supervision and regular inspection control in detecting any illegal work and employment of children and sanctioning all those who employ them contrary to the existing regulations and their interests.

¹⁰² Data of Republic Administration for Inspection Affairs of Republic of Srpska - Department of Inspections and Safety at Work in 2011.

6.3. Children on street – beggary

Children's rights as established and guaranteed by the UN Convention on the Rights of the Child are just the needs of each child on his way of growing up. That requires that for each child, from his birth to adulthood, those needs be provided that will enable him healthy growing up.

The problem of beggary in children and children on street is present for years and that we do not have the real indicators of its presence and the real causes that lead to it, nor systemic measures and activities aimed at removing the causes that lead to violations of the rights of children in this area.

Its concern regarding the exploitation of children and beggary has also expressed the UN Committee on the Rights of the Child¹⁰³, which, in this regard, made appropriate recommendations to Bosnia and Herzegovina.

The Committee is concerned about the information that a significant number of children, especially Roma, lives or works on streets, that the majority of these children are under the age of 14 years, most do not attend school and that almost half of them are sick. The Committee further notes with concern that the work that these children are dealing with is often harmful to their health and is of exploitative nature, and that most of these children are forced to work.

The Committee recommends to the State party to:

- a. undertake a comprehensive study that would get the number, structure and characteristics of children who work and children who live on streets with the aim to design and implement comprehensive strategies and policies for the prevention and elimination of economic exploitation of this category of children,
- b. ensure that this category of children are provided with the necessary food, clothing, housing, health care and opportunity for education, including vocational education and training in life skills, with the aim of support of their full development,
- c. ensure that implementation of the law is in full compliance with Article 32. of the Convention on the Rights of the Child and Conventions 138 and 182 of the International Labor Organization.

Starting from the constitutional provision that children as the most vulnerable category are entitled to special protection, the laws of Republic of Srpska have recognized the problem of economic exploitation of children and in an appropriate manner normatively regulated this issue, establishing sanctions for all those who allow children, enable them or lead on beggary.

¹⁰³ UN Committee on the Rights of the Child in 2005. considering the initial report on the state of children's rights in Bosnia and Herzegovina has expressed its concern and made a number of recommendations to Bosnia and Herzegovina, among other things, regarding the protection of children from economic exploitation, exploitation and beggary

Unfortunately, normative, and real in this area, where children are concerned, do not go together.

Often we are witnessing the situations that children on streets, at busy intersections, transport, in front of hospitals, parking areas in all weather conditions - rain and sun, cold and hungry with outstretched hand seek alms.

These children are very often completely neglected. Their rights to education, health care, play and socializing with peers, their right to healthy growing up and protection from any form of violence, abuse and negligent treatment, to them, and those who "care" for them is completely unknown.

The conditions in which they grow up working on street not only violate, but seriously jeopardize their basic rights, primarily the right to protection of health, to adequate parental care, right to education. One of the fundamental rights guaranteed to children is the right to protection from all forms of violence, abuse and neglect.

Their work on street is often only the part of the problem with which they grow up, lack of health and social care, leaving school or they did not even enroll in it, chaotic family relationships, etc. so that beggary goes along with the problem they already have. Most often, beggary is the result of violation of multiple rights of the child, in the first place inadequate parental care and untimely response to such conditions of child's growing up.

A child who is neglected and has no adequate parental care is left to street and manages on its own and as such very quickly becomes of interest to those who in this business see income opportunity.

Among children who beg differ:

1. Children who do it with the consent of parents or guardians, or at their request,
2. Children who do so without their parents' knowledge,
3. Children who are forced into beggary by third parties, who in fact rent or buy them with an agreed fee and use to acquire personal gain.

According to data of NGO sector, in some cases, parents are behind this activity of their children, because it is about the families who are provided with housing by local community and where the children are included in educational system, however, after finishing school, children are seen in certain locations in beggary and the mother is waiting for them in park.

In one number of cases children, by their statement, do it without their parents' knowledge.

The parents do not know that their children in this way are trying to earn some money, parents do not even know where they spend their time and what they do during that time.

There are also situations that children are, in an organized manner, brought from other municipalities, and other countries in the region by the organizers of beggary, which goes into clear trafficking of children. Most often, during the summer, a larger number of children

brought to the "job" are noticeable. The police in those municipalities know when they come and where they come from, so they take the necessary measures to ensure that they return to the place they came from. They often have limited daily wage so they can not leave street until they earn a certain amount.

The data on children who beg refer to all municipalities in Republic of Srpska and were obtained from social welfare centers and police:

1. The total number of children registered in beggary

In 2010. the total number of children who are registered in beggary by the competent services is 131 children. The data refer to the entire Republic of Srpska and the same include all children caught in beggary and not only the children from the relevant municipality and not only children from Republic of Srpska.

At that, 12 municipalities had registered cases of beggary, and other municipalities this phenomenon did not register. Of the 12 municipalities that have registered cases of beggary, the four municipalities - Banja Luka, Prijedor, Bijeljina and Modriča, refer to 79% of the reported cases or a total of 104, and the other eight municipalities together have registered 27 cases or 21%.

2. According to the sex of children

Of the total number of children registered in beggary girls are more numerous than boys, so in 2010. 68 girls or 52% of the total number and 63 boys or 48% are recorded. In the municipalities of Prijedor and Bijeljina, according to the records of relevant, girls are more present than boys, while in Modriča, the number of boys - 16 is double the number of recorded girls and in Banja Luka that number is equal, 14 boys and 13 girls.

3. According to the age of children

According to the records of the relevant services in beggary were mostly children aged 6 - 9 years (49 children) and aged 10 to 14 years (48 children), followed by children aged 15 - 18 years (25 children). In beggary were also caught 4 children aged up to five years and 5 children under 3 years of age. In Modriča the largest number of children, nine of them were aged 6 - 9 years and 10 - 14 years, in Banja Luka, the largest number of children aged 15 - 18 years (14 children) and 6 - 9 years (7 children), in Bijeljina majority of children, eight of them aged 6 - 9 years, and in Prijedor, 19 children aged 10 - 14 years and 16 children aged 6 - 9 years.

4. The time in which they are recorded

The time in which children are most recorded in beggary is usually the summer period, month of August when 54 children were recorded, than July - 45 children, May - 40 children and June - 36 children. No matter that the phenomenon is registered during the whole year, for some municipalities - Prijedor, Bijeljina, in particular is recorded that beggary takes place

precisely in these months. Stated data further indicates the prominent problem that it is about children who are in an organized manner brought to these municipalities for beggary.

Month of January and November are the months when the smallest number of children is recorded, in January 14 and in November 15 children.

5. The causes of beggary

As the largest cause of beggary among children social status is stated, in about 40% of cases, than family dysfunction - alcoholism, domestic violence and similar - in 24%, a material interest in 20% of cases.

As the reasons of child beggary, forceful beggary and children's running away from home and lifestyle are stated.

6. Measures taken

According to social welfare centers' data measures taken are:

- conversation with parents 25% of centers
- conversation with children 19% of centers
- visit to the family of the child 16% of centers
- conversation in school where the child is enrolled 13% of centers
- informing police in 9% of cases,
- contacting the social welfare center where the child comes from and cooperation with NGOs.

According to the MIA data, the first measure undertaken is informing the social welfare center, then filing a report for initiation of misdemeanor procedure and the ongoing activity is preventive action.

7. Number of children returnees

According to the obtained data, the number of children returnees in beggary was recorded in Modriča 19 children, in Bijeljina 12, in Gradiška 4 children, in Višegrad 4, in Novi Grad and Lopare 2 children in each.

It is noticeable that returnees in beggary have not been recorded in the municipality of Prijedor and Banja Luka, which again confirms that in these municipalities children are most often, in an organized manner, brought for beggary in certain time periods (vacation time), with which the competent municipal services are familiar.

It is also noticeable that in the municipality of Bijeljina the total number of children recorded in beggary - 12, at the same time recorded as returnees in beggary, and that the municipality has the highest number of recorded cases of beggary - 102 in one year.

8. Cooperation with institutions

Social welfare centers confirm that in 94% of cases they have very good cooperation with institutions, in the first place with the police in 42% and with school in 25%. In addition they consider as significant the cooperation with medical centers, Roma associations and other non-governmental organizations dealing with this issue, and with the social welfare centers of municipality from which the child comes from.

In the opinion of the MIA cooperation with other institutions is very good, in the first place is cooperation with social welfare centers, 75%, and in the second place cooperation with primary court, 25%.

9. The problem faced by social welfare centers and the MIA:

The most common problem faced in working with children in beggary, in the opinion of social welfare centers:

- non cooperation of parents with the social welfare center, 23% of centers
- children running away from school, 23% of centers.
- stated problems related to brought children, 15% of centers and
- problems caused by non-performance of parental rights and duties, 15% of centers.

Difficult financial situation, forceful beggary and non existence of adequate shelters are seen as a problem but not primary, since all of them together present a problem equal to the problem – non cooperation of parents with the social welfare center on that basis.

In the opinion of public safety centers the most common problem that they have in the field is determining the identity of the child and finding child's parents.

10. Measures with the aim of prevention

Measures taken by social welfare centers with the aim of prevention and protection of children involved in beggary are

- advisory work with the family, 27%
- cooperation with the school, 18%
- material assistance to the family, 18%,
- inclusion of children in prevention programs, 9%

11. How to get the information about children who beg

Social welfare centers to the knowledge about the children who beg most often come by the report of police in 36% of cases, followed by field work, 32%, in 25% of cases citizens have reported beggary of children and in 7% of cases the school.

According to public safety centers data, to the knowledge about the children who beg in all cases they come by work in the field.

12. The existing legal provisions

The existing legal provisions did not in an adequate manner recognize this problem and create conditions for protection of children from this form of economic exploitation, is the opinion of 69% of social welfare centers.

13. Proposals and suggestions for resolving this issue

Social welfare centers most often have emphasized the need to strengthen preventive programs, activities and adequate sanctions for parents who neglect parental duties, emphasizing that the same, most often encourage children to beg.

Association of Roma with whom the Institution has contacted, in addressing this issue in the first place put the need of sanctioning the parents, emphasizing that the same do not cooperate and that they are most responsible for cases of beggary and that the only penalty can amend it.

In public safety centers is emphasized that the problem of beggary of children requires greater attention and better coordination of institutions working on addressing this issue and the inclusion of many other institutions and agencies in its resolution (border police, communal police, inspection services). The only solution to this problem is prevention or ensuring adequate parental care for the child by measures of family legal protection.

Starting from the obtained information on exercise of the right of the child to protection from economic exploitation the Ombudsman for Children of RS in particular warns on:

Keeping adequate records of children who beg is not regulated in a unique way with the competent institutions. Some centers record these children as children at risk, some centers as children with problems in growing up, some as children in beggary.

Given the importance of the problem and all the risks that threaten these children on street and especially the long - term consequences for their development, it is very important to establish on common rules keeping database for this category of children in all local communities, which would be the basis for the establishment of such base for the whole Republic, based on which the needs and priorities in protection of these children could be defined.

The UN Committee on the Rights of the Child, expressing its concern that a significant number of children who are not older than 14 years of age and are mostly Roma, live and work on street and has committed to the establishment of appropriate records of children, especially the vulnerable categories of children and children at risk.

Neglect of a child, unfortunately, today is very much present but not all of its forms are recognized in time. Therefore, not only the recording of these cases is absent, but also the reaction of the competent towards parents who in different ways neglect the child.

Negligence is the neglect of the child which violates the child's right to life and development, because it neglects the needs of his life, education, health care, love and attention, play and leisure, protection of its privacy and similar.

Regardless of in what form neglect occurs (emotional, physical, health or educational) and regardless of the risk factors of neglect of children, which can be very different and relate to parents or to children or to social factors, each form leaves consequences on child's development and threatens its right to proper growth and development.

Poverty of family, which often is used as justification by parents of children in beggary, does not mean in any way that children should "earn" on street. Although poverty is one of the risk factors, it does not in any way justify the attitude of parents towards the problem of beggary of their children.

According to data of centers, the biggest problem is lack of cooperation of parents. This data confirms that these are parents to whom care for children is not a priority. A parent who does not cooperate with the social welfare center to protect the child, a parent who does not cooperate with the school that its child attends, has a problem and the center would have to react in the manner provided by law, by imposition of appropriate preventive measures of family legal protection - supervision, enhanced supervision, etc.

According to statements of some Roma associations, the only way to protect children from beggary is an adequate reaction toward the parents. If the local community, in specific cases, has provided housing, if the children are involved in educational system (got free textbooks, meals, etc.), and if the mother in park still waits for children to do their part of the job at intersection, then the system must act with appropriate measures towards the parent to protect the child.

According to statement of some social welfare centers as well, children registered in beggary come from the same family (six children), while the family has its own housing, the children are involved in educational system, the center takes necessary measures and further solution sees only in working with parents.

Every action of parents that is contrary to child's right to development and growing up or to child's right to adequate parental care, the standard of parental care is violated, and society must react in such manner to protect the child and its right to healthy growing up.

The Law on Protection against Domestic Violence stipulates that family members shall respect the rights, freedoms and safety of other family members in a manner that will not restrict, impede or prevent the exercise of their rights and freedoms, and that the subjects of protection in all cases shall immediately react and report the case of domestic violence.

Situations where there are children in beggary and the consequences that such their engagement leaves on their development and growing up, is violence against children, which unfortunately is not recognized in this way, so on that basis, an appropriate action against parents is absent, who not only allow children, but also induce them to beggary.

Reports that are submitted against irresponsible parents are submitted for misdemeanor of beggary, but not for violence against a child, nor for neglecting the child on that basis.

Children who live and work on street are victims in every way and they need help and support.

Beggary is one of the most present forms of economic exploitation of children, which unlike other forms of exploitation of children is easiest to note.

The right of children to protection from any form of economic exploitation is not only violated, but by their work on street also seriously threatened.

By living on street, children become part of it, by its growing up they adapt to the conditions and demands of street and thus become very easy prey for those who, in their engagement, see the income opportunity. With such engagement by others, children do not see any danger, on the contrary, they agree to this kind of "organization" and work.

It is therefore necessary to direct the activities on removing the causes that lead children to street. The causes may be various, but each child requires that in a proper procedure is determined what the best interest is for him in the specific situation. By dealing only with the consequence, the problem of street children in the long run will not be solved. Filing misdemeanor charges against the parents, so far did not give results, and rare misdemeanor procedures are usually justified by poor material condition in the family and with it that any sentence imposed in this case would further threaten the family budget.

It is necessary:

- to ensure more effective coordination of competent institutions and agencies for implementation of the action plan for solving the problem of Roma,
- ensure systemic collection of data and keeping proper records in all local communities on children at risk, based on which there would be data for the entire Republic, and that would be the basis for planning programs and actions for improvement of the position of this category of children,
- to ensure compulsory primary education which must include all children, and particularly take the necessary measures that the coverage of children of Roma nationality in pre-school institutions is as large as possible,
- at the same time it is important to monitor their schooling to eliminate the causes that lead to their withdrawal from further education or non enrolment to high school after finishing primary education, and develop additional training programs adopted to their needs and their age,

- inadequate parental care and early detection of children at risk - children in beggary, who leave school, run away from school, have problem with alcohol and similar requires continuous and effective cooperation of the competent institutions in identifying these children and timely responses of the competent,
- strengthening social welfare centers' teams for timely and adequate response in all situations where children are without adequate parental care, especially measures of family legal protection,
- strengthening cooperation between educational institutions and social welfare centers both in prevention and suppression of this phenomenon and in resolving individual cases,
- strengthening cooperation between competent institutions and NGO sector, especially associations concerned with the problems of Roma and their inclusion in developing plans and programs, but also in activities for their implementation,
- raising awareness and education of adults about the obligation to report all cases of exploitation of children, neglect and abuse of children, and identifying all situations that endanger children's safe growing up and adequate response,
- by preventive measures and activities strengthen the capacity of parents and their responsibility to act contrary to the interests of the child, or not taking the necessary measures with the aim to protect the child,
- with the aim of adequate protection of children who are at risk, it is necessary to define the rules and procedures of treatment of the competent authorities - education, health and social protection, police and others - for situations in which children find themselves - leaving school, behavior problems, beggary and similar, or pass the Protocol on the treatment of children at risk.

The data on children who beg in Republic of Srpska, statistically speaking and in comparison with neighboring countries are not worrying¹⁰⁴.

However, given the consequences that such growing up leave on children, and every child's right to adequate care and protection, with additional measures, especially of family legal protection adequate solutions for the protection of every child must be sought.

6.4. Children residing in Children's Home

The UN Committee on the Rights of the Child by considering in 2005. first initial report of Bosnia and Herzegovina on the state of the rights of the child, has expressed its concern regarding the implementation of the Convention and on the realization and protection of the rights of children without parental care and has passed the recommendations¹⁰⁵:

- that children without parental care are placed in institution as a last resort, when experts recommend it and when it is in the best interest of the child,

¹⁰⁴ According to the Ombudsman Institutions data, only Slovenia has no recorded cases of beggary in children, while that number in Macedonia, Montenegro, Serbia and Federation of Bosnia and Herzegovina is several times higher.

¹⁰⁵ Recommendations of the UN Committee on the Rights of the Child, point 41

- to ensure periodic inspection of accommodation,
- to develop quality standards for foster care,
- to reduce the time children spend in institutional care,
- to ensure funds for the functioning of guardianship authority and foster care.

Under the Convention on the Rights of the Child, a child who is temporarily or permanently deprived of family environment, or, in his best interest, is not allowed to stay in that environment has the right to special protection and assistance from the state. Member States, in accordance with their national laws ensure alternative care for such child.

Such care should include, among other things, placement in a foster family, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard should be paid to the fact that the continuity in raising a child is desirable, as well as to ethnic, religious, cultural and linguistic background of the child¹⁰⁶.

Activity of the Children's Home "Rada Vranješević" the only institution of its kind in Republic of Srpska is taking care of children without parental care and children without adequate parental care, whose development is hindered by family circumstances.

The objectives of placement are the provision of care (housing, nutrition, clothing, nursing, support and care), care and health care, education and support in education, training for work, occupational, cultural - entertaining and recreational - rehabilitation activities and services of social work.

The right to placement of the child in Children's Home is regulated by the Law on Social Protection and the Statute of the Children's Home. However, the existing legal provisions do not have clearly prescribed procedure and conditions for the placement of children in institution.

Of the total number of children without parental care and children without adequate parental care (according to data of all social welfare centers in Republic of Srpska the number of children is 640) 15% is residing in Children's Home.

The Children's Home provides funding from three types of sources: the budget of the Ministry of Health and Social Protection of Republic of Srpska as the competent Ministry, the payment of funds from social welfare centers for service beneficiaries from their municipality and from donations of natural and legal persons¹⁰⁷.

According to the Family Law, guardianship authority has a vital role in protecting personal and property rights and interests of a child whether it makes decisions by itself or initiates appropriate action for the protection of the child or gives his opinion to the authority competent to make appropriate decision.

¹⁰⁶ UN Convention on the Rights of the Child, Article 20.

¹⁰⁷ Law on Social Protection, "Official Gazette of Republic of Srpska", 5/93 15/96, 110/03 and 33/08, Article 79.

With the aim of protection of the child and his best interest the Family Law establishes a number of measures that are undertaken if parents neglect or abuse their parental right.

The Law defines¹⁰⁸ the cases, in which a parent abuses parental rights and duties, and in which it grossly neglects parental responsibilities and rights, establishing that in these situations, court in non - contentious procedure revoke parental right.

Guardianship authority is obliged to initiate proceeding for the revocation of parental right and in case when in any manner comes to the knowledge that there are circumstances that indicate child abuse, abuse of parental right, child abandonment, neglect of child care, neglect of parental duty¹⁰⁹.

The law, therefore, gives priority to measures of family legal protection that are imposed for the protection of children at risk determining the possibility of revoking parental rights in cases and under conditions specified by the law.

The Law on Social Protection stipulates that protection is provided outside own family for minors - without parental care, impeded in psycho-physical development, whose development is hindered by family circumstances, educationally neglected¹¹⁰.

A minor without parental care is an individual who has no parents, who is abandoned by parents, of whose parents are unable to provide him with full custody because they are limited in the exercise of parental rights or are deprived of that right¹¹¹.

The right to placement in a social care institution has:

- 1 - a child without parental care and a child whose development is hindered by family circumstances until a child is trained for independent living, return to his own family or care in adoptive family or foster family, completion of formal education, basically until child becomes capable for independent life¹¹².

The main objective of the Strategy for improving the social protection of children without parental care for the period 2009 – 2014.¹¹³ is improvement of system models and actions of social and family - legal protection of children without parental care.

The Strategy by identifying an action plan for the period 2009-2014:

- analyzes the possibilities of improving existing forms of social and family - legal protection of children without parental care,
- determines the need for harmonization of existing laws and regulations dealing with this issue,

¹⁰⁸ Family Law, "Official Gazette of Republic of Srpska" No. 54/02, Article 106.

¹⁰⁹ Family Law, Article 107, Paragraph 2.

¹¹⁰ Law on Social Protection, Article 10.

¹¹¹ Law on Social Protection, Article 11.

¹¹² Law on Social Protection, Article 37.

¹¹³ Strategy was adopted by the Government of Republic of Srpska on September 3.2009.

- indicates the need for standardization of all forms of protection for children without parental care,
- undertakes on establishment of appropriate records in this area.

1. Spatial capacities

The Children's Home is organized by floors with spaces of open-ended and closed type, which leaves great potential for its adaptation to the needs of its users.

Spatial capacity for each family in the Home is 200 square meters. Premises that make family accommodation are: living room, 4 bedrooms, 4 bathrooms, studio, kitchen and dining room, bathroom, balcony.

In addition to a family premises the Home has staff room, internet room, warehouse, nuclear shelter, administrative offices, laundry room, kitchen, restaurant, room for group activities, a library, baby department, clinic, premises for clubs / sections (eg computer, art-sculpture ...), outdoor playgrounds (a playground for children of preschool and early school age and concrete playground), sports hall, boiler room.

During the visit to Children's Home certain floors were in the phase of renovation, why some families were displaced and/or merged with other families. Besides premises for residing, bathrooms in all family premises were also being renovated.

Department for babies and toddlers up to age of three is completely adapted with window wall between premises and it is equipped with all necessary and baby friendly furniture and daylight. This department is lacking one exit connection to the garden to facilitate communication of the family and premises outside the Home. In cases when children are going out from the Home, they use the main entrance and then assistance of other employees of the Home is needed to take children from this family out and bring them back.

Given the spatial capacities, 12 educational groups - families can function in the Home that are structurally and organizationally analog to family residences. The premises in educational groups are functionally equipped for daily activities, personal hygiene, nourishment and sleep in accordance with prescribed standard. Most of joinery at the facility has been renovated, premises have daylight and are neat although a lot could be done on its content (toys, didactical material, children's drawings, wall works, daily activity agenda and similar).

In addition to the Home's closed premises the Home at its disposal has available green areas.

At the open space there are two courts, one grass and one concrete that are available to children. However, both courts are ruined and are not used for organized work with children and quality use of their leisure time, because there are no structures adapted to children's age and needs on them.

Besides these facilities, children have at their disposal a computer center equipped with 15 computers, games room, library (number of library materials - 7 056), specialized rooms for group (cognitive - creative) work and pedagogical - psychological support to mental and physical development and progress, sewing workshop. Computer center, library, specialized rooms - workshops are separate from families, they are under the supervision of employees and access to them is provided with the knowledge and supervision of employees in charge.

Visiting room is also separated from the rest of Home, it is not of a big capacity but it suits the intended need. This room is also used for children's art workshops.

2. Employee capacities

The Children's Home has a total of 61 employees, 16 male and 45 female. According to the qualification structure there are 16 with University Diploma, 11 with College Degree, 26 with High School Diploma, 3 vocationally trained and 5 with Primary School Diploma.

Structure of employees:

Total	Male	Female	University Diploma	College Degree	High School Diploma	Skilled workers/Vocationally trained	Support worker	Non-skilled workers
61	16	45	16	11	26	3	/	5

In educational work a total of 22 teachers of which 7 men and 15 women are employed. The number and structure of employees is still not in compliance with the Regulation and currently the new Regulation is being developed. In the Home volunteers are engaged as well through programs of NGO sector and through individual participation through a contract with the Institution.

Individual one - year contract with the Home has five volunteers and two graduate pedagogues, two graduated psychologists and a professor of philosophy and sociology who are engaged in group work with children.

A number of children, with the agreement of social welfare centers, have contacts with individuals and families who have reported themselves to such activities and provide support to children through different forms - socialization, donations, etc.

In groups - families one or two teachers work, in shifts, depending on the group - family.

Professional training of employees is done through a program of individual training and through group training programs which are organized by the Home or other organizations.

Professional bodies in the Home consist of the following councils: the pedagogical council, preschool council, primary school council and secondary school council.

3. Structure of children

Table – number of children by age

	Number of children aged up to 12 months	Number of children aged 1 to 3	Number of children aged 3 to 6	Primary school children	High school children	Number of children that graduated high school
Male	1	2	2	29	17	1
Female	4	1	2	21	10	3
Total	5	3	4	50	27	4

Total number of children placed in the Institution is 93. The largest number of children is of primary school age - 50, in the Home 8 children under three years of life are placed.

Of the total number of children 41 are girls and 52 are boys.

The number of children in the Institution on various grounds is changing and each year a number of them after finishing formal education leaves the Institution.

According to data of all social welfare centers of Republic of Srpska, reasons for placing children in a children's home are following:

- domestic violence – 2 children
- without parental care – 32 children
- children development disturbed by family situation -35 children
- educationally ignored and neglected by parents – 21 children
- mother/father not able to care about children – 6 children
- abandoned by parent – 2 children

Length of stay of children in the Home is on average around 4 years. There are 9 children who are staying in the Home for ten years. In total, there are 13 children who are of legal age and still living in the Home.

According to the dynamics of movement of children in the Institution in 2010. five young people have finished secondary school and became independent. Based on the decision of the referring guardianship authority 5 children went to adoption, 8 children returned to their own family, 1 child went to another institution and 6 children went to foster families.

Children are organized at the Home in more educational - learning groups according to their age, pedagogical - psychological status and individual characteristics.

Educational - learning groups are organized and function as a family, and their number and structure depend on the total number of children in the Home, while respecting the norms and standards established for each child.

One or two teachers work with children in educational - learning groups, depending on the age of children in the group, and they also have help from housekeepers in the Home, while nurses work in the kindergarten and nursery. The work of teachers is closely related with the work of pedagogues, psychologists and social worker and is based on the principles of teamwork. Teachers in the 40 - hour working week aside the children from their group - family work with children from other families on the level of the entire Home. That is work on weekends and on call work (periodic day and night shifts).

Currently, 8 educational – learning groups – families are organized in the Home which, considering the total number of children and their age and needs, provide adequate conditions for work in the family.

In the Home are also staying children with special needs, of which 13 children have a decision on categorization. Eight students of primary school age attend school on a special curriculum in such manner that four children attend the adapted curriculum in the regular classes, while the remaining four children attend classes at the Center "Zaštiti me".

Five of the children of secondary school age are with special needs, three attend the adapted curriculum in the regular classes in secondary schools while two attend classes at the Center "Zaštiti me".

An individual care plan is made in the Home for each child which also provides for the revision of the plan after a certain time. In developing and revision of the care plan are involved employee of the Children's Home, employee of the competent social welfare center and the beneficiary. This approach allows children to actively participate in the development of the plan and program related to them, which is extremely important as by exercising the right to participation children contribute in determination of what is best interest for them.

4. Education of children

By comparing the average evaluation of success of children in primary school, the previous two school years, the average evaluation for 2010. is higher by 0,5 compared to the previous one, when it was 2,9. 35 children had exemplary behavior, 3 children had good behavior and 4 children had satisfactory behavior. The number of absences in this school year was slightly increased, and teachers of the Home justify that by a number of excused absences of children on various grounds.

When it comes to secondary school, out of 22 secondary school students in school year 2009/2010. 15 of them had good success, 5 sufficient, 2 very good, 13 children had exemplary behavior, 3 good, 2 satisfactory behavior and 4 children had bad behavior.

In the Home is stated that in this school year new interests of students in the election of secondary schools emerged such are veterinary technician, florist, photographer and similar. Students of graduating classes of secondary schools have graduated with high grades, while one three – year secondary school student was allowed to enroll and to pass the difference of subjects for four year occupation.

Certain number of children in primary school is enrolled in classes that are not in accordance with their age. Namely, the children are enrolled in school late, and now, even though the regular students, they are 2 and 3 years older than their peers.

Children have a daily schedule of activities, which they are obliged to respect.

Morning activities start at 6,00 hours and day ends at 22,30 hours. The analysis of daily rhythm for children of school age confirms that first shift at school starts at 7,30 hours and second shift at 13,00 hours, two hours are dedicated to studying with the supervision and support of teachers and the rest of time beneficiaries spend in leisure and tidying up premises excluding meal time and one hour discussion related to family.

On weekdays beneficiaries of older primary school classes may go out until 22,00 hours and on weekends until 23,00 hours.

They mostly use leisure time for participation in creative workshops, living room, the hall, which also has social content (table tennis), garden - playground.

Children also do have some free time for themselves during the day and they are free to exercise their religion during that time. During leisure time children have free access to the media (newspapers, TV, internet), but care is taken by the Homes employees about access to information, suitability of information, effect of information on a child and duration of exposure to certain content so that it would not negatively impact on mental health of children.

Birthdays of beneficiaries are appropriately celebrated, each beneficiary gets a birthday cake and appropriate celebration. Performances with different content are also organized in the Home which children learn through participation in creative workshops.

During school holidays various programs of travel for children are implemented. Twenty children of younger school age have been to Italy, through the Syndicate of RS. Through the Public Fund for Child Protection of Republic of Srpska, eleven children of primary school age stayed in Kumbor within the program of socialization of children. Based on many years of cooperation with the Children's Home "Mladost" Bijela in Montenegro the exchange of children was realized, ten young people of secondary school age spent a part of summer holidays on the sea in Children's Home Mladost. A group of five children of primary school age participated in the camp organized by FICE South - East Europe held in Ohrid, Macedonia.

5. Exercising the right of children to participate

Exercising the right of children to participate in the Home is realized through work of Home communities.

A Home community is organized in the Home as a form of students' organization and association, which has 82 students divided into two groups and the leader is young person, elected by the community.

There are 11 section groups in the Home, which on an average have about 10 members and are organized twice a week. 90 children are included in the work of sections and some children are active in several sections.

6. Health care

Children during their stay in the Home are provided with health care and protection. A team of health service in the Home consists of: a head nurse, three nurses in the kindergarten and 5 nurses in the nursery, of which two nurses have part time contracts.

Medical examinations of children are carried out outside the Institution, in health care facilities, which is often impractical because it requires that the employee of the Home takes the child for exam, waits in lines, goes to pharmacy and all the other depending on the individual case. If more children at the same time have a need for medical examinations on various grounds that further complicates the organization of work in the Home and these activities outside it.

In Family Medicine Clinic during 2010. there were 765 interventions (examination, doctors referrals, medication prescriptions, counseling services for babies, dressings, injection therapy). There were 130 laboratory tests (CBC, urine tests, urine culture, nose and throat swabs, stool tests for parasites, CRP, hormonal status on isotope). 29 beneficiaries were hospitalized. Regular examinations and dental interventions are performed in the medical clinic "Simić" that the Health Center has signed contract with. Children are taken for examinations of specialists only on the recommendation and referral of the competent health institution. All necessary vaccinations have been carried out.

Employees that are engaged on tasks of health protection have stated that beside the fact that the Home does not employ a medical doctor there are also other problems:

- children usually do not come to the Home with health records and very often children who come to the Home have certain health issues that can not be seen on admission,
- taking babies to pediatricians,
- participation fee for children older than 15,
- procurement of prescribed therapy for children by the Home.

7. Children's nutrition

Caring for children's nutrition requires that the diet, with its quantity and quality, satisfies the needs of children, or that the quantity and caloric value of meals be adapted to the age of children, their needs, health state and similar.

Menu for babies includes 6 meals a day, while a menu for older aged children includes 5 meals a day. In the selection of menus besides the employees of the Home are also included two children, who are representatives of children in this area of life in the Home.

The analysis of the food is performed by the Institute for Health Protection of Republic of Srpska.

Organization of meals was performed earlier at the Home's restaurant, when in one place meals were organized for multiple beneficiaries. However, since the renovation of facilities and organization of work in families, the space for food is now organized so that all meals are served within each family. Food is prepared in one place, in the kitchen of the Home, and is carried to families according to the number of its members. This approach is certainly a new quality, since the children at meal times, in small group with their teacher, will be able to talk about daily activities and responsibilities like at home, the supervision of whether all the children have eaten will be better, whether they liked lunch, what they would like for lunch, what kind of sweets and similar.

8. Cooperation with social welfare centers

The placement of children in Children's Home is done on the basis of a contract concluded between Home and competent social welfare center.

Contract is concluded on the basis of the decision of the competent social welfare center rendered based on the findings and opinions of the expert team on the necessity of placement.

The Institution is obliged to inform the competent guardianship authority, two times a year and more often if necessary, on children's health, behavior, school achievement and other important facts related to their needs and placement at Home.

According to social welfare centers data, children who are placed in Children's Home have appointed guardian who are:

- employee of social welfare center for 73 children,
- relatives are guardians for 16 children,
- employees working in the administrative service of the municipality are guardians in 2 cases,
- employees of the Home are guardians for 3 children.

When analyzing the number of children referred to the Home from one municipality the largest number of children in the Home comes from the municipalities of Gradiška (16 children), Prijedor (9 children), Bijeljina (7 children), Derventa (6 children), Banja Luka, Dubica, Šamac, Zvornik each have 5 children, Prnjavor and Brod each have 4 children placed in the Home.

Contact of children with the family, relatives, friends and others is realized on the basis of the assessment and approval of the competent social welfare center, and through making or receiving phone calls, visits, on which records are kept. In the Home is stated that visits to children are not regular and that for a number of children communicate with the family is very rare. Children visit the family or relatives when there is a possibility for it. One number of children, who do not have kinship support, establish contacts with contacts - individuals or families.

For children who lack some personal data (social security number, health information and similar), the Home is directly addressing the registry office, school or medical facility, depending on which document is missing.

In order to obtain the opinions of those who daily conduct proceedings and decide on the rights of the child in accordance with the Family Law and Law on Social Protection, the Ombudsman for Children has organized a round table with the topic "Protecting the rights of children without parental care".

The round table was held in Banja Luka on April 6. 2011. and the same was attended by: representatives of social welfare centers Prijedor, Gradiška, Novi Grad, Banja Luka, Čelinac, Mrkonjić Grad, Kozarska Dubica, Prnjavor, representatives of the Ministry of Health and Social Protection, representatives of the Ministry of Family, Youth and Sports, representatives of the Ministry of Education and Culture, representatives of the Council for Children of RS, employees of Children's Home "Rada Vranješević", representatives of the primary schools attended by children during their stay in the House, representatives of NGO sector, UNICEF, OSCE.

The views of the participants expressed in the discussion can be summarized as follows: Taking care of children without parental care is very demanding and responsible job where every day a large number of employees of center is engaged.

- In relation to the total number of children without parental care, the number of children cared for in the Institution is not worrisome, but it is necessary to make efforts and create conditions that stay in the Home is of better quality.
- The existing legal solutions do not have clearly defined procedures and housing conditions of children in the Institution which creates a problem in practice.
- The law contains no provisions on the procedure that leads to the placement of a child in Home, nor determines in which cases and under what circumstances parents may have limited parental right.
- Undefined rules and procedures may result in different approaches in the same situations, so that one number of centers appoints a guardian to children during the

placement in the Home and others do not do it and at the request of the Home they state "parents of placed children are not deprived of parental right and therefore they are legal representatives of their children and they perform all needed legal acts for children and in the case of placement in the institution of social care actions are performed through our and your institutions".

- The placement of children in Home is not pre - defined as the temporary care of children, nor how long such solution may last, nor the obligation to review this type of care of a child after a specific time, all of that, very often result in long stay of children in institution.
- The rights, duties and responsibilities of a child during his stay in institution are not defined.
- The Children's Home does not have House Rules.
- All agree that the issue of foster care is not recognized to the extent necessary, that normative assumptions - standards and procedures for developing and strengthening foster care are not created.
- One number of children in the Home goes to primary school in classes that do not correspond to their age (children are regular students but are enrolled late to school).

The child's right to family life, as the fundamental right of each child is guaranteed by all international documents. Starting from the role and importance of family in growing up of each child, institutional care for a child shall be applied only as a last alternative, when all other possibilities are exhausted and when the competent authority has determined that child's growing up in the family is not in his best interest.

Each separation of a child from the family, especially in its earliest age, threatens its development both emotional and social. On the other hand, no Home, no matter how well it is organized and what conditions provides for children, can not replace the family and its role in growing up of a child.

The physical separation of a child and the parent in the child's interest and safety is a repressive measure which in these cases, the placement of the child in an institution, is passed by social welfare center. This is the only and most severe measure which is not preceded by other measures of physical separation of a child from the family that should be implemented gradually and with less stringent measures solve the existing problem in the family.

Family Law provides for the revocation of parental rights in cases stipulated by the law. However, these procedures are rarely initiated, such measures are very rare, and children are still separated from the family for a time period not determined in advance (children whose development is hindered by family circumstances and parental right is not taken away or the exercise of parental right is not limited to the parents).

The Law on Social Protection determines that a minor without parental care is a person who has no parents, who is abandoned by parents or parents are unable to give him full custody because they are limited in the exercise of parental rights, or are deprived of that right.

It must be proven and determined that a parent is limited in the exercise of parental right, that is, such measure must be imposed on the parent in the proper procedure as well as the measure of deprivation of parental right.

The largest number of children in institutional care is children whose development is hindered by the family circumstances (two-thirds of children), the age of children placed in Home is usually of the primary school age and boys are in a greater number placed in Home than girls.

The guardian of the children in nearly 70% of cases is the appointed person from the social welfare center who placed the child in an institution.

The decision on the placement of the child in the Home does not contain an explanation from which would be evident that the center promptly took all other measures of family - legal protection (supervision, enhanced supervision and similar) and that these measures, by the implementation over time did not contribute to the protection of the child in the family (decision on placement of a child who has parents who are neither denied nor limited in the exercise of parental rights).

From the decision can not be seen that the center promptly examined all other options to provide non -institutional form of placement of the child (extended family, foster care, adoption) and that this measure is used as a last resort.

The decision on the placement of the child in an institution does not contain an explanation from which would be evident what are the problems in the family. Family problems, as the decision states, can be very different (illness, alcohol, violence and similar), and each of them violates the undisturbed development of the child in the family.

In the decision is not indicated that the institutional care of the child is temporary, that it will last for a certain period of time until achieving the situation that the child returns to his own family, or until placement in a foster family or ..., nor it is stated that this form of care in a specific case, by the expert team opinion the most convenient form of protection. All of the above would contribute to more adequate attitude of employees in the Home and more quality care plan for each child, and the child would be spared from any examination of his family situation until his placement in Home.

This should contribute to a shorter stay of children in Home.

The Home brings care plan for each child, with the revision of the plan. In the development of care plan the social welfare center that referred the child to Home should participate because it has complete insight into the family situation and the reasons for the placement of the child, and they are the basis for the development an individual plan for each child. However, not infrequently happens, according to information from Home, that the center is only subsequently informed on the plan and work with the child. In conversation with children, very few of them knew who and for which matters their contact outside the Home is.

The contract between the Center and the Home defines mainly the issue of funding these services, with stating the services stipulated by the law which the Home provides to beneficiary. By contract the parties do not define the rights and obligations related to the needs of a child, primarily contact with family and relatives, the obligations when receiving a child into Home and his leaving home and similar.

At the request of the Home in the center's response is stated: "Parents of placed children are not deprived of parental right and therefore they are legal representatives of their children and they perform all needed legal acts for children and in the case of placement in the institution of social care actions are performed through our and your institutions". What are the acts, who defines them and in which procedure still remains unknown.

The Plan of weekly and daily activities in the family leaves plenty of leisure time and possibilities for free activities of children.

By analysis of work of children in workshops it is noticeable that in each of the workshops 10 children participate (recitation, music, drama, art - glass, art - drawing, literary, social games, sports -athletics, chess and martial arts), and are held twice a week and that one number of children participates in more workshops. However, one number of children does not participate in workshops, and as there is no another form of their engagement, they organize their own free time by themselves. In the reports from the workshops is noted that they are being held and at it is not even indicated about the actual interest and presence of children individually, their progress, success, and similar.

Engaging children in activities outside the Home is mainly related to their involvement in various sports or other clubs and organizations, however only small percentage of children participate in organizations outside the Home.

By placing a child in institution his contact with the family must not be interrupted. Even when they are placed in an institution their relationship with the family must be maintained and strengthened, that is, during all the stay of a child in an institution the competent center should have to work with the family in order to create conditions for the return of the child in the family. When that is not possible the alternative is again family, but foster or adoption.

The time children spend in Home should be determined individually depending on the reasons that led to the placement in Home and the time required to eliminate the causes that lead to the placement of the child.

On average, children spend about 4 years in Home, but a number of children stay at Home twice as longer. Of particular concern is the increasing number of placement of the youngest, children under three years of age and those who practically come from hospital to institution.

Regulation on internal organization and systematization of positions and the number and structure of employees in the Home are not harmonized, and according to the statements of

those responsible in the Home, currently new Regulation on internal organization and systematization of positions is being drafted that should be adapted to modern concepts of work and placement of children in Home.

The number of employed professionals in the Home can not adequately respond to the needs of each child. This particularly applies to those employed in educational work with children. If one takes into account the number and structure of children (age, sex, health status, reasons for placement), it is unlikely that teachers can meet the set demands.

Employees of the Home particularly stress the fact that in the Home children with behavioral disorders are also placed, with whom additional work is needed based on a specific, individual program or professionals from outside the Home engaged.

At the Home are also placed children with disabilities whose needs also require a special individual program, depending on the age of the child and his needs. However, the Home does not have employed defectologist home therapists, oligophrenologist or other experts in this field that could adequately meet the needs of these children.

The programs of work with children are followed by activity plans, but reports on the implementation of planned activities are not recorded. Reports should be the basis for new plans and contribute to and encourage the development and improvement of work content.

Difficulties in functioning of the Home represent the fact that social welfare centers are even for several months late with the payment for placement of children in the Home.

A child's stay in the Home and services provided by the Home, according to those responsible, was never called in question because of the above stated treatment of social welfare center or the relevant municipality.

Bearing in mind the basic objectives of social protection that are achieved by providing appropriate services that need to eliminate or reduce or prevent the dependence of an individual or an entire family from services of social protection.

Starting from the basic requirements and principles of the UN Convention on the Rights of the Child, obliging that children without parental care and children at risk are provided with alternative care that in first place must put the best interest of the child,

Acting in accordance with the Strategy for Improvement of Social Protection of Children without Parental Care,

It is necessary to:

- perform supervision and establish the reasons and legal basis for placement to Children's Home of children who have parents and whose parental right is not limited or taken away, and especially regarding whether and what degree of legal protection

- preceded the placement of the child in the Home and whether and what measures are taken towards the parents while the child is placed in an institution,
- establish adequate records that would in particular record the children without parental care (by definition established by the law and especially children at risk), whose development is hindered by family circumstances and by inadequate parental care,
 - decision on the placement of a child in Home must be explained in a manner that clearly shows the reasons for placement of the child and proof that this type of care is in the child's best interests,
 - agreement on placement of a child in an institution must define the rights and obligations of the parties (Home and Center) for all matters concerning child care, and the consequences for failure to perform obligations stipulated, support agreement must be supporting documentation of the impact on the realization of child's rights to education , health care, etc,
 - by engaging a physician, employed full-time at a health institution to work in Home for a certain number of hours would certainly improve the quality of health care, because children would almost always be under the supervision of a doctor, who, by his presence, would firstly act preventively and if needed the examinations would be performed in the institution. Procurement of drugs, their use, control, alternative medicines and similar would be better organized.
 - that Home by new Regulation on Internal Organization and Systematization clearly defines qualification structure of employees and their number bearing in mind the number of children, their ages, different reasons that led to the placement of a child, their needs and responsibilities of a Home,
 - that Home regulates the rules of conduct and obligations (house rules) in the institution related to all in the Homes and other persons during their stay in the Home, the rules of safety and protection from socially unacceptable behaviors,
 - that Home establishes the record with the necessary information on all persons who are contact persons to children outside Home and to regulate mutual relations – a child, Home, contact person,
 - that Home on all plans, especially educational work with children, keeps and records reports on realized, to make them the basis for new planned activities and based on which the realization of objectives and tasks of educational work could be monitored.

7. Judicial - protective rights

7.1. Children in conflict with law - juvenile delinquency

International standards call, whenever possible, in all cases where children are in conflict with law, the appropriate alternative solutions outside the framework of formal criminal procedure are sought.

The Convention requires that a minor, in proceeding before court, has the right to actively participate in the proceeding, without discrimination on any ground with respect to its best interest. Each reaction of society towards children who are in conflict with law must be in proportion to the circumstances relating to the juvenile and circumstances of the committed act in each specific case, where in addition to the gravity of violation, one must take into account the personality and personal characteristics of juvenile.

Procedure applied to the minor must ensure the safety of the child and take into account its age and its readiness for rehabilitation. The emphasis is always on the implementation of educational measures.

The Committee on the Rights of the Child, considering the report on the state of the child, has expressed its concern and recommended to Bosnia and Herzegovina to fully harmonize the juvenile justice system with the Convention on the Rights of the Child as well as with other United Nations standards in the field of juvenile justice¹¹⁴. Among other things, the Committee recommends that persons under 18 are deprived of liberty as a measure of last resort and for the shortest possible period of time and that in the event of detention they be separated from adults and in these situations they are provided with a program of educational activities.

Juvenile delinquency, in the narrow sense, presents the execution of actions by minors, which are defined as crimes or misdemeanors. In a broader sense, it includes a violation of moral norms, as well as various anti-social behaviors by juveniles.

The risk factors that lead children to conflict with law may be very different and are related to the family – child neglect, poor family relationships, lack of supervision, etc; school - attending school irregularly or leaving school, the influence of peer group; social factors - the use of alcohol, drugs, various forms of abuse and neglect, and adolescents themselves, who because of their social and emotional immaturity have the need to need prove and to queue up and unfortunately they do so by performing various criminal acts. Unfortunately, in most situations several factors at the same time contribute to such behavior of children.

Therefore, in the prevention of juvenile delinquency is most important to identify the beginning of unacceptable behavior in children and to react immediately. Whether it is about

¹¹⁴ UN Committee on the Rights of the Child, Recommendations, item 73. and 74.

fleeing from school or from home, a problem with alcohol, conflict with peers... each such behavior has its causes and it must be worked on their elimination to keep children safe from further and more serious conflicts with law.

Unfortunately, the problem of juvenile delinquency is seen by many when police knocks on the door, and then the offence is already committed.

However, the present situations warn that the essential problem is not seen even when police finishes their part of the work. Namely, according to the law, children under 14 years of age are not criminally liable, proceedings are not initiated against them, but it is acted within the framework of competence of social welfare center. Police in these situations, file certain reports against the parents, however appropriate measures of family legal protection are lacking – supervision and enhanced supervision, that would provide appropriate assistance and support to the family.

Juvenile justice is a system that involves all subjects of protection and their activities from the moment a child is at risk, from coming into conflict with law to its full reintegration, therefore parents and family, peers, school, social welfare centers, police, prosecutors, courts, the media.

In the group of criminally responsible children, in conflict with the law most often are children of 16 and 17 years, though, presence of younger children who come into conflict with the law is noticeable. Such behavior is often preceded or followed by, neglect of the child within the family and interruption of regular schooling. Criminal offenses are often carried out together with other juveniles or young adults. Children, perpetrators of criminal acts, come from all social statuses.

In Republic of Srpska a significant progress has been made in the last few years from the adoption of relevant laws to establishing appropriate institutions to which the law obliges. Many municipalities in Republic of Srpska have passed the Action plans to prevent juvenile delinquency in which the emphasis is exactly on the application of alternative measures in local community, day centers have been established for work with children at risk or with children in conflict with law. A growing number of psychologists and social workers in educational system, among other things, are help to children at risk, prevention programs of the Ministry of Internal Affairs and other organizations, especially NGOs, are in function of the prevention of juvenile delinquency.

The Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings¹¹⁵ is a great step forward compared to previous solutions, primarily because it put in the foreground the alternative measures that should with an appropriate application contribute to upbringing - education, rehabilitation and proper development of a child and its personal responsibility.

¹¹⁵ The Law on Protection and Treatment of Juveniles in Criminal Proceedings, "Official Gazette of RS", no 13/10

The law puts in the foreground educational- upbringing recommendations aimed at:

- a. diverting a juvenile offender of criminal act from the ordinary criminal procedure in order to avoid negative effects on the personality of the minor and its development,
- b. that minor considers the consequences of its act and takes responsibility for what he did,
- c. preventing the juvenile in re-commission of criminal offense¹¹⁶

According to the MIA¹¹⁷ statistics, juvenile offenders in most cases are committing crimes against property. Out of the total number of 488 of reported juveniles in 2011. 361 reports relate to criminal offense against property (theft and aggravated theft), 38 reports for criminal offense against life and body, and 37 reports for other criminal offenses of general crime.

By age structure, of the total number of reported juveniles 287 of them are 16 - 18 years of age, 163 are 14 - 16 years of age and 38 to 14 years of age. Of the total number of registered minors 32 are girls.

If the MIA data for 2011. are compared with the data for 2010, when the number of reports was 705, then it is clear that in the reporting period, the number of reports against juvenile perpetrators of criminal acts is significantly reduced, that is to 30.8%. In the same period, by 10%, the number of reports against juveniles for offenses on different grounds is increased, from 320 in 2010. to 353 reports in 2011.

The number of 38 juveniles who do not even have 14 years of age is warning. To the question posed to the center what did you do when a 10 year old boy came into conflict with the law, on which all the media reported, the answer was "The parents have agreed to compensate the caused material damage and the police workers have filed misdemeanor charges against the parents."

The Institution in the reporting period did not receive any complaints which indicate the violation of the right of a child in conflict with the law, regarding treatment of relevant institutions in those proceedings, the imposition of measures, the existing legal solutions or media coverage.

7.2. The right to protection from sexual abuse and exploitation

In the letter to the Institution a parent states: *"Our daughter, 9 years old was sexually harassed by our neighbor and former close friend who is 58 years old. I fear that he could cover up everything, because he tried to bribe me to pressure my child to withdraw the statement. That man, except my daughter, harassed another child who is 10 years old. Please stand up for this case ..."*

¹¹⁶ Regulation on the application of educational recommendations to juveniles, "Official Gazette of RS", No. 10/10, Article 4.

¹¹⁷ MIA of RS data for 2011.

Sexual violence by itself is manifested as perfidious and hidden form and is very difficult to detect. On one hand, the reason is in still present patriarchal upbringing and belief that violence is a private problem of the family in which the child belongs, on the other hand, the reason is the "power" of the perpetrator related to family relation (economic, emotional or other dependency) social or emotional violence, and often accompanied by "force and threat".

Research shows that violence occurs in all social strata regardless of income, type and level of education, culture and social status. We are still not prepared to believe that these acts occur in our environment, we still believe that acts take place in dark streets of big cities and by an unknown attacker with serious bodily injury of the victim and we still believe that the victim contributed to that. However, research shows the opposite. In most cases sexual abuse over children occurs at home of either the victim or perpetrator. The perpetrator, in most cases, is a person whom victim knows very well and trusts him/her unconditionally, these are the people you would never think could do this, they are persons with no prior psychiatric diagnosis and no police files, and the victim can be any child. A child is victim because it trusts him, believes that what he does - does for the child's own good. Research shows that in over 60% of cases of sexual abuse have a long duration and that an unknown perpetrator is reported the fastest, the perpetrators outside the family easier and the hardest and after years of abuse the perpetrators from the family of the child are reported.

Children today can hardly recognize this type of violence that is happening to them. And even when they recognize it, they do not speak about it because they are ashamed and in fear. They are in fear that they will compromise the family, that no one will believe them, that they will be laughed at, at the school, that it is their fault ... They are afraid of the perpetrators who, with various treats and blackmail, keep them in fear of the consequences that will happen to them if they speak out.

When they speak about it, no one believes them and does not want to believe and does not want to engage in conversation on that topic. Experts warn that children never lie about that and that those who listen to them and hear what they say can recognize the existence of some form of violence from which the child suffers. Therefore, the obligation of adults, parents, teachers and others is to, on each child's statement which refers to abuse from any person, take seriously and check. But not only a child's statement that it suffers from violence, children by their behavior send us a message that they have a problem - mood swings, nightmares, fears, isolation, eating disorders, learning problems, problems in communication with peers and adults ...

Sexual abuse and exploitation of children is a problem that recently attracts more attention. States with different measures, directed towards different sectors are making efforts to adequately protect the child from this worst form of abuse and exploitation.

The UN Convention on the Rights of the Child in Articles 19. and 34. stipulates the obligation of state to take all legislative, administrative, educational and social measures to protect the

child from any form of violence, including sexual abuse, while in the care of parents, legal guardians or other person who has the care of the child¹¹⁸.

Protective measures that states have an obligation to provide include social programs for support not only to a child but also to those who care for the child and also programs for preventing, reporting, investigation, treatment and monitoring of these forms of child abuse. The requirements of the Convention oblige states to particular take all appropriate national, bilateral and multilateral measures to prevent the inducement or coercion of a child to engage in any unlawful sexual intercourses, and exploitation of children for prostitution and other illegal sexual acts¹¹⁹.

The Criminal Law of Republic of Srpska protects fundamental rights and freedoms of man and other basic individual and universal values¹²⁰ and prescribes, inter alia, the following criminal acts related to sexual violence against children: rape (Article 193.), sexual intercourse over the helpless person (Article 194.), sexual violence against a child (Article 195.), intercourse by abuse of position (Article 196.), satisfaction of sexual passion in front of the other (Article 197.), trafficking for the purpose of prostitution (Article 198.), exploitation of children and minors for pornography (Article 199.), production and viewing of child pornography (Article 200.), incest (Article 201.), deprivation of a minor (Article 205.), neglect and abuse of a minor (Article 207.), domestic violence (Article 208.), common law marriage with a minor - Article 204.

For the stated offenses the law provides a minimum sentence of 6 months imprisonment - Articles 198,199 of CLRS and maximum of 15 years imprisonment for offenses under Article 195. of CL.

The Criminal Law of Bosnia and Herzegovina in the group of offenses against humanity and values protected by international law governs the issue of human trafficking with special emphasis on child trafficking for sexual exploitation¹²¹.

However, the legislator has not recognized the need that the question of statute of limitations for these offenses puts on other grounds and that is associated with the acquisition of adulthood of a child - victim of the violence. That would give the opportunity to a child that after the acquisition of adulthood, when he releases from fear and blackmail, speaks about the perpetrator and his act that has destroyed his childhood. This would significantly reduce the space that the perpetrators of these horrific offenses go unpunished. Perpetrators would all that time live in suspense and expectation that whether and when a long time ago humiliated child will report them and not in the belief that they will go unpunished because of the statute of limitation.

¹¹⁸ Un Convention on the Rights of the Child, Article 19.

¹¹⁹ Un Convention on the Rights of the Child, Article 34.

¹²⁰ Criminal Law of Republic of Srpska "Official Gazette of Republic of Srpska" No. 49/03 and 108/04

¹²¹ Criminal Law of Bosnia and Herzegovina "Official Gazette of B&H", No. 03/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07 and 08 / 10, Article 186.

In addressing the Institution a forty year old man states: *"When I was 12 years old next door neighbor from the building sexually abused me. It lasted for two years. I am now 40 years old, can charges be raised against him now because he certainly is still doing that to some innocent children"*.

With a letter similar of similar content the Institution was also addressed by a desperate woman, because all have confirmed that the statute of limitations occurred and that now no procedure can be initiated. Unfortunately the perpetrators know that, they know that long ago humiliated child today can not do anything.

In order to protect a child in family, the Family Law stipulates that a parent abuses parental rights and responsibilities if he/she sexually exploits a child¹²².

By the law, court will, in contentious proceedings take away parental rights to a parent. The court proceedings shall be initiated at the request of guardianship authority, parent or adoptive parent, and a final decision shall be submitted to the competent registrar and to the land registry register. Unfortunately, even after final judgments on this basis, the proceeding for deprivation of parental rights to such parent is not initiated.

AGE LIMIT – What is particularly important for these offenses and what the practice by its different approach confirms is the child's age limit for consent to sexual act.

Age limit up to which a child is unable to assess the risks and consequences of acts and independently decide on voluntary sexual intercourse is present in all legislations of the world. In this, the solutions are very different, and most European countries opted for a age limit of 16 years as the possibility of personal choice and voluntary consent to sexual intercourse. In our legislation, when a child turns 14 years old and when it says that he/she was in a relation voluntary, there is no criminal liability for offender.

CRIMINAL POLICY - Statutory sanctions must recognize all aspects of these, for children most serious forms of abuse, and must be adequate to the gravity of the committed act.

No punishment is enough for perpetrator, because he/she destroyed child's life, but if a sentence of imprisonment of one or two years is imposed then that is a new violence against the child.

Punishments imposed to offenders are usually not adequate to the offense. Although the legislator has given the possibility to impose severe penalties, ranging for example from three to fifteen years, still the most severe ones are difficult to pronounce. The latest amendments of the laws prescribed punishments are more severe, but still not enough. Still the problem is that the minimum penalty is so small, so that new amendments of the law changes should go in the direction of increasing the minimum penalty for these offenses.

¹²² Family Law, Article 106.

The latest verdicts of 11 and 15 years imprisonment for the father and stepfather perpetrators of these acts do show that in the field of penal policy the practice is positively changing.

Given the weight of all these acts and in particular the consequences that these acts leave on the development and growth of the child it is necessary to establish a record - database of perpetrators of these acts, so that these persons would be under constant surveillance of competent institutions and to avoid any possibility that these persons, after serving sentence, as the time passes on, be in a position to work with children on any basis.

In addition, the problem is that the perpetrators in addition to the imposed sentence of imprisonment or a suspended sentence, usually do not undergo specific programs and treatments that would, upon release from prison, prevent them from re - performing these offenses, because experts warn, that regardless of the length of the sentence they will do the same again, if at the same time of serving the sentence they are not treated.

The responsibility of perpetrators of these offenses today is expected only in criminal proceeding and it is a special problem. Institutions in which these persons work, upon notification or knowledge of the offense, are suspended and waiting for a court decision on this. In this they do not question the issue of violation of duty, do not take disciplinary action, nor determine the responsibility for it. Such an approach of the responsible in institutions results in that no matter that is undisputed that the offense was committed, the perpetrator still continues to work with children.

The problems that a child victim of sexual abuse is living with will not pass over the time, that is why the PSYCHOSOCIAL help and support, as a form of treatment performed by a professional team, psychologist and social worker is necessary to the victim of abuse and her family. The aim is to give them the necessary help in a field of psychosocial needs, and those are the need for security, understanding, respect, emotional and social support or assistance, knowledge and similar.

Unfortunately, so far in our practice even after the processing of individual cases, children - victims are left to themselves.

It is necessary to urgently adopt guidelines on measures of psycho - social rehabilitation which must be applied to children who have been victims of violence, including the types of measures, methods and deadlines for their implementation by social welfare centers with the obligation of reporting to the line ministry on possibilities for increasing the efficiency of measures.

Children, who are victims of violence, should be encouraged to talk about the problem and seek help. In doing so they must know who, at the given moment, they can address and what help can and should get. In this, it is very important that the reaction of the competent institution is fast and appropriate, firstly in protection of the child and then in the prosecution and adequate punishment of the perpetrator. Otherwise, the consequences for the child may be more difficult, because it will be exposed to new violence.

STATISTICAL INDICATORS of sexual abuse and exploitation of children do not show the real situation in the field. Firstly, because children often out of fear and shame do not speak about it. They are afraid to embarrass the whole family, they fear the consequences that may arise - who will support them.

At the same time the question is whether they told the parents or a wall of silence is being raised there that prevents any attempt of further conversation on the subject. It is objected to the child that he/she misunderstood something and that it certainly is not the case.

In the public are only present the most severe forms of sexual abuse of a child and in particular the offense and especially the perpetrator. In doing so, no one asks questions as and when it started, if the child and to whom reported the case, why everyone in that area knew about it and no one has responded, do we have prevention and educational programs that teach not only children but also their parents about how to identify cases, how to work with a child, to whom to report. These acts by itself are extremely difficult, the consequences to a child are numerous and grave and in a situation when the psychosocial work with the child - victim is absent the consequences are much more difficult. And it is violence against a child again just in another form.

According to the MIA of RS data in 2009. there were 41 criminal offenses against sexual integrity reported, in which 25 children were victims. Only for the criminal offense of sexual violence against a child 14 cases were recorded. According to the same data in 2010. there were 40 criminal offenses against sexual integrity reported, and in 2011. there were 37 criminal offenses against sexual integrity reported in which 20 children were victims.

The Institution in 2010. has received 7 reports which indicate the violation of the rights of the child on this basis. On the same basis in 2011. there were 18 reports received.

- We inform you that in this criminal case an indictment has been raised against XX, for a criminal offense sexual violence against a child under Article 195-4 of the CL RS, the perpetrator is a grandfather.
- Forty-five year old man arrested on a suspicion that in the past two years he repeatedly forced the minor daughter to have sex.
- The employee of the social welfare center arrested on a suspicion that he sexually exploited a boy, a client of the social welfare center.
- Seventy year old man arrested on suspicion of having satisfied the sexual passions in front of a thirteen-year-old girl.

The perpetrators, according to reports obtained, the father, stepfather, neighbor, teacher and social worker, the victims are girls from 9 - 16 years old. The Institution, in all reported cases, addressed the competent institutions, some several times, in order to undertake the measures for the care of the child.

7.3. Children in traffic

The Ministry of Internal Affairs, in order to prevent and protect children in traffic, every year, at the beginning of school year, throughout Republic of Srpska implements the action "Let's protect children in traffic", by which in addition to increased presence of police patrols near schools, urges on drivers to take caution in traffic and organizes workshops in schools for children about traffic safety.

As everyday participants in traffic, children unfortunately often by inattention of adults and their irresponsible attitude in traffic are increasingly being injured as passengers in car or as pedestrians. According to the MIA records¹²³ in 2010. in traffic accidents 8 children were killed, 87 children were seriously injured and 280 children were slightly injured.

What additionally concerns is the information that minors are increasingly driving without driver's license. The MIA records on the exclusion of minors from traffic because they drove without driver's licenses and experiences of driver training schools that children who come to the training already have experience in driving, warn to a present problem, which unfortunately often has difficult and tragic consequences. By driving a vehicle without a driver's license, children expose to danger themselves and other participants in traffic. According to the Law on the basis of safety of traffic on roads in B&H¹²⁴, in these situations the minor is responsible if he reached the age of 14 and the owner of the vehicle. The penalty for a minor is 100 KM, and for the owner of the vehicle from 50 - 250 KM.

However, these procedures are initiated and the responsibility is determined usually only when a traffic accident happens. The problem is that even before the traffic accident the child was put at risk by the very possibility to drive a vehicle. Children, at that, by avoiding the roads on which they may encounter traffic patrols, expose themselves to additional risks, and if they drive under the influence of alcohol, it reinforces the need for high speed and demonstrating on street. And all this threatens especially to children but also to other participants in traffic.

The responsibility for the safety of children in traffic is on parents and drivers.

It is therefore necessary to direct the activities on the increased supervision and control:

- when children are riding in a car in a completely improper way (in the front passenger seat with no belt, with no child restraint seat, in the lap of the driver, etc..) wherein even at the lightest accident consequences for them can be very severe,
- of participants in traffic under the influence of alcohol. If we bear in mind that every day, according to the MIA records, only for driving under the influence of alcohol, 50 drivers is excluded from traffic, because of the danger they represent in traffic,

¹²³ MIA records for 2010.

¹²⁴ Law on the basis of safety of traffic on roads in B&H "Official Gazette of B&H", No. 6/06, 75/06, 44/07, 84/09 and 48/10

especially for children, in all stated cases, every presence of alcohol should be sanctioned by maximum fines. The number of excluded drivers from traffic for driving under the influence of alcohol¹²⁵, warns that the existing fines prescribed by the Law do not have a preventive role, therefore is necessary by amendments of the Law to increase primarily the fines for driving under the influence of alcohol.

At the same time, teaching children and their preparation for daily participation in traffic must start from their earliest age, under the program that is adjusted to them.

¹²⁵ According to the MIA of Republic of Srpska records in 2011. from traffic was excluded 18164 drivers for driving under the influence of alcohol.

IV WORK EX OFFICIO

1. Special reports

By a Special report a complete analysis of the situation in a particular area is given, the actual and legal, practice that we have and statements on the violation of the rights of the child on that basis, and measures to be taken to eliminate the existing situations. This approach should contribute to a systematic problem - solving, in order to protect all those whose rights are or may be violated in that respect.

Omissions to which report suggest may be very different from that that the existing legal provisions did not identify specific issues in the realization and protection of the rights of the child in accordance with the obligations under international documents in the field of the rights of the child, or the competent authorities by incorrect implementation of valid laws lead to a violation of the rights of the child or in a procedure that is inconsistent with the law decide on the request for the realization of the rights of the child. Given that the issues which are the subject of Special reports with this Report already presented, reports in this part are only stated:

1. Children on the Internet
2. Children residing in children's home
3. Beggary in children in Republic of Srpska
4. No of child outside the educational system
5. About your rights at your school

2. Recommendations

Recommendation is a measure which Ombudsman uses in situations where in the procedure of mediation with the responsible party did not find compromising solution or when in a particular area indicates to the need of taking specific measures to remedy situations that lead to a violation of the rights of the child.

The Law on Ombudsman for Children clearly defines powers of the Institution to propose to the bodies of state administration, bodies or services of local governance as well as to other legal and civil persons who perform tasks that are in relation with children to undertake measures for preventing harmful proceedings that are endangering their rights and interests, to warn on irregularities, and to demand reports on undertaken measures¹²⁶.

Recommendations made during the reporting period generally do not apply to individual cases, but to the need for taking measures in certain fields, in order to identify situations

¹²⁶ Law on Ombudsman for Children, Article 9.

that lead to violations of the rights of the child and seek for adequate solutions for their elimination.

1. Recommendation ES "Georgios Papandreu", Aleksandrovac
2. Recommendation - New product - new danger for children
3. Recommendation - Evaluation of students
4. Recommendation - School discipline
5. Recommendation - Statistical Indicators for Children (RIS)
6. Recommendation to the Children's Home
7. Recommendation - Institutional care of children
8. Recommendation - Children's allowance
9. Recommendation - Strengthening the capacities of social welfare centers
10. Recommendation - Statistical indicators on children (The High Judicial and Prosecutorial Council of B&H)
11. Recommendation – Protocol on the Procedure - children at risk
12. Recommendations for treatment - Inspection in the ES "Jovan Dučić", Zalužani
13. Recommendation – Supervision related to the treatment of administrative inspection

3. Opinions

In accordance with Article 7. of the Law on Ombudsman for Children by which the Institution is authorized, in the process of drafting of legislation to give opinions to draft laws and other regulations, if they govern matters that are of importance for the protection of the rights of the child, the Institution has submitted:

1. Opinion on the Draft Law on Amendments to the Law on Secondary Education
2. Opinion on the Draft Law on Amendments to the Law on Primary Education
3. Opinion to the proposal of the Law on Amendments to the Law on the Prohibition of the sale and use of tobacco products to persons under 18 years of age.

4. Initiatives

According to Article 7. of the Law, the Ombudsman for Children is authorized to submit the initiative for amendments of laws and other regulations and general acts, if it considers that a violation of the rights of the child is a result of deficiencies in regulations.

Given that in 2010. numerous initiatives that are still in the process are initiated, thus the Ombudsman for Children in 2011. did not initiate new initiatives under Article 7, Paragraph 1. of the Law.

V COOPERATION WITH CHILDREN

With the aim of introducing children to the basic requirements and principles of the UN Convention on the Rights of the Child, and the manners of exercise and protection of the rights of the child, the Ombudsman for Children, in accordance with the law¹²⁷, continually cooperates with children. With this cooperation the Ombudsman primarily encourages children to express their opinions and points to specific examples of how and in what procedure they can protect their rights. With this cooperation the Institution receives information from children on numerous issues of exercising their rights in different fields.

Working with children certainly contributes to the achievement of one of the recommendations of the UN Committee on the Rights of the Child which is "that efforts are increased in domain of informing public about the Convention and that consciousness about its principles and provisions is brought on the higher level, especially amongst children and parents"¹²⁸.

1. Workshops for children

The workshops for children during 2011. were organized in three thematic cycles as follows:

- workshops in primary and secondary schools aimed at informing children on their rights, obligations and responsibilities,
- workshops with children about the benefits and risks of the Internet and
- workshop on the prevention of juvenile delinquency.

"About your rights at your school" are the workshops which the Ombudsman for Children implements for the second year in the period from mid September to late November with the aim to introduce children to their rights - what rights mean, how to exercise them and how they protect.

The workshops were held in 20 primary and 2 secondary schools in 20 municipalities of Republic of Srpska, in the following schools:

PS "Miroslav Antić", Bistrica, PS "Sveti Sava", Modriča, PS "Mladen Stojanović", Bronzani Majdan, SSC "Nikola Tesla", Vukosavlje, PS "Branko Ćopić", Donji Agići, Novi Grad, PS "Drinić", Drinić, PS "Vuk Stefanović Karadžić", Dobož, PS "Pale", Pale, PS "Dositej Obradović", Kneževo, PS "Sveti Sava", Dobož, PS "Sveti Sava", Rogatica, PS "Branko Ćopić" Donji Dubovik, Krupa na Uni, PS "Dositej Obradović", Dobož, PS "Trnovo", Trnovo, PS "Petar

¹²⁷ Article 6. of the Law on Ombudsman for Children: "The Ombudsman for Children introduces children to the manners exercise and protection of their rights and interests and advises them how to exercise and protect their rights and interests. The Ombudsman for Children continually works with children, encouraging them to express their opinions, initiates public actions aimed at improving the situation of a child and participates in these activities, and proposes measures to increase the impact of the child in society".

¹²⁸ UN Committee on the Rights of the Child, item 23.

Kočić", Šiprage, Kotor Varoš, PS "Milan Rakić", Velika Bukovica, PS "Vuk Karadžić", Višegrad, PS "Desanka Maksimović", Prijedor, PS "Sveti Sava", Kakmuž, Petrovo, PS "Jovan Dučić", Čajniče, PS "Danilo Borković" Gradiška, PS "Sveti Sava", Istočno Novo Sarajevo.

Visits to schools have been agreed in advance and were realized in the following manner:

- Conversation with school administration (director, pedagogue/psychologist/social worker)
- Workshop with Student's Council

Since in 2011. the workshops were organized mainly for primary schools, unlike last year when they were organized for secondary schools two rights were addressed: the right to education (Articles 28 and 29 of the UN Convention on the Rights of the Child) and the right to play and leisure (Article 31), and under the methods adjusted to primary school students.

Most workshops were attended by the members of Student's Councils in order to convey the acquired knowledge to their classes.

Students spoke very openly about textbooks unadjusted to their age, school subjects, teaching methods, relations between students and teachers, house rules, working conditions at the school and their leisure time.

Each school has its own characteristics and differences are also present in the part of parents and school cooperation, engagement of Student's Councils and Parent's Councils in schools, school management initiatives, the presence of children traveling to school, and of course the development of local community and the opportunities that it provides significantly affect the activities of students in their communities.

After analyzing the results on conducted workshops, those reactions and opinions of children were selected for which is necessary to take additional measures and activities in order to eliminate the situations that are not in the best interest of the child and as a Special report "About your rights at your school", were submitted to the Ministry of Education and Culture of Republic of Srpska.

"Children and the Internet" are educational workshops that the Ombudsman for Children conducted in cooperation with the Agency for Information Society of Republic of Srpska, m-tel Company and professors of the Faculty of Philosophy and Faculty of Political Science, University of Banja Luka, as a part of the activities that began in 2010. in order to draw attention of children and adults to the benefits and risks of the Internet and mobile phones.

The goal of workshops is:

- to educate children about the benefits and risks of the Internet,
- to recognize different forms of violence on the Internet
- responsible and ethical use of the Internet.

The workshops were intended for students, teachers and parents by the assessment of school and in terms that do not disrupt the educational process.

Workshops were held in May -June 2011. in five secondary and 13 primary schools in Republic of Srpska: MS "Jovan Dučić", Teslić, PS "Borislav Stanković", Banja Luka, PS "Vuk Karadžić", Doboј, SS "Jovan Dučić", Doboј, PS "Holandija", Slatina, PS "Vojislav Ilić", Krupa na Vrbasu, SS "Apeiron", Banja Luka, SSC "Jovan Cvijić", Modriča, PS "Dositej Obradović", Doboј, PS "Sveti Sava", Doboј, PS "Branko Radičević", Banja Luka, PS "Novak Pivašević", Stara Dubrava, SMS Prnjavor, PS "Georgius Papandreu", Aleksandrovac, PS "Sveti Sava", Banja Luka, PS "Sveti Sava", Foča, PS "Veselin Masleša", Foča, PS "Vasilije Ostroški", Trebinje.

The schools that we have visited in the computer classrooms mostly have access to the Internet used by school students. However, this issue has not been addressed yet in one number of schools, which students especially emphasize as the lack of the school. Certainly there are differences from school to school according to students' access to the Internet, education of students about the Internet and motivation of school to provide access to the Internet for students.

"Preventive activities on the prevention of juvenile delinquency" – the Ombudsman for Children with the aim to educate children and to prevent all forms of juvenile delinquency has supported the which the MIA of Republic of Srpska, Public Safety Center Banja Luka, has undertaken with the aim of preventive action on prevention of juvenile delinquency. Together with representatives of the MIA, Social Welfare Center Banja Luka, Republic Administration for Lottery and police stations, the Ombudsman for Children took part in the series of workshops in schools on the topic:

The prevention of violence among children and young people

The prevention of abuse of children and young people through computers and mobile phones

- The prevention of tobacco, alcohol and drug abuse
- The prevention of juvenile delinquency.

In PS "Branko Radičević" in Banja Luka 6 workshops for students and parents were held, and one each in PS "Jovan Dučić", Zalužani and Secondary School Home in Banja Luka.

Children during the workshop have expressed the interest in offered topics and especially in the possibility of addressing various institutions that were introduced during the workshop, which is one of the goals of this multi - sectoral approach to work.

The experiences gained in working with children show the need of children to, in an open conversation, voice their opinion on various issues that concern them and to ask questions to the competent authorities regarding the protection of their rights in different fields.

Children through work in the workshops not only acquire knowledge about their rights, but also gain self - confidence, learn to communicate with adults, the manners how they can

react in certain situations and who to turn to in school, local community and society in general.

The Ombudsman for Children through this form of cooperation with children has the opportunity to hear children and encourages them to express their opinion, but also that children show how, by learning about their rights, they know that they have their duties and responsibilities towards themselves, their peers and adults.

2. Children's socialization program

The project "Socialization of children of Republic of Srpska" takes place at the camp in Kumbor, Montenegro, since 2002 and its implementation is the answer, primarily, to meeting the needs of children whose development is hindered by adverse social, economic, health or family circumstances and assistance to family in exercising its role in socialization and protection of children.

The camp is organized on the basis of a ten - day stay, in 12 shifts from June 1. - September 15, on average in one shift 130 children stay from almost all municipalities of Republic of Srpska.

The project "Socialization of children of Republic of Srpska" which has been implemented for years by the Public Fund for Child Protection and the Ministry of Health and Social Protection is one of the few projects in Bosnia and Herzegovina with such set goals which in 2011. celebrated ten years of successful work.

The camp in Kumbor was visited by the President of Republic of Srpska in August and the children had the opportunity to express their impressions, their knowledge, to show off what they have learned.

The President of the Republic, by expressing his pleasure for visiting the resort in which for the past 10 years, over 15 000 participants from all over Republic of Srpska stayed, presented gifts to children and confirmed the commitment that these and similar projects must not only maintain in the interests of children, but that it constantly must be worked on their strengthening. On the occasion of the tenth anniversary the camp was visited by the Minister of Health and Social Protection and the Ombudsman for Children.

Ten years of working on one task is a long enough period for the analysis on various basis. Professional service of the Fund, exactly with the intention of improving the content and quality of the camp has made an analysis on various grounds from the number of participants based on age, structure of children and personnel to the objectives achieved in various fields. The evaluation of the effects of the project was performed by the Faculty of Political Science Banja Luka - Department of Social Work and Ministry of Health and Social Protection supervises the implementation of the project.

From the analysis we highlight data of the Public Fund for Child Protection which speaks about the progress of children in swimming during their stay in the camp, where at the end of the season 974 children swimmers were registered in relation to the number of 360 children swimmers who came to the camp.

The Ombudsman for Children each year visits children in Kumbor and on that occasion implements workshop on the rights of the child. This form of cooperation with children is especially interesting because children are gathered in one place from different backgrounds, different schools, different ages, different social status, children with special needs and gifted children. Conversation with children is usually organized by groups according to age, during the afternoon break, on their rights in general and particularly those relating to school, but also relating stay at the camp. Some children very open talked about different situations encountered and almost all of their questions and comments are related to their education, school discipline, relations with teachers, safe use of the Internet, violence at school...

According to their statements, the children have gone through different workshops about their rights, but situations in practice are difficult to associate with their rights.

In each shift besides the experts with years of experience, students volunteers are engaged who are great collaborators to children, and to whom this engagement should be a recommendation for permanent employment. Employees at the camp have only praise for the project as a whole, expressing their expectation that the project with each year will include more children in manner that the existing capacity of the camp may be used outside the term used so far 6.1. - 9.15.

Children, parents, employees, volunteers and local communities from which children come are full of praise for the project as a whole, the project for all of them justified its existence. The Public Fund for Child Protection and the line ministry make great efforts not only to maintain the project - a ten - day stay in the camp is free for all participants - but also that it has developmental character.

3. Children's Week

Marking of Children's Week aims to encourage and organize various cultural - educational, recreational and other events dedicated to children and undertaking other measures to facilitate the development of social care for children. Activities that are organized are established by a program that the Minister of Health and Social Protection brings, where every year an increasing number of participants, local communities and national organizations and institutions, contribute to pointing out the responsibilities of family, state, school, health, social and other institutions towards children.

The Ombudsman for Children on the occasion of marking of Children's Week in Republic of Srpska has conducted a series of activities throughout the Republic and in the foreground were the encounters with children.

The Ombudsman for Children this year socialized with children in the kindergarten "Bambi" in Banja Luka and the Specialized Library for Children in Istočno Sarajevo. Both meetings were conducted in the festive atmosphere and children showed their knowledge about their rights even in the earliest age. The representatives from office in Foča, in this regard, came to know how the youngest in Foča kindergarten "Čika Jova Zmaj", in the program dedicated to the many visitors know how to say what rights they have.

During Children's Week the workshops on the rights of the child were held in PS "Branko Ćopić" in Donji Agići, Secondary School Center, "Petrovo" in Petrovo, PS "Sveti Sava" in Modriča and in PS "Branko Radičević" in Banja Luka. These workshops particularly clarified the significance to children that Children's Week has in the promotion of the rights of the child.

The Ombudsman for Children each year during Children's Week organizes a roundtable with the topic in the area of the rights of the child and this year the topic was "Let's protect children from beggary". The round table was held in Modriča.

Socialization with secondary school students was organized in the Medical School in Banja Luka where students of the host school spoke about their rights and achievements in the work and Young Advisors and the representative of the Ombudsman for Children about the cooperation of the Institution of Cooperation with youth and the Network of Young Advisors.

Children at all these events have shown how much they know about their rights, what they mean to them and how they respect the rights of their peers and of adults.

4. Child's Rights Day

November twentieth, the day when the UN Convention on the Rights of the Child was adopted, for 22 years, around the world, is celebrated as International Child's Rights Day.

The Ombudsman for Children in 2009. has launched an initiative that the central event of marking of November 20. is organized in school, which according to the Ministry of Education and Culture and the Republic Pedagogic Institute has the best results in studying and behavior. With that we would show that we recognize the best and motivate all schools to further promote their results.

The Economic School from Banja Luka in 2011. had the best result in studying and behavior, and deservedly hosted the central event.

For the school, all employees and children, of course, the pleasure was that the work which they invest that in the education of children for generations at this school has been recognized. Students and teachers, by the whole range of activities on that occasion, marked the whole week as Child's Rights Day. It was an opportunity to show the successes of the school whose students are carriers of numerous national and international awards, particularly the active participation the Student's Council in school life and within the

Network of Young Advisors of secondary schools of Republic of Srpska as well as the tendency of young to humanitarian work.

On the first day the Ombudsman for Children has participated in the working meeting of the Network of Young Advisors of secondary schools of Banja Luka region, whose topic was "The rights, duties and responsibilities in school" and has answered to many questions that young people were asking.

The second day the youth people have presented the work of numerous sections art, literary, drama, choir, orchestra and thus demonstrated that in addition to learning they have time to also develop their talents. The third day was intended for sports competitions and the fourth for humanitarian work. Secondary school students from the Economic School called other secondary schools to visit together the Children's Home "Rada Vranješević" and the Center "Zaštiti me" and they were joined by representatives of the Ombudsman for Children.

The central manifestation with the appropriate program of students of the Economic School was held in the presence of many guests and the attendees were addressed by the Minister of Education and Culture and representatives of the City of Banja Luka, the Republic Pedagogical Institute and the Ombudsman for Children.

This year, for the third time, the Competition for the best art work was opened on the occasion of International Child's Rights Day with the topic "School without violence" to which over 300 papers were received. Each year the Competition is opened by the Ministry of Education and Culture in cooperation with the Ombudsman for Children and this year cooperation was joined by the Ministry of Internal Affairs. At the central manifestation prizes were awarded for best student papers which were provided by the Public Fund for Child Protection, Ministry of Education and Culture and Ministry of Internal Affairs of Republic of Srpska.

On the occasion of International Child's Rights Day in the Secondary School with Technical Schools in Derвента awards were given for visual design of the posters "You are my friend" and literary works on the topic "I, secondary school student in the EU" which were made in a joint project of the Ombudsman for Children and the Citizen's Association "Europlus".

In Foča, a representative of the Ombudsman for Children visited the kindergarten "Čika Jova Zmaj" and children's playhouse "Klincograd" in which the youngest prepared the program called "I have my rights" and reminded the adults that everything they do they have to do in their best interest. Secondary school students from Foča have prepared an exhibition of student's art works in the city museum, which is a part of the project "Youth in action".

The Ombudsman for Children attended the ceremonial session of the Fifth Conference of mResurs held on the occasion of the International Child's Rights Day which was sponsored by the Ministry of Family, Youth and Sports. This meeting was also an opportunity for secondary school students to address the representatives of relevant ministries, local community, the Republic Pedagogical Institute, MPs and other guests and ask questions and

voice their suggestions and comments and indicate to a need for continuous and real cooperation with relevant ministries and more active participation in addressing the issues that are important to them.

Young Advisors of the Ombudsman for Children in several schools celebrated this day by inviting students, teachers, parents and all who have visited their school on that day to write something about the rights of the child on the panels that they have prepared.

The Ombudsman for Children in collaboration with the Gender Centre on the occasion of the International Child's Rights Day organized the round table "No child outside the educational system" whose aim was to highlight the importance of exercising the right of every child to education, because by the exercise of this right, children are enabled with access to many other rights. Young Advisors of the Ombudsman for Children have participated actively in the discussion and presented the examples from their schools on leaving school.

It is particularly important to point out that in the marking of the International Child's Rights Day a growing number of institutions, organizations, communities, schools and individuals are included which further draws the attention to all subjects of society to the importance of child care.

5. International Human Rights Day

By promoting the idea that children also have their human rights, the UN Convention on the Rights of the Child not only laid the foundations of a new attitude towards children, but also new better society tomorrow. By investing in children today, the society really invests in its future, in which today's children will take over responsibility to the extent and in such manner as we have taught them that today.

Training seminar for Youth Advisors of the Ombudsman for Children was held exactly on the occasion of the International Human Rights Day with the aim to train young people about their rights, the manner of exercise and care, but also obligations and responsibilities they have. Young people who attended the Training seminar gained knowledge about the right to education, right to participation, right to express opinions and got information from the field of gender equality. Their messages after completing the Seminar showed the awareness of young people about the need to respect human rights, whose basics are learned exactly by learning about the rights of the child.

Young people, after a three - day seminar held at Borje from December 9 – 11. in cooperation with the Government of RS Gender Centre send messages:

- We are all different, but we have the same rights.
- We are seeking our rights, but we respect the rights of others.
- We have the rights but also the obligations.

6. The Ombudsman at manifestations of children's creativity

The Ombudsman for Children, this year as well very carefully followed and supported numerous manifestations of children's knowledge and creativity. To develop and motivate the creativity in children is one of the priorities of any society, because in this way the preconditions for the formation of future artists, scientists, researchers, athletes are created. In these socializations with children the expression of due care to achievements of children in various fields of art, science and sport is especially important and encouraging all adults who work with children to identify, direct and assist in developing talents in children.

The Ombudsman for Children has several times visited the showroom "Koraci" on the occasion of exhibition of landscape, exhibition of photography "Prijatelji" and the exhibition of works created at the Art Colony "Koraci" which are regularly organized by the Ministry of Education and Culture. This year as well the exhibition of the residents of educational institutions is organized that familiarized visitors with children's creativity that occurs under specific conditions, among children with special needs but often a special talent that was seen in every piece that they have created.

We attended the already traditional reception that the Ministry of Education and Culture has organized for the students - winners of republican competitions "Winners for the winners".

For the second year in a row, the Ombudsman for Children was invited to open the international festival of children's poetry "Dječije carstvo" and socialize with young poets not only from Republic of Srpska but also from the region.

The Ombudsman for Children also followed the International St. George's festival which is an opportunity for young talents from Republic of Srpska to demonstrate and check their capabilities in an international competition.

We visited the participants of the 13th Fair of ideas, innovations and creativity INOST which showed that children do not lack knowledge and imagination.

These manifestations are real opportunities to show to young creators that there is interest for their work and that everything they do is worth of attention.

7. The Ombudsman for Children visiting

The Ombudsman for Children during 2011. was often invited to join children, parents, teachers, employees in institutions where children stay at a time of their celebrations, memorials and religious celebrations. These socializations are always an opportunity that children show how much they know about their rights, how they are respected by the adults, how they work and cooperate with others. Therefore, we accepted the invitations and were guests in the Children's Home "Rada Vranješević", Department of Physical Medicine and Rehabilitation "Miroslav Zotović", Center "Zaštiti me", Banja Luka High School, the Medical School and the kindergarten "Bambi" in Banja Luka.

In Foča, we visited the Secondary School Centre, Center for Early Growth and Development, kindergarten "Čika Jova Zmaj" and the playhouse "Klincograd", Daily Center for Children with Disabilities, in Doboj PS "Vuk Stefanović Karadžić", and in Istočno Sarajevo in the Specialized Library for Children.

The Institution receives increasing number of invitations to attend different manifestations that are organized by children and it gladly responds to them.

8. The Network of Young Advisors of the Ombudsman for Children

The Ombudsman for Children in 2011. established the Network of Young Advisors of the Ombudsman for Children with the aim of:

- exercising the right to participation of children / young people in all matters affecting them, their free expression of opinions, facilitating access to information,
- introducing young people with basic requirements, principles and rights under the Convention,
- obtaining information from children on the realization, protection and violation of their rights.

Through membership in the Network of Young Advisors children / young people acquire the opportunity of joining the European Network of Young Advisors of the Ombudsmen for Children and taking part in activities outside Republic of Srpska.

At the invitation of the Institution to apply and become Young Advisors of the Ombudsman for Children 58 students of secondary and primary schools reported from all over Republic of Srpska. In order to enable Young Advisors to jointly and together with the Ombudsman exchange opinions, ask questions, present examples and problems and propose solutions the Panel of Young Advisors was launched, an electronic forum in which, for the beginning, the topics were offered: education, health, the Internet, violence and miscellaneous. Young Advisors got involved in discussions and over time on the Panel have opened up new topics that they have proposed.

In order to achieve the goal to educate Young Advisors on the rights of the child three training seminars on the rights of the child were held, in which 53 Young Advisors got trained, secondary school students from 20 secondary schools and from almost that many municipalities in Republic of Srpska.

The first training seminar was held in April of 2011. at Borje, Teslić, where in three - days activities the following topics were addressed: Introduction to the Ombudsman for Children, Participation, Your rights at your school, School codes, Designing projects and developing project ideas, The skills of peer education. During the seminar the Memorandum of

Cooperation of Young Advisors and the Ombudsman for Children was adopted which provides that the Young Advisors who have finished the training conduct the workshops in their schools on the rights of the child, participate in the work of roundtables and researches organized by the Institution, initiated meetings at regional level (Foča , Doboj, Banja Luka), transfer the acquired knowledge in their schools, local communities and recognize and work on the promotion and protection of the rights of the child.

The second training seminar was held in October of 2011. with the support of UNICEF, under the name Rights, obligations and responsibilities in school, and the workshops in addition to this topic also had the topic The right to opinion, The right to information, Strengthening the capacities of Student's Councils, development of the Guide on the rights of the child, The skills of peer education.

The third training seminar was held in collaboration with the Government of Republic of Srpska Gender Centre in December, on the occasion of the International Human Rights Day and the topics were: The responsibilities and powers of the Ombudsman for Children, Your rights at your school, The right to opinion and Student's Councils, Introduction to gender equality, Youth as partners in achieving gender equality, The skills of peer education.

All three gatherings were evaluated by young people as a chance to get to know each other better, to share experiences and gain new knowledge and skills that they will, as Young Advisors, continue to pass as on in their communities. For the Ombudsman for Children socialization was particularly important because we, at the direct contact with children, could get an insight about their concerns, ideas, methods and suggestions on how to promote and protect children's rights.

Exactly in working with Young Advisors and at their initiative to the Ministry of Education and Culture the recommendations were referred regarding the problem of evaluation in teaching and the necessity of making the house rules - a code of conduct in all schools.

Young Advisors of the Ombudsman for Children in a very short time were recognized as a very active, responsible and creative young people and were invited to several gatherings of young people organized by other organizations and institutions:

1. EPCD II International summer school "Promotion and health protection of reproductive health" in Miločer, Montenegro from June 27. to July 1, 2011. with the main topic of reproductive health of adolescents. A Young Advisor Isidora Vuković from Gradiška has participated in the work of this school.
2. Youth Tolerance Camp of Danube Regions and Cities "Along the Danube without Borders" that took place in Bačka Topola, AP Vojvodina, from July 24 - 30, 2011. They have learned about tolerance and they have taught others about tolerance, Young Advisors to Violeta Vukomanović from Banja Luka and Bogdan Bogdanović from Doboj, who through the RS Youth Council were invited to participate in work of the camp.

3. 15th Meetings of Youth of Republic of Srpska were held in Banja Luka from August 9 – 13. with the aim of encouraging youth work and creativity. The camp was attended by 7 Young Advisors from Republic of Srpska.
4. In the project "Minister for a day" which was realized by the Youth Council of Republic of Srpska, among a large number of applicants two Young Advisors of the Ombudsman for Children were the ministers, Dejan Tatić from Doboj, the Minister of Economic Affairs and Regional Cooperation and Ratko Savić from Gradiška, the Minister of Science and Technology and Young Advisors Jovana Komljenović from Banja Luka and Isidora Vuković from the Secondary School in Gradiška were also members of the "Government for a day".

VI COOPERATION WITH NON - GOVERNMENTAL ORGANIZATIONS

By development of Non - Governmental sector, their growing involvement in the field of protection of the rights of the child is noticeable. Collecting data in the field from different areas, educating and informing citizens about human rights in general, lobbying for appropriate legal solutions, Non - Governmental sector now has a vital role in promoting and protecting the rights of the child.

By its everyday action in the field, they point to problems of marginalized groups, violence against children and among children, Roma population issues, while pointing to the measures and activities necessary to ensure adequate support and assistance to children.

Immediately after the establishment of the Institution, many NGOs have recognized the need to work together with the Institutions on specific issues. Every initiative of the NGO sector, and there were on different grounds, for the Institution is an additional source of information in the assessment of the situation in the field in different areas.

The Convention on the Rights of the Child gives special importance to Non - Governmental sector, anticipating that, by its engagement, it will contribute to the improvement of the protection of the rights of the child. The UN Committee on the Rights of the Child in its concluding observations inter alia recommends to - *increase the level of cooperation with non - governmental sector and other sectors of civil society working with and for children*¹²⁹.

Out of the numerous initiatives of Non - Governmental organizations in 2011. the following were realized:

1. UNICEF

- Children and the Media

UNICEF within its regular activities paid special attention to the Media and their engagement on promotion and protection of the rights of the child and especially the education of journalists so that media reporting on children and for children would be of higher quality. Exactly in organization of UNICEF in collaboration with the Association of Media Initiatives from Sarajevo, the training was organized for students of journalism from Banja Luka, Sarajevo, Mostar, Tuzla and Pale in order that the participants developed a sense for the importance of all issues of children's rights and offer practical knowledge on journalistic coverage of these topics.

¹²⁹ Un Committee on the Right of the Child, Recommendation 21.

The Ombudsman for Children, Nada Grahovac LL.M. gave a lecture to students on the topic "What rights does each child have? The Convention on the Rights of the Child and how much is respected!"

The students have showed interest in all matters related to the needs of children on their way of development and growing up, and were particularly interested in examples from practice with which the Institution of Ombudsman for Children encounters.

2. Save the Children Norway

- Protection of children from beggary

Successful cooperation with Save the Children Norway from previous year continued through 2011. The Ombudsman for Children of Republic of Srpska, together with the Institutions of Ombudsmen of Serbia, Vojvodina and Montenegro, with the support of Save the Children Norway started work on a joint project "Prevention of Exploitation of Children in South East Europe". As a part of the project the first topic that was implemented in 2011. is protection of children from beggary.

This project has enabled the Institution of Ombudsman for Children to conduct research on this phenomenon and comes to data about its presence in all municipalities of Republic of Srpska, age and sex structure of children, the causes and the measures and actions taken by authorities related to this phenomenon and to exchange the experiences on that with colleagues from the region.

3. Flexus Jeugdplein, Non - Governmental organization from Holland

- How to help children live independently outside of children's home

Cooperation with Holland Non - Governmental organization Flexus started in 2009. and aims to support children, particularly children placed in institutions of social care. Implementation of project with the support of Holland Government has started in February 2010. and is implemented in The Children's Home "Rada Vranješević" in accordance with the Strategy for improving the social status of children without parental care in Republic of Srpska, 2009 - 2014.¹³⁰ It was defined by the project that children of final grades that are living in children's home are organized in a separate part of institution and with the assistance of teachers and representatives of this organization undergo through special program whose goal is, first of all, to prepare children for life outside the institution. Preliminary experiences have shown what and in which direction it should be advanced in work with this group of children so the effects of such activities would primarily be in their interest but as well in the interest of society in whole, but also confirmed the necessity of continuing cooperation and its further strengthening and expanding. In addition to the experience that by working with employees and children are passed on by the representatives of this organization professional

¹³⁰ Strategy for improving the social position of children without parental care in Republic of Srpska with an Action Plan for period 2009 – 2014, adopted on September 9th, 2009.

employees as well had the opportunity on the spot, in their institutions to see the conditions and practices of care for children without parental care and children without adequate parental care.

4. Center for Promotion of European Values EUROPLUS

- My Rights and I

The Ombudsman for Children of Republic of Srpska – Doboj Office for the second year successfully cooperates with the Centre for Promotion of European values "Europlus" in Doboj. This year the project "My rights and I" was jointly implemented which was financially supported by the Embassy of the Slovak Republic in B&H, and is implemented in ten secondary schools in the region of Doboj.

Under this project "EU information shelf" and "Mailbox of trust" were set up. The Info shelf will serve to set up promotional materials in the field of children's rights and the EU, and a mailbox of trust is intended for students, through which they will put forward suggestions, comments, questions and complaints to the school authorities and to the Ombudsman for Children of RS.

Under this project competitions are opened for students for the essay with the topic "I, secondary school student in the EU" and the conceptual design of the poster "You are my friend".

Proclamation of best works and awarding of appropriate prizes was held in the Secondary School with Technical Schools in Derventa on International Child's Rights Day.

5. Citizen's Association "Zdravo da ste"

- Peer violence and violence against children and the Media

Cooperation between the Ombudsman for Children and the Citizen's Association "Zdravo da ste" began in 2009. regarding the cooperation with associations of citizens involved in the protection of children.

This cooperation has continued, and in the reporting period, and common topic was peer violence, violence against children and the Media.

This topic has once again confirmed how any issue of protecting the interests of the child is a complex and demanding and how it requires constant and real cooperation of all institutions, governmental and NGO sector and in particular, how very important is the participation of experts from specialized areas, with the aim of identifying problems and common search for best solutions in protection of children and their interests in all areas.

6. Caritas

- Center for Life and Family

Caritas Center for life and family is engaged in the promotion of the values of family life and wants to contribute to development of healthy and well - informed family in the society. Within the Center an educational program was organized "Mamin kutak" for mothers and babies up to one year. The goal of this program is primarily to develop and further improve in parents the parenting skills, provide support in the handling of the new role of parents, develop affection between parent and child, and to develop the existing network of parents.

Representatives of the Ombudsman for Children attended the program activity "Mamin kutak" in which they familiarized the participants with the rights of the child at the earliest age, and the important role of family and duty and responsibility of parents for child's development and growth, and with the powers of the Institution of Ombudsman for Children in the exercise and protection of the rights of the child.

7. Diving club "Buk"

- Safety of children on beaches

The diving club "Buk" as a leading club in Republic of Srpska and B&H in the field of diving, underwater operations and research, rescuing of people and property from floods and other water - related activities, has recognized the need and importance that the youngest be familiar with the code of conduct on beaches, rescuing equipment, the role of rescuers, so that the trained instructors of rescue service held the workshops in 35 elementary schools, for children of 4. grade on the topic of their safety at beaches.

The representatives of the diving club "Buk" visited the institution of the Ombudsman for Children and familiarized it with the plans and activities of the club relating to the youngest. By exchange of information and informational materials and plans and programs of work with children, the opportunities of joint action to protect children in this area were recognized.

VII COOPERATION WITH INSTITUTIONS

Cooperation of the Ombudsman for Children with institutions, organizations and services, in the frame of its responsibility, provide regulations, conduct proceedings or in any other way proceed in protection of children and their interest is particularly important.

What is particularly important is an increasing number of organizations and institutions that recognize the role and importance of the Ombudsman for Children and a need of common activity aiming to advance position and protection of children in different fields.

In this, is particularly important the cooperation with the Ministry of Internal Affairs on different subjects of protection of children's rights. Protection of children from violence, domestic violence, sexual abuse of children, violence through the Internet, peer violence and the Media, use of pyrotechnical products, prevention of juvenile delinquency are just some of the topics on which the Institution jointly worked with the MIA of Republic of Srpska. Numerous services that the Institution contacted with, expressed not just readiness but also initiative and need of preventive activity with children, as well as with adults, in order to minimize the need for their engagement when incurred problem requires their intervention and that is the best protection of children - prevention.

As from the very beginning of its foundation, the Institution established cooperation with the Public Fund for Child Protection, primarily, in realization of the project of socialization of children and by its engagement is trying to contribute to the efforts of the Fund in the realization of this activity which has been implemented for years at a great pleasure of children and their parents in Republic of Srpska.

The Institution has, in the reporting period, established cooperation with the Ministry of Education and Culture, Ministry of Health and Social Protection, Ministry of Justice and Ministry of Trade and Tourism, given that the greatest number of cases on which the Institution has worked in the reporting period was by reports or ex officio, referred to cooperation with these ministries.

The Institution has, in the reporting period, most often addressed the Ministry of Health and Social Protection and Ministry of Education and Culture of Republic of Srpska, which is understandable, having in mind that the greatest number of cases are related to the treatment of social welfare centers in procedures for the exercise and protection of the rights of the child or related to some of the rights of the child in educational system.

Cooperation with inspection services of Republic of Srpska, must be additionally strengthened, given their role and authorities that in performing supervision in individual cases evaluate whether competent authorities acted in accordance with the law in different situations - passing of appropriate administrative act, control of children's playhouses, supervision of imposed disciplinary measures and evaluation of children in school, implementation of laws related to protection of children from the use of alcohol, tobacco

products, lottery etc. By timely and adequate reaction of inspection services in individual cases, it would be preventively acted in numerous fields and the number of addressing of the Institution would surely be reduced. The Institution has, in the reporting period, mostly addressed the administrative and educational inspection in taking measures under their jurisdiction, in protection of children and their rights.

The Institution has established cooperation with the Government of Republic of Srpska Gender Center primarily in the part of protection of children from all forms of violence and particularly domestic violence and in the exercise of the right to education but also in common activity in education of children about their rights in general, particularly their protection from any form of violence and gender equality, but also work on individual cases.

Cooperation with the Agency for Information Society of Republic of Srpska was mainly related to the Internet, its benefits and risks, through creation of the web page on protection of children on the Internet, printing brochures, workshops for children on responsible use of the Internet and round tables in local communities about protection of children in this field.

Cooperation with faculties in Republic of Srpska is of a particular importance for the Institution. Primarily, experts from different fields with their knowledge should contribute not only that certain issues of exercise of children's rights be recognized, but also what is very important to understand their complexity, causes and consequences on development of a child and possible ways of protection. By its expert and argumentative approach they contribute to better understanding of the rights of the child, resulting in more adequate protection of children in different fields. Due to that, the Institution has, in the reporting period, established close cooperation with the Faculty of Philosophy and Faculty of Political Science in Banja Luka primarily by organizing discussions about certain issues to which they always gave their expert contribution.

Recognition of subjects and issues in the protection of the rights of the child has been particularly expressed by almost all individuals and services in the Clinical Center Banja Luka. With full understanding of essential problem on numerous issues for which we addressed them, with their expertise and professional experience, they are support to the Institution for numerous issues such are: under aged marriages, under aged mothers, children and alcohol, emergency services, divorces and entrustment of a child.

The Republic Institute for Statistics, in frame of its legally defined authorities, pays particular significance to statistical indicators related to children.

Cooperation with the Republic Pedagogical Institute and numerous social welfare centers, due to experiences they have, contributes to better understanding of the situation in the field and thus better solutions in overcoming current situation.

In forthcoming period the Institution will intensify cooperation with faculties so that experts from various fields could contribute to all topics and problems related to children.

VIII PUBLIC RELATIONS

Great interest of the Media for activities of the Institution of Ombudsman for Children contributed greatly to transparency of the Institution in public but also to informing public about the exercise of the rights of the child in general, particularly in areas where their rights are violated. All of these, made the Institution closer to citizens, particularly to children for which this Institution has been founded.

Most often, it has been required from the Institution to provide explanations and comments in individual cases of violations of the rights of the child, but also related to amendments of laws governing the field of the rights of the child and international standards in that area.

The Media has shown interest in almost all aspects of children's growing up and all rights of the child, but mostly, problems of violence against children and especially cases of sexual abuse and exploitation.

Having in mind that explanations and comments of individual cases of violating the rights of the child require specific professional knowledge - sociological, pedagogical, psychological etc, the Institution referred to other subjects whose knowledge and experiences should contribute to better quality informing of public about numerous issues of children's growing up and care or on consequences that specific violations of rights have on their development.

The Media undoubtedly, by its engagement, contribute to raising awareness on importance of recognition of the rights of the child and the necessity of adequate reactions in given situations.

The Media, by indicating violation of the rights of the child in various fields, also indicate to weaknesses in the system – to those parts that did not respond to the needs of children.

The Law on Ombudsman for Children¹³¹ stipulates that the Ombudsman for Children informs public about the state of the right of the child in Republic of Srpska. Acting in accordance with the authorities stipulated by the Law, the Ombudsman for Children has, with cooperation with the Media, established additional cooperation with citizens, aiming to contribute not only to resolution of individual cases but also to systematic recognition and defining of basic requests and principles which will contribute to better position of children in different areas of their growing up.

Informing the public about violation of the rights of the child at the same time has preventive and educational role - protection of future similar acts and introduction, of not only children but of those who care for them, on manners and possibilities of exercise and protection of the rights of the child.

¹³¹ Law on Ombudsman for Children, Article 5.

Activities of the Institution regarding problems in implementation and protection of children's rights and interests that media wrote about has caused reaction in a sense of higher number of addressing the Institution, either by filing new complaints for same or similar problems, or by seeking additional information for situations in which the child is. Certain number of citizens, like in the previous year, contacted the Institution to give support for the topic and the manner of talking about it. Each this addressing done by citizens is very important for the Institution because it is confirmation that we speak of the problem in the same manner as citizens would. We have been told so, by some of the teachers from kindergartens, schools, parents and professors from faculties.

Thanks to the Media, the Institution has received initiatives from great number of associations, but also from individuals, suggesting either amendments to current legal solutions or reporting different situations in the field, for which they think that are not in the interest of children.

The Institution has established cooperation with almost all the Media, written and electronic, from local to the state level. Cooperation was better with some media and that was basically their need to inform public about issues of child's rights protection, opening in that way many questions that before were never written about.

The Institution has, in the reporting period, received one number of reports on violation of children's rights from the Media as well and in some cases together we followed proceedings of competent authorities in solving individual cases.

In one number of cases, reports of the Media on violation of the rights of the child were the basis for demanding response from the responsible party about proceedings undertaken regarding events on which public was informed.

The Institution had the same approach to all the Media, meaning that announcements made by the Institution simultaneously go to all media services and also the Institution have responded to all media requests for information in given deadline.

Besides cooperation with the Media, the Institution has used other ways, in order to inform public about its activities.

One of them was printing of the Annual Report, its publication in the "Official Gazette" and publishing on the Institution's web page in order to familiarize widest public with activities of the Institution regarding the exercise and protection of the rights of the child in different fields.

In addition to the Annual, Special Reports of the Ombudsman for Children as well are available to public. Special reports are always derived from a broader discussion on specific issues with which the public is familiar already during the discussion, and then further by its publishing on the web page of the Institution.

In addition to the Annual and Special Reports all the recommendations, opinions and initiatives of the Institution are made public. Practically, all the daily activities of the Institution are made public and those are information which the Media use.

To inform public, the Institution has also used personal contacts with different target groups (student's councils, kindergarten visits, school visits, cooperation with governmental institutions, cooperation with NGO...), which is of great importance for the Institution.

Web page of the Institution is recognizable by its content and is not only of informative character, but it is in educational function of its users. The Content on the web page is updated daily and is intended primarily for children and for those who care for them but also for the Media and the widest public. Therefore, on the web page many works of professionals from different fields are published but also the answers to frequently asked questions to the Institution.

For the Institution which is new, constant increase in the number of visitors on the web page www.djeca.rs.ba also obliges to additional contents. Web pages of many primary and secondary schools refer their users to the web page of the Ombudsman for Children.

Exercise and protection of the rights of the child require, among other, reporting about all subjects and indicating all situations and all phenomena which violate or threaten children's rights, of course in a manner that will not further hurt children, but also reporting about positive examples and more content intended to children of different ages. In that sense, the Institution will, in the best interest of the child, also in the forthcoming period continue cooperation with the Media.

IX OTHER ACTIVITIES

Exchange of experiences with the Ombudsmen institutions in the region, but also with other organizations and institutions dealing with protection of the rights of the child is very important, primarily due to the fact that issues and problems to which these institutions and organizations indicate are almost identical. Even in the structure of complaints and priorities for action of the institutions from the region, differences are insignificant, regardless of, in certain cases different legal solutions or organization and work of some children protection services.

The Institution, on the invitation, has attended international conferences

International conferences:

- | | |
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| Warsaw - | March 03 - 04. 2011.
International conference on domestic violence |
| Skoplje - | May 20. 2011.
CRONSEE thematic meeting, corporal and psychological punishment of children |
| Belgrade - | May 30 - 31. 2011.
European Dialogue on Internet Governance |
| Belfast - | July 24 - 26. 2011.
Second meeting of ENOC/ENYA Young Advisors |
| Ohrid - | September 06 - 09. 2011.
Regular Annual Conference of the Network of Ombudsmen for Children of Southeast Europe "Protection of children from economic exploitation" |
| Warsaw - | September 14 - 16. 2011.
15th. Annual Conference and Meeting of the Assembly of European Network of Ombudsmen for Children and 3rd meeting of European Network of Young Advisors - ENYA |
| Belgrade - | November 23 - 25. 2011.
Meeting on the topic "Best practices of cooperation between police and civil society organizations for safe and secure childhood" |

The Institution, on the invitation of the organizers, has attended:

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| Sarajevo - | January 31. 2011.
Students' education on the topic "Which rights every child has, the Convention on the Rights of the Child and how is respected!" |
| Banja Luka - | February 01. 2011.
The workshop "Improvement of cooperation between the Council for Social Policy and Social Protection of Banja Luka municipality and nongovernmental organizations" |

- Banja Luka - February 28. 2011.
Marking the International Day of Rare Diseases
- Banja Luka - March 03. 2011.
Tribune "Domestic violence – manifesting forms and recognition"
- Banja Luka - March 11. 2011.
Meeting "The current state of child protection in RS - Realization of rights and participation of local communities"
- Banja Luka - March 11. 2011.
Presentation of Internet Portal E - education
- Banja Luka - April 19. 2011.
The workshop International standards of child protection - Manners of incorporation in child protection systems in B&H
- Banja Luka - April 28. 2011.
Training for educators "Support to parents in development and strengthening of positive parenting skills"
- Banja Luka - June 02. 2011.
Lecture to students at the Faculty of Political Science department of social work on the topic Children's rights
- Banja Luka - June 02. 2011.
Presentation of the document "Policy and improvement of early growth and development of children in Republic of Srpska for the period 2011 – 2016."
- Sarajevo - June 09. 2011.
Manifestation "Justice for every child"
- Banja Luka - June 23. 2011.
Final Conference of the Project "Partnership for Change - Monitoring of Implementation of the Law on Gender Equality in B&H"
- Sarajevo - June 28. 2011.
Conference "The latest changes in the sector of juvenile justice at international and national level"
- Banja Luka - October 04. 2011.
Round table "Implementation of the law on protection and treatment of children and juveniles in criminal proceedings in Republic of Srpska"
- Banja Luka - October 06. 2011.
Round table "Responsible parenthood"
- Trebinje - October 19. 2011.
Round table "Safety and protection of children on the Internet"
- Sarajevo - October 31. – November 01.
Workshop on processing the Ethical code of research on children and development of the Protocol with standards for monitoring of state Strategy for fight against violence against children 2011 - 2014. in Bosnia and Herzegovina

- Banja Luka - November 02. 2011.
Presenting the Study for optimization of the network of primary schools in Banja Luka
- Banja Luka - November 14. 2011.
Conference "Multisectoral models of action in prevention and tackling domestic violence"
- Banja Luka - November 22. 2011.
Workshop on the occasion of the international month of fight against addiction
- Prijedor - November 30. 2011.
Round table "Beggary of children and economical exploitation of children in Prijedor municipality"
- Mostar - December 08 - 09. 2011.
Conference "Direct implementation of the Convention on the Rights of the Child - obligation or opportunity"
- Banja Luka - December 23. 2011.
Round table on the occasion of five years of the day center for juveniles
- Banja Luka - December 23. 2011.
Round table "Role of nongovernmental organizations in care of victims of domestic violence in context of the Draft Law on Social Protection"

The Institution has organized:

- Banja Luka - February 08. 2011.
Marking of the safe Internet Day "It is more than a game, it is you life"
- Banja Luka - April 06. 2011.
Round table "Protection of children without parental care"
- Prijedor - May 12. 2011.
Round table "Let's protect children from beggary"
- Modriča - October 06. 2011.
Round table "Let's protect children from beggary"
- Banja Luka - October 17. 2011.
Round table "Peer violence and violence against children and the Media"
- Banja Luka - November 22. 2011.
Round table "No child outside the educational system"

1. Membership in ENOC

The Institution of the Ombudsman for Children is one of few institutions that in the same year when it was established, as a completely new institution, it received full membership of ENOC-The Association of Children's Ombudsman institutions in Europe that has over 30 members.

Besides regular annual conferences, where members discuss their experiences on certain topic, there is a continuous communication between the members - exchange of opinions on certain legal solutions and experiences which institutions have in certain field.

In 2010. ENOC has initiated the establishment of the Network of Young Advisors - **ENYA** so that children across Europe could cooperate and exchange knowledge and experiences in knowledge, realization and protection of their rights.

First meeting of Young Advisors was held in Strasbourg, in October 2010, where Republic of Srpska had its representative. Young Advisor Dejan Tatić from the Secondary School Doboje exchanged the opinion with his European peers from 17 European countries through the electronic forum, initiated by ENYA, and thus gained the opportunity for further engagement on this project.

Second ENOC / ENYA meeting, held from July 24 - 26. in Belfast, Northern Ireland, from Republic of Srpska, besides Dejan Tatić, Milica Kopuz from Mrkonjić Grad also participated, who by participating in the work of working groups on Education and the Internet have exchanged experiences with their peers fellows from other European countries and offered suggestions and recommendations for Ombudsmen for Children. On that meeting Young Advisors from Europe have elected the Young Advisor from Republic of Srpska to convey their recommendations related to education at the Annual Conference of European Network of Ombudsmen for Children together with the Young Advisor from Cyprus.

At the 15th Annual Conference of European Network of Ombudsmen for Children which was held in Warsaw, from September 14 - 16, the Young Advisor from Republic of Srpska, Dejan Tatić has presented opinions of Young Advisors of ENOC Network of Young Advisors on education. Dejan was the only representative of children and young people at that conference from the region.

These activities of Young advisors are of particular importance because they enable children to compare their experiences from different areas with the experiences of their European peers.

2. Publications

In order to bring closer basic demands and principles of the Convention to children, but also to those who care for them, in 2011. the Institution has printed publications which were delivered to competent institutions and published on the Institution's web site. The publications contain results of researches in the field, expert's opinions and recommendations of the Ombudsman for Children related to:

- Beggary of children in Republic of Srpska
- No child outside the educational system
- Children on the Internet
- Let's protect children from the use of pyrotechnic devices

X THE BUDGET

No.	Analytical account	THE NAME OF ACCOUNT	FUND 01
I	411111	Gross income and allowances	669.877,23
1	4111-11	Expenses on basic income	397.122,54
2	4111-21	Expenses on allowances for income for maternity which are refunded	7.443,50
3	4111-91	Expenses on income taxes	43.567,28
4	4111-92	Expenses for pension and disability insurances	121.262,36
5	4111-95	Expenses for health insurance	83.734,66
6	4111-97	Expenses for unemployment insurances	6.665,38
7	4111-98	Expenses for contribution for child protection	10.081,51
II	412111	Expenses for renting	47.848,94
1	4121-12	Expenses for renting business facilities and spaces	47.848,94
III	412200	Expenses for usage of energy, utility, communication and transport services	22.659,53
1	4122-11	Expenses for usage of electrical energy	3.346,90
2	4122-12	Expenses for central heating	6.199,46
3	4122-21	Expenses for water supply and sewerage	468,66
4	4122-22	Expenses for transportation of garbage	469,97
5	4122-23	Expenses for deratisation	46,80
6	4122-24	Expenses for cleaning services	150,00
7	4122-31	Expenses for usage of telephone	4.845,66
8	4122-32	Expenses for usage of mobile telephone	2.068,42
9	4122-33	Expenses for Internet	1.433,40
10	4122-34	Expenses for postal services	1.577,31
11	4122-35	Expenses for broadcasting subscription	85,40
12	4122-39	Expenses for other communication services – renting a line	1.767,55
13	4122-49	Expenses for other transport services	200,00
IV	412300	Expenses for office material	4.237,81
1	4123-11	Expenses for PC material	1.412,04
2	4123-12	Expenses for forms and paper	613,00
3	4123-13-	Expenses for binders, folders and covers	121,92
4	4123-14	Expenses for office supplies	0,00
5	4123-19	Expenses for other office material	370,16
6	4123-21	Expenses for chemical materials for cleaning	119,86
7	4123-29	Expenses for other material for cleaning	537,19
8	4123-32	Expenses for official publications	501,00
9	4123-33	Expenses for expert magazines	295,00
10	4123-34	Expenses for books	200,00
11	4123-99	Expenses for other material	67,64
V	412500	Expenses for maintenance	2.845,21

1	4125-18	Expenses for other services and material for ongoing repairs	5,00
2	4125-31	Expenses for maintenance of transport vehicles	1.043,48
3	4125-32	Expenses for maintenance of office equipment	1.141,24
4	4125-33	Expenses for maintenance of communication equipment	12,00
5	4125-34	Expenses for maintenance of heating, cooling and protective equipment	208,73
6	4125-36	Expenses for maintenance of equipment for education, culture, science, etc.	265,76
7	4125-39	Expenses for other services for ongoing repairs	16,00
8	4125-91	Expenses for all other maintenance	153,00
VI	412600	Expenses for travels and accommodation	17.354,44
1	4126-11	Expenses for travels per diem within country	1.202,00
2	4126-12	Expenses for accommodation and food for official traveling within country	128,60
3	4126-13	Expenses for public transport for official travelling within country	47,60
4	4126-14	Expenses for usage of personal transport vehicles for official travelling within country	223,32
5	4126-19	Other expenses for official travelling within country	253,00
6	4126-21	Expenses for travels per diem to foreign country	2.175,48
7	4126-22	Expenses for accommodation and food for official traveling to foreign country	3.855,43
8	4126-23	Expenses for public transport for official travelling to foreign country	4.249,21
9	4126-29	Other expenses for official travelling to foreign county	982,15
10	4126-31	Expenses for usage of petrol	4.237,65
VI	412700	Expenses for professional services	2.685,71
1	4127-19	Expenses for other financial services	18,10
2	4127-21	Expenses for insurance of vehicles	1.053,03
3	4127-22	Expenses for trip insurances	32,80
4	4127-25	Expenses for insurance of employees	462,26
5	4127-31	Expenses for services of printing, graphical processing, copying, etc.	344,21
6	4127-32	Expenses for publication of tenders, ad's and informative texts	171,71
7	4127-36	Expenses of photos processing	13,50
8	4127-39	Expenses of other informative, media and etc, services.	187,50
9	4127-53	Expenses for translation services	93,60
10	4127-99	Expenses for other professional services	309,00
VII	412900	Other non mentioned expenses	8.165,69
1	4129-22	Expenses for registration fees for seminars, conferences, and symposiums for employees	432,55
2	4129-31	Expenses for gross allowances for volunteers	1.424,97
3	4129-37	Expenses for gross allowances for part time contract	722,22
4	4129-41	Expenses for representation within country	1.239,86
5	4129-43	Expenses for organization of receptions, manifestations etc.	1.299,83
6	4129-49	Other expenses for representation	55,92
7	4129-72	Expenses for contribution for vocational rehabilitation of disabled persons	334,08
8	4129-73	Expenses for taxes and allowances for vehicle registration	505,93
9	4129-92	Expenses for memberships	2.085,83
10	4129-99	Other non mentioned expenses	64,50
1		APPROVED BUDGET FOR 2011	771.000,00

2	LATER RECIEVED FUNDS	4.859,98
3	TOTAL (1+2)	775.859,98
4	TOTAL SPENT IN 2011.	775.674,56
5	REST	185,42

FUNDS RECIEVED BY DONATORS IN 2011.

Current grants from international organizations (E.N.O.C)	6336,31
Current grants from legal entities in the country	32441,85
Transfers for current grants in the country (FIGAP program)	2999,47
TOTAL FUNDS FROM DONATIONS - GRANTS	41777,63

XI PLANNED ACTIVITIES FOR YEAR 2012.

In accordance with powers established by the Law the Ombudsman for Children, in year 2012:

- the Institution will, as in previous period, follow the activities in preparation of laws and other regulations which define issues of importance for the protection of the rights of the child and in accordance with powers established by the Law actively participate in passing the same.
- perform research on sexual exploitation of children, obtain information from competent institutions on the number of children, sex, age who, in the last three years, were victims of different forms of sexual abuse and exploitation, on perpetrators of these offenses, manner of care and protection of children, in order to additionally draw attention to seriousness of the problem and necessity for adequate measures and actions in prevention and mitigation of consequences of these most difficult forms of abuse and exploitation of children.
- analyze existing legal solutions related to children without parental care and manners of their care, particularly in the part of insufficient presence of foster care, in order to draw attention to the necessity of strengthening this form of child care.
- analyze existing legal solutions related to the issue of healthy nutrition of children, especially of children placed in institutions, and possibilities of schools in organizing nutrition for children

The Ombudsman for Children will continue to cooperate with children so that will, according to the determined plan, but also by invitation, organize workshops in schools in order to familiarize children with their rights and possibilities of protection of those rights and encourage them in presenting their opinions.

The Institution will continue cooperation with primary school Student's Councils and the Network of Students' Councils of Secondary Schools, updating topics and problems which on issues for which they think that should be further defined, or on which they should know more, in order to, by joint action, contribute to their better realization.

The Institution will, in 2012, strengthen the Network of Young Advisors and work with children and young people who are primarily interested to work, by their engagement, together with the Institution, on those issues and problems they encounter on daily basis.

The Institution will, in work with children, particularly update issues of the rights, obligations and responsibilities of children in educational system, the rights of children in family, the rights of children in conflict with law.

In 2012. the Institution will continue activities on informing public on safe use of the Internet, promotion of responsible use of the Internet and on indicating to possible risks and dangers to which children may be exposed to through the Internet.

In 2012, the Institution will continue activities on creation of presumptions for establishing child phone line in order to support children before all, on various issues and problems which they encounter on their way of growing up, but also all those who care for children.

The Ombudsman for Children will have an insight in correctional institutions for children, especially of conditions in which they serve their sentence and in particular ways and possibilities of achieving rights that they in these institutions have.

In 2012, the Institution will, in the frame of project of socialization of children, take additional measures to assure that its presence with children in this camp would be accomplished, if possible, in more shifts with the aim of educating children and encouraging them to state their opinions and also obtaining information about how their rights are exercised in their schools, in family and local community.

In the next year as well the Institution will give due consideration to marking of Children's Week and Child's Rights Day, Safe Internet Day, primarily for the promotion of children's rights and more active role of all institutions and individuals in the protection of children and their interests.

The Institution will, of course, work continuously on citizens' complaints that indicate violation of rights and interests of children, expecting that with each year, in the total number of complaints the interest of children as complainant will be recognized.

Continue cooperation with the Media with the aim to inform public about the state of children's rights, violation of those rights and the activities of the Institution on improving the situation in some areas of the rights of a child.

Continue cooperation with NGOs on all issues where with common engagement we can accomplish a better result.

The Institution will continue cooperation with institutions of Ombudsman from surrounding countries, and as a full member of ENOC and CRONSEE will actively contribute to improving the work of these associations.

With the aim of easier access to the Institution and better insight into the manner of exercising the rights and interests of children and cooperation with organizations and institutions of local community, the Institution will, in 2012, organize office days in the municipalities Istočno Sarajevo, Prijedor and Bijeljina.