THE ANNUAL REPORT OF THE OMBUDSMAN FOR CHILDREN OF REPUBLIC OF SRPSKA FOR 2014

Banja Luka, March 2015
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I INTRODUCTION

1. UN Convention on the Rights of the Child

UN Convention on the Rights of the Child\(^1\) has special significance among the numerous international instruments by which the international community is showing an interest in children and their need for special protection.

What makes it special among many international treaties on human rights in general is the fact that the Convention recognizes all categories of human rights, civil, political, economic, cultural and social.

Special significance of the Convention is reflected in the fact that the Convention, for the first time, introduces a child as a subject of international law and protection, as a person who is entitled to its human rights.

What is special about Convention on the Rights of the Child is the fact that it is one of the rare international documents that have gained wide support and acceptance and in a very short period of time 193 countries\(^2\) have ratified it.

The rights of the child, as the Convention defines them are only the needs of each child on its path to adulthood. Obligation of adults is to provide the child with such protection and care necessary for child’s well-being, bearing in mind that:

- Each right stated in Convention is basic right and of equal importance, and they must not be taken individually but in mutual correlation,
- Rights can not be ranked by their importance,
- Children have rights just because they are children,
- Children cannot be deprived of their rights because they did not deserve them.

By establishing the Rights of the Child, the Convention also stipulates that:

a) Parents have the primary obligation and responsibility to provide care for healthy growth of children.\(^3\)

Convention stipulates that parents and others responsible for a child have the primary responsibility, within their abilities and financial capacities to provide the living conditions necessary for the child’s development.

b) The State has the obligation to take all appropriate legislative, administrative, educational, social and other measures to ensure the implementation of the rights of every child\(^4\), taking in account the rights and duties of its parents, legal guardians, or other individuals legally responsible for the child.

Implementation of the Convention is the process by which State Parties are taking measures to ensure the implementation of all the rights of the Convention to each child within their jurisdiction. This requires that, first of all, the legislation is harmonized with the Convention, so Convention’s requirements and basic principles can be directly applied. The Committee

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1 Adopted at General Assembly of UN, November 20\(^{th}\), 1989
2 Bosnia and Herzegovina has taken over Convention by succession notification in 1993.
3 UN Convention on the Rights of the Child, Article 18
4 UN Convention on the Rights of the Child, Article 4.
states that, in the context of the Convention, States must see their role as obligation to fulfill clearly stated legal obligations towards each child. Implementation of human rights of the child should not be seen as charity work or as the expression of grace.\textsuperscript{5}

For the implementation of children’s rights and especially for their protection, according to the Convention, prerequisites is quality laws that consistently reflect the principles and standards of the Convention. Harmonization of legislation with the requirements of the Convention must be a continuous process which requires that in the changes and amendments of existing laws examined should not only be each Article of Convention, but also the Convention as a whole, and, in creating the new laws provisions of the Convention must be respected. It is especially important that the laws clearly define what rights children do have and what effective legal remedies are available in case of non-compliance.

Besides harmonization of the laws with the requirements of the Convention, additional condition is also quality personnel, who besides required qualifications have sensitivity, knowledge and skills to work with children.

For effective implementation of the Convention a multidisciplinary approach is necessary, because in each case, and from each institution and the individual that initiates the proceedings, participates in them or make decisions that affects children, it is expected to recognize and provide the best interest of each child. The best interest of the child, besides the fact that it is introduced as the right of the child, also stands out as one of the four basic principles of the Convention and, actually, it is a condition for implementation of any right of every child. The best interest of the child as a legal standard is not pre-determined and this fact confirms the need for an individual approach and assessment of interests of each child. In order to ensure the best interest of a child in every individual case and in given circumstances necessary is a proper understanding of the Convention and adequate engagement of experts from various fields.

Many decisions made at the earliest age of the child, in a long-term determine child’s growth and leave consequences for life, so the question of determining the best interests of each child is not only an obligation of competent institutions but also a great responsibility. Therefore, in any proceedings for the protection of children's rights experts’ team must identify and explain the best interest of the child, keeping in mind child's opinion and attitude about it.

Efficient implementation of the Convention requires continuous coordination not only within the same services but also between different service sectors and at different levels, so consistent implementation of the Convention in all procedures for protection of the rights and interests of children would be ensured.

For impeccable implementation and protection of children it is necessary to teach children about their rights, actually, children must learn to recognize when their rights are violated and jeopardized, how they have been violated and by whom, and they need to know to whom to turn to, who is obliged to provide them with support and what kind of support they should provide. These information children should get in schools and from their earliest age. When they get all those information in schools children are participating in sharing and collecting such information. The right of the child to freely express opinion and participate in

\textsuperscript{5} UN Committee for the Rights of the Child, General Comment 5. General measures for implementation of Convention
every procedure relevant to its life makes clear legal order to a state to recognize this right of a child and to provide its full implementation.

In order to improve social care for children, the UN Committee supports the development of a comprehensive **strategy or plan of activities** for children that is based on the Convention, and which is not only a list of good wishes and intentions, but it is a list of realistic and achievable goals. Adoption of a long-term strategic document for children is an expression of the need to identify the problems of children in different areas, and based on the real needs of children to define long-term policies to improve the position of children in all segments of society. The goal of strategic document is to define long-term policies, measures and actions of all subjects of protection, define priorities and mobilize all competent institutions and organizations in order to implement the defined goals.

An essential part of the Convention is a **data collection and maintaining records** related to all phases of children's growing up, and also continuous monitoring of the impact of existing legislation, measures and policies on children and evaluation of the actual effects of their use.

Convention on the Rights of the Child and other international documents on human rights have introduced special surveillance mechanism in the implementation of the Convention known as Committee for the Rights of the Child.

UN Committee on the Rights of the Child\(^6\) was established for the needs of examining the progress made in the implementation of the Convention and the fulfillment of obligations that Member States have taken over by adopting the Convention. In this regard, the Committee on the Rights of the Child, with special attention monitors the compliance of legislation in the field of child protection with the requirements of the Convention and the situation in the field related to implementation and protection of children's rights.

Committee on the Rights of the Child verifies whether and to what extent the improvements have been made in the implementation of the Convention in a way that it periodically examines reports of Member States on the rights of the child.

The first report of Bosnia and Herzegovina - The Initial Report of Bosnia and Herzegovina on the Rights of the Child, was examined by the Committee in May 2005. In June 2005, the Committee has adopted Concluding Observations and stated great concerns regarding the implementation of the Convention, and it made quite a few recommendations\(^7\) to Bosnia and Herzegovina to improve position of children by finding system solutions.

After examining the Combined Second, Third and Fourth Periodical Report of Bosnia and Herzegovina on implementation of Convention on the Rights of the Child, the Committee again gave a number of recommendations\(^8\) to Bosnia and Herzegovina for improving care for children in different areas and with regret it has stated that some of recommendations issued in 2005 still have not fully been implemented.

By accepting Convention on the Rights of the Child States accept the obligation to provide UN Committee on the Rights of the Child with reports on measures that have been taken and

\(^6\) UN Convention on the Rights of the Child, Article 43.
\(^7\) UN Committee for the Rights of the Child, 2005 Concluding Observations and Recommendations
\(^8\) UN Committee for the Rights of the Child, 2012 Concluding Observations and Recommendations
in a manner prescribed by the Convention. Even in this part Bosnia and Herzegovina have not respect its obligation as it only submitted two reports to the UN Committee for the Rights of the Child (The First Initial Report in 2005 and Combined Second, Third and Fourth in 2010).

2. Rights guaranteed by the Convention

The new dimension of relations with children that is being introduced by UN Convention on the Rights of the Child, inter alia, is resulting from the fact that Convention as a legal act, as one document it establishes numerous and very different rights related to children, which are, at the same time, fundamental and equally important and, at the same time, they are interdependent and all necessary for a child in its proper development. The child, based on the Convention, is a human being younger than eighteen, if, based on the positive law applicable to the child, majority is not attained earlier.

The Convention stipulates:

- right to life, right to non-discrimination, 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 adoption, right to freely express one's opinion and right that this opinion is taken into account in all procedures which directly affect it, right to privacy, right to freedom of information, right to freedom of thought, conscience and religion, right of free cultural and artistic expression, right to rest, leisure, play and recreation, right to free associating and peaceful rallying, right to honor and reputation, right to education, right to health care, right to adequate standard of living, right to social protection, right to protection from violence, abuse and neglect, right to protection from illicit transfer, right to protection from sexual abuse of exploitation, right to protection from abduction, sale and trafficking, right to protection from other forms of exploitation, right to protection from torture, inhuman and degrading treatment and punishment, right to legal and other assistance in case of freedom deprivation, right to dignity in criminal proceeding.

The UN Committee on the Rights of the Child, in intention to facilitate submission of report of State Parties on progress in implementation of the Convention and execution of assumed obligations based on Convention, has provided them with a special classification. In addition to civil rights, the right to family environment and alternative care, right to education, the right to health and social protection, the right to leisure and cultural activities and rights of children who are in special situations, the Committee emphasizes definition of a child and basic principles of the Convention. Besides stated classification, nowadays based on the various grounds many other classifications of the rights of a child exist such as preventive, participative and protection rights or as the right to development, right to participate and right to protection. Regardless of the grounds for classification it is done for the practical reasons and it does not put in jeopardy that certain children rights can be more or less important; children rights are indivisible. Realistic classification of children rights is impossible, those rights are so mingled.

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9 UN Convention on the Rights of the Child, Article 44.- States are obliged to submit to the Committee reports on measures they have adopted in implementation of the rights here recognized and about advancement relevant to exercising those rights:

a) in period of two years from the moment this Convention becomes effective for the State Party

b) and then every five years.

and conditional to each other that non-implementation of one of the stated rights simultaneously jeopardizes many other rights. For a child beggaring on the street not only the right to protection from exploitation is endangered but also its right to education, medical care, safety, appropriate parental care, and protection from violence, abuse and neglecting.

3. Statistics on children

Integral part of implementation of the Convention and strengthening the system of child protection demands the establishment of a comprehensive database - data collection and records on all issues relevant to all phases of children development.

Examining the 2012 Report of Bosnia and Herzegovina on Implementation of Convention, UN Committee on the Rights of the Child has expressed great concern due to the lack of statistical data relevant to implementation of Convention and clear division of responsibility for collection, consolidation and analysis of data and it reiterates its previous recommendation to the State to develop coordinated system for comprehensive data collection that would “cover” all children under the age of 18 and to classify those data in groups of children based on their need for special protection.11

It is not enough to only establish a mechanism for data collection, it is especially important to analyze collected data, because continuous monitoring of implementation of the rights of children and their protection in various sectors, among other, is also in function of evaluation of current measures and activities and at the same time is a basis for proposal of additional measures and services for improvement of those parts of the system that are pointed out by the analysis of collected data, and also in determining priorities in competent bodies’ activities.

Often, Institution is faced with the questions like what is the number of children that does not receive alimony, how many children did not exercise its right to contact with a parent with whom it does not live or with close relatives, how many children has been expelled from the school based on stated disciplinary measure, how many children has been found in beggary in last year, is peer bullying on the rise, etc. Unfortunately, there are no unified data. With non-existence of unified data there also is no monitoring and analysis of existing occurrences and problems. By constant monitoring of the occurrence of peer bullying in schools, analyzing data collected from the schools, pointing to good practice in certain schools, announcing schools that in school year did not have case of peer bulling and other indicators would improve the system of child protection in whole, it would made competent services more responsible and it would determine future activities related to child protection in this domain.

Recording data on implementation of the rights of children in different areas among other should point if and in which part the law should be changed, which bylaws should be passed, how to unify the practice in solving certain issues and similar, by which certain situation would be evaded like when requests of grandmothers and grandfathers for years have been denied because it is not regulated by the law even though European Court for Human Rights has established practice in implementation of this right. Stated examples are only indicators of the importance of having comprehensive indicators for the improvement of system of child protection in whole and which relate to implementation of Convention.

4. Proceedings of Ombudsman for Children and the overall assessment

Constitution of Republic of Srpska states that children have special protection. The right of a child to its best interest is the ground for implementation of all other rights that obliges all institutions and services in all proceedings that relate to children. Due to children’s sensitive nature and their vulnerability and sensitivity to risks and violations, consequences of untimely and inappropriate proceedings might have grievous and long-term consequences that are additionally hard on younger children. Therefore it is important to provide in all proceedings timely and considerate acting and in all situations in account should be taken child’s age and its dignity.

The right of every child in proceedings that involve it is to obtain all necessary information and it must be questioned. Information given to a child relevant to the proceedings where it is decided about child’s rights should include and explain all possible consequences of the ongoing procedure.

Improvement of the child care, strengthening system of child protection and protection of their interest, making maximal investment in children, their development and growth is firstly the need of society and secondly the request of Convention.

In last few years children and their needs are more visible; numerous projects have been initiated in different fields, the level of society awareness is higher about importance and specificity of protection of children rights and interests.

In certain areas significant improvements in protection of rights and interests of a child have been made, not only normatively, but all subjects of protection have shown higher level of sensitivity in this area. Here we speak of protection of rights and interests of children that on different basis came in conflict with the law.

The new Law on Social Protection is contribution to improvement of child protection on various grounds because it has widened the group of persons –children, users of social protection and enabled that children whose rights are violated on different grounds (besides other categories of children, children victims of different forms of violence and trafficking) exercise their social protection rights, firstly, their right to psycho-social assistance and support.

Significant contribution to advancement of protection of children from different forms of violence, abuse and neglecting represent changes and amendments of Criminal Code, signing of the Protocol on Proceedings in Cases of Violence, Abuse and Neglecting of Children, implementation of programs of prevention from different forms of violence into educational system.

However, actions of certain number of competent services and institutions in area where procedural standards are clearly defined are in spite of all efforts are put in question because necessary assistance for a child and adequate reaction of competent is missing as they shift their legally established obligation to other institutions and organizations.

Primarily the failures in work of competent services and institutions that have public authority, are conducting proceedings and passing decisions on implementation of the rights

12 UN Convention on the Rights of a Child, Article 3.
of children and their protection, who indicate violation of rights and interests of children, are related to the absence of proper reaction. Improper reaction reflects in the fact that submitted request for implementation of rights or complaint on violation of rights are not decided upon in a manner and under conditions prescribed by the law, either decision are not passed in legally prescribed timeframe or decisions are not made at all.

On the second position are the reports indicating violation of the rights of a child with passed decision. It is obvious from passed decision on implementation of child’s rights on different grounds and at different subject of protection that there are no clear and for all known working rules what, again, puts in a question implementation of the rights of a child and its protection.

It is not always that complaints indicate that decision of competent body is not passed in accordance with the law and prescribed proceedings. There are also situations when citizen feels incapable due to inadequate reaction of the first institution he/she has addressed (citizen did not get response for his hers inquiry, they told him/her they are not competent or to address another institution), such citizen very often simultaneously addresses more than one of these other institutions indicating unprofessional behavior of employees or requiring exemption of certain service employee and sometimes requesting exemption of entire service.

Even in situations when competent body is aware of failures indicated in complaint, it justifies it with different explanations that often have no relevance for the subject of the complaint and all this is do in order to diminish its responsibility and failures causing further discontent.

Examples of good practice are those institutions that with first addressing of Ombudsman for Children take all necessary measures to eliminate situations that lead to dissatisfaction of citizens and violation of children rights. Ombudsman for Children on October 10\textsuperscript{th}, 2014 has received complaint of parents indicating violation of children rights as their "children attend classes in the classroom that is not appropriate for their age...”

In its response dated October 20\textsuperscript{th}, 2012 school states: "We are informing you that school has acted in accordance with parental requests and…" and the letter sent to institution by parents states "We would like to express our gratitude for reacting on our complaint and helping us solve this problem and therefore enabling us to protect the rights of our children.”

Complaints upon which Institution has acted in reporting period relate to almost all segments of child development and growth.

However, complaints mostly indicate the vulnerability of children in process of termination of marriage or common law marriage, inadequate protection from different forms of violence and various problems in implementation of rights of children in educational system.

As it was stated in earlier reports, protection of rights and interests of children in cases of separation of married and common-law partners is jeopardized what can be concluded not only from number of complaints but also based on the existence of old and new patterns in parents’ behavior. Practice shows that there is no effective protection of the child and its interest in cases where parents do not cooperate with the competent body, or where they do not act in accordance with decisions of competent body. Taking in account the number of

\textsuperscript{13} Case number: 1279-117-PZ/14
children that each year are exposed to different stressful situations in these proceedings, efficient procedural mechanisms of competent bodies and permanent monitoring of their proceedings are necessary.

Violence, abuse and neglect children are exposed to, occurring in various forms, is not recognized in all its forms, so there is no appropriate response of relevant services in providing support and assistance to the child nor in initiating procedure for determining liability of the perpetrators.

Still present but not that accented are loud reactions and questions on children’s responsibilities, and why the emphasis is not on that. Here completely forgotten is that the given rights, children have by birth and those rights represent basic needs for their healthy growth. Children have obligations and responsibilities towards themselves and the others, but that is what adults teach them in their journey of growing up and from their earliest age.

In accordance with the law on Ombudsman for Children14 and established competencies that follow **harmonization of the laws** and other bylaws in Republic of Srpska that relate to protection of children rights, the Institution emphasizes the need for harmonization of laws with demands of Convention on the Rights of the Child and for passing bylaws prescribed by the law. If system solutions in certain fields are not adequate, if they are incomplete or not understandable, if they leave room for different interpretation that leads to different approach and its application in practice, for the consequence has situations when it is made impossible or too difficult to implement rights children have and in any case it leads to different approach in implementation of the rights.

At the same time frequent law changes, such is the Law on primary Education (the Law was adopted in 2008, and changes and amendments were made in 2009, 2011, 2014) what creates problems in the implementation of this law.

In relation to this also is passing of bylaws that competent institutions are obliged to pass in legally prescribed period of time. Even though Proposer suggests what bylaws and in which period should be passed, unfortunately it is indicative that in legally prescribed timeframe those bylaws are not passed what jeopardizes implementation of rights of children on those grounds. One of examples is the Law on Changes and Amendments of the Law on Pre-school Education15 stating that in period of six months Minister will pass regulation on Methods and Conditions of Implementing program for Children Challenged in their Development what was not done in 2014. Most of recommendations of Institution in this part go to the Ministry of Education and Culture in intention to have those crucial questions dealt with in unique way because those questions are important for entire educational system an schools can not be left to individually solve them by normative acts.

Additional problem in creation of laws and their changes, as in passing bylaws, is absence of necessary public professional panel discussion that could give its contribution in finding the best solutions for given conditions which can be applied in practice.

In accordance with authority prescribed by the law, Institution has not only initiated changes and amendments of laws but it also gave its opinion on the laws that are in procedure.

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14 The Law on Ombudsman for Children “Official Gazette of Republic of Srpska” number 103/08, 70/12, Article 5.
15 The Law on Changes and Amendments of the law on Pre-school Education, “Official Gazette of Republic of Srpska” number 1/12
Insufficient **coordination** among competent services and institutions in planning and defining policies and determining priorities in implementation of rights and interests of children and their protection, questions implementation of children rights in certain fields. In addition, the Strategy to Improve the Social Protection of Children without Parental Care for period 2009-2014 whose goal is improvement of system models of social and family-legal protection of children without parental care in relation to foster families, adoption, guardianship and institutionalization of children has defined as the priority the Changes and Amendments of the Family Law. Since the relevant higher instances did not give priority to the stated law, implementation of children rights such as adoption of child older than 5 is still on waiting.

In order to provide equal approach in application of the law when implementing and protecting children rights, continuous professional supervision of competent services is necessary. Purpose of this supervision should be in function of prevention not only of controlled body but of all other competent services that have part in it. Inspection whose preventive role is not adequately recognized, also could contribute to the equal approach in application of the law in implementation and protection of children rights.

Even though essential part of the implementation of Convention represents **collection of data and creation of database** that relates to all phases of child development and growth, but also continuous monitoring of influence of existing legal solutions, measures and policies on children and assessment of real effects of their application; the work in field shows that collected data, if recorded, are not systematized and analyzed at the institution what disables any form of analysis and monitoring of occurrence. In all previous years and in reporting period, for the sake of having complete insight in certain issues that could lead to violation of children rights, Ombudsman for Children has requested from all competent services data from their database. However, non-delivery of requested data in given timeframe and emphasis that they need additional time for completing this request questions maintenance and updating of their databases. The only exception is the Ministry of Internal Affairs that in no time and usually before the deadline delivers requested data.

Mutual for implementation and protection of almost all children’s rights is the number of persons involved; each one participates in the frame of its authority, has the obligation not only to recognize violation of children rights but also to react in accordance with its authorities. If just one subject of protection fails to react timely and adequately, consequences for child can be very hard and permanent. Therefore, Institution constantly emphasizes the importance of **communication** between different sectors of children rights protection in order to ensure necessary engagement of all subjects of protection so there will not be any shifting of responsibility as it usually is the case, and to prevent situations when all subjects have been working but result of all that work is that child did not get necessary protection.

This Report indicates the need for systematic measures and activities in various sectors in order to enhance system of child protection.

In addition, the Ombudsman for Children particularly points to the need for:

- **adoption of a long-term strategic document for children** that would, based on the identified problems in the implementation and protection of children's rights in different sectors, and based on the real needs of children, define the long term policies, measures and actions to improve the position of children in all segments of society, which would mobilize all competent institutions and organizations in
realization of defined goals. In Conclusion of the Government of the Republic of Srpska from December 5th, 2013, has instructed the competent ministries responsible for creating of the strategic planning document for the improvement of children position in the Republic of Srpska.

- **changes and amendments of the Family Law** that would enable implementation of children's rights in accordance with the basic requirements and principles of the Convention, parents would be held responsible for actions taken in the interests of children, but it would also strengthen the responsibility of the competent services that instigate proceedings and pass decisions in accordance with the best interests of the child.

The inefficiency of Centers for Social Work in divorce proceedings and implementation of the rights of the child in these situations, in one part is result of incomplete legal solutions, basic right of a child- the right to alimony is jeopardized (in cases of divorce and when parent works and has salary), the problem of child adoption in one part is a consequence of existing normative frame, question of guardianship are just some of questions that require changes and amendments of the Family Law.

- **Changes and Amendments of the Law on Primary Education**
The Law on Primary Education and the Law on Secondary Education have clearly defined goals of education, but in order to have those goals implemented, it is necessary, among other things, to include basic principles of Convention, the rights and obligations of students in educational system and also support for children challenged in their development – the question of in-class assistants.

- **Changes and Amendments of the Criminal Code** that would **increase** the age for voluntary consent to sexual intercourse (now it is 14) what would place responsibility on those who manipulate with children, abuse and exploit them for satisfaction of their own needs, **make punishment more severe** for perpetrators committing criminal act of sexual violence and abuse of children. There is not appropriate punishment for destroying child’s life and punishments prescribed by the law, especially the minimal ones, are inadequate to the grievousness of the committed deed or are they in function of prevention.

- **creation of database** of perpetrators of criminal act of sexual abuse and exploitation of children as one of the measures that can contribute to better protection of children from persons who already have committed those acts, with the goal of having those persons under surveillance and to eliminate possibility that perpetrators of such criminal acts, on any grounds, can be engaged to work with children.

- **Adoption of bylaws prescribed by the law**
The law, in implementation of the rights prescribed by the law, in different fields has prescribed the obligation to adopt bylaws in legally prescribed deadlines. Unfortunately, even few years after the law has been enforced these normative acts are not adopted, what puts in a question the implementation of the rights prescribed by the law and also absent is the analysis of real effects of law implementation in that part.

- **Establishment of a Foundation supporting parent and children with severe and rare illnesses**, who are fighting disease, long-term treatments and severe therapies.

- **Programs for Children Health Prevention** and various forms of risky behavior should be integral part of educational system in order for children to get, from their earliest age and
in manner appropriate to their needs and capabilities, all information and knowledge about harmlessness of alcohol, tobacco, drugs, healthy nutrition, importance of physical activity, etc.

In a procedure relieved of many formalities, Institution easily makes contact with competent institutions and services but also with citizens who indicate violation of children rights on various grounds.

Increased number of citizens addressing the Institution is the result of increased availability of Institution on territory of entire Republic of Srpska. Number of cases Institution has acted upon is additional pressure and obligation for Institution in having insight in all conditions of child’s growth and development, firstly in system solution and its improvement in order to ensure protection of rights of each and every child and not only those who have addressed the Institution.

This increased number of complaints submitted to the Institution creates greater pressure of Institution on competent bodies demanding their more efficient work, but first of all their systematic approach in protection of children what for result would have decrease in number of complaints filed to the Institution.

Increased number of citizens addressing the Institution, on one side, we see as the advantage because in comparison with neighboring countries number of complaints filed to the Institution is foremost the consequence of greater visibility of children rights and greater sensitiveness of government and non-government sector including media and also the greater visibility of the institution of Ombudsman for Children and trust citizens have in this institution.

Examining the second, third and fourth combined report on the state of children’s rights in Bosnia and Herzegovina, the UN Committee on the Rights of the Child welcomed the establishment of an independent Ombudsman for Children in the Republic of Srpska\textsuperscript{16} and it believes that the establishment of such bodies is one of the commitments made by the State Parties after ratification that ensured the implementation of Convention and promote universal implementation of children’s rights.\textsuperscript{17}

\textsuperscript{16} UN Committee for the Rights of the Child, 2012 Concluding Observations and Recommendations. Point 19

\textsuperscript{17} UN Committee for the Rights of the Child, General Comment number 2. The role of independent institutions for human rights, Point 1.
II ACTING UPON COMPLAINTS – APPEALS

In 2014 Institution has acted in total of 742 cases, and out of this number 557 cases were complaints indicating violation of children's rights on different grounds, 150 were complaints from 2013 and 35 were cases initiated ex officio.

If number of complaints received in the reporting period (557) is compared to the number of complaints received in previous reporting periods for example in 2011 there was 376 complaints than it is clear that for a very short period of time recognized was the role and importance of the institution of Ombudsman for Children in the Republic of Srpska.

In accordance with the authorities defined by the Law to continuously cooperate with children, introduce children with the methods of implementing and protecting their rights and interests and advises them how to achieve and protect their rights and interests, Institution, in the reporting period, has acted in 56 cases that relate to cooperation with children and education of children about their rights.

In reporting period over 1750 citizens have addressed Institution in person, by phone or in some other way and asked for legal advice for situation they have found themselves in or they asked for information related to the implementation of children rights. In these addressing citizens often ask for explanations related to the competencies of certain institutions, legal explanation of specific situation, deadlines that competent bodies have in acting upon certain cases and they ask about possibility that Institution participates in arbitrating or representing them in procedures already initiated at competent body.

Certain numbers of addressing require advice and ask if they should file complaint on the first instance decision, what are the consequences of not filing complaint, are the proceedings of the first instance body legitimate.

In reporting period, the Ombudsman for Children was contacted by certain number of institutions that have asked for assistance and opinion of Institution in overcoming of concrete situations solving individual cases. These addressing are not registered as cases-complaints nor they are included in statistics of the Institution but they are recorded for the simple reason of knowing in which field problems occur and in which part actions should be taken in order to have appropriate information for citizens when they indicate such situations.

In the same period, Institution was contacted by a number of citizens and institutions of the Federation B&H who have sought the opinion of Institution the specific situation related to the protection of children's rights. Regardless of the fact that Institution does not have the authority to act in these situations, and citizens were immediately informed of it, they have been advised on how they can act in such situations. In the reporting period, the Institution has acted upon requests of colleagues from the Ombudsman institutions from Vojvodina and Croatia, and likewise Institution requested from the Ombudsman Institutions from Serbia, Croatia and Vojvodina to act in certain cases.

In reporting period Institution paid a visit to a certain number of Centers for Social Work, in order to reach solution not only for the specific case, but also for additional system solutions that in child’s best interest would shorten duration of proceeding and they would place

18 The Law on Ombudsman for Children, Article 6.
responsibility on those whose actions endanger the rights of the child. With the same objective, Institution has contacted a number of primary and secondary schools.

Received complaints indicate violation of rights of a child in concrete situations but also they indicate the need for certain issues to be normatively defined.

Encouraged by specific activities of the Institution, parents who are the members of school Parent Councils and who have recognized the need opportunity for greater engagement of the Parent Council in schools on different issues have addressed Institution usually in relation to protection of children of various forms of violence on internet and issue of school bag weight and conditions for teaching process.

<table>
<thead>
<tr>
<th>Actings of the Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaints - received</td>
</tr>
<tr>
<td>Ex officio complaints</td>
</tr>
<tr>
<td>Complaints taken over from 2012</td>
</tr>
<tr>
<td>Recommendations</td>
</tr>
<tr>
<td>Opinions</td>
</tr>
<tr>
<td>Special Reports</td>
</tr>
<tr>
<td>Cooperation with children and educatiion of children about rights</td>
</tr>
</tbody>
</table>

**In total:** 831

<table>
<thead>
<tr>
<th>Year</th>
<th>Complaints Reporting period</th>
<th>Previous Reporting period</th>
<th>Cases – total number</th>
<th>Number of children who have complained</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010.</td>
<td>201</td>
<td>24</td>
<td>258</td>
<td>9</td>
</tr>
<tr>
<td>2011.</td>
<td>376</td>
<td>30</td>
<td>451</td>
<td>43</td>
</tr>
<tr>
<td>2012.</td>
<td>464</td>
<td>39</td>
<td>601</td>
<td>50</td>
</tr>
<tr>
<td>2013.</td>
<td>615</td>
<td>37</td>
<td>729</td>
<td>58</td>
</tr>
<tr>
<td>2014.</td>
<td>592</td>
<td>150</td>
<td>831</td>
<td>48</td>
</tr>
</tbody>
</table>
1. Complainant

Similar to the previous period, the applicant is usually one of the parents. Parents usually indicate to a violation of personal rights of a child in cases of divorce or termination of common law marriage. In reporting period, 432 parents have filed complaint to the Institution (in 2013 this number was 416) what is not drastic increase compared to the previous year.

The number of children who have submitted applications to the Institution for the violation of their rights in reporting period is 48. In their complaints children indicate different forms of violence and violation of their rights on different grounds within the educational system.

Relatives of the child (usually grandmother, grandfather, aunt, uncle) in their complaints indicate the violation of the right to a contact with a child or different forms of child abuse and neglect of a child.

Very often media indicate cases of child abuse and neglect.

<table>
<thead>
<tr>
<th>Complainant</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parents</td>
<td>432</td>
<td>73,0%</td>
</tr>
<tr>
<td>Child</td>
<td>48</td>
<td>8,1%</td>
</tr>
<tr>
<td>Initiative of Ombudsman</td>
<td>35</td>
<td>5,9%</td>
</tr>
<tr>
<td>Relatives</td>
<td>31</td>
<td>5,2%</td>
</tr>
<tr>
<td>Institutions and associations</td>
<td>10</td>
<td>1,7%</td>
</tr>
<tr>
<td>Media</td>
<td>9</td>
<td>1,5%</td>
</tr>
<tr>
<td>Anonymous</td>
<td>8</td>
<td>1,4%</td>
</tr>
<tr>
<td>Foster parent</td>
<td>4</td>
<td>0,7%</td>
</tr>
<tr>
<td>Others</td>
<td>15</td>
<td>2,5%</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>592</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Institution has acted upon number of anonymous applications that have indicated violation of rights of a child in different fields and that had sufficient number of elements calling for
investigation of the stated. Complaints did not contain enough indicators Institution has not acted upon. Number of anonymous reports in reporting period is 8 or 1,4% and it is significantly reduced in comparison with year 2011 when 5% of anonymous complaints was recorded but also it has been reduced if compared to year 2013 when recorded was 1.8% of anonymous complaints was recorded what is an additional indicator of trust given to the Institution.

2. Complaint points to the following violations of the rights of the child

<table>
<thead>
<tr>
<th>Violated rights</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal rights</td>
<td>206</td>
</tr>
<tr>
<td>Social–economoc rights</td>
<td>107</td>
</tr>
<tr>
<td>Educational rights</td>
<td>76</td>
</tr>
<tr>
<td>Violence protection</td>
<td>70</td>
</tr>
<tr>
<td>Right to health care</td>
<td>24</td>
</tr>
<tr>
<td>Rights of children challenged in their development</td>
<td>24</td>
</tr>
<tr>
<td>Access to information</td>
<td>23</td>
</tr>
<tr>
<td>Judicial-protective rights</td>
<td>13</td>
</tr>
<tr>
<td>Legal aid</td>
<td>10</td>
</tr>
<tr>
<td>Other rights</td>
<td>39</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>592</strong></td>
</tr>
</tbody>
</table>

Out of the total number of applications received and processed by Institution in reporting period, the largest number refers to the violation of personal rights. Although, compared to the previous period this number of 34,8% is almost same as in the previous year (in 2013 it was 35%), violation of personal rights remain the most represented violation in reporting period.

Number of reports on violations of other children’s rights in this report had no significant differences compared to the previous reports.
Institution has received 215 applications related to the violation of personal rights of the child:

In accordance with the Convention personal rights of a child include the right to life, right to know their own origin, right to birth registration, right to a name, right to acquire a nationality, right to preserve identity, right to family life and parental care, right to personal relationships and direct contact with the parent they do not live, right to special protection and alternative care, right to privacy, right to honor and reputation, right to protection from violence, abuse and neglect, right to protection from illicit transfer. The right of a child to protection from violence, abuse and neglect has been separately covered in this report.

Unfortunately, out of the total number of complaints that indicate the violation of personal rights of the child, 56% of complaints are related to personal relations and direct contact of children with a parent they do not live with (arranged visitation-passing decision, modification of existing agreement, enforcement of decisions and agreements).

3. Number of children

Number of children whose rights, according to the received complaints, are violated is very hard to express. Institution’s statistics relate only to individual complaints where the number of children, gender and age are clearly stated.

In cases that indicate faults of the existing system solutions, it is not possible to determine the number of children violated on that basis. In cases when Institution was conducting a research, stated number of children involved in research does not relate to the number of children whose rights have been violated, but it relates to the number of children who have participated in this research and their observations of the problem. Complaint received on behalf of a class, for example, is registered as one complaint, and the statistics indicate it as the violation of the right of one child and not the group of children.
4. What is the age of children?

As in previous reports, the complaints received indicate that children under age 10 are the most exposed to situations that lead to the violation of their rights. In 2013 this was very pronounced and complaints received in that period indicate violation of the rights of the child that in 30.8% of cases are related to children 6-10 years of age. Even though this number has been slightly reduced in reporting period, to 28,4%, emphasized must be the fact that percentage of violation of rights of children up to 5 years of age has been increased from 15,5% in 2013 to 28,4% in 2014. Unfortunately, statistical indicators confirm that children up to 10 years of age are the ones exposed the most to the violation of their rights, noting the fact that increased is the number of complaints indicating violation of rights of children at their earliest age.

If child’s age is linked to data on divorces, the period of their life when divorces occur, what consequences they leave on a child, and what procedures it leads to than it is clear that in divorce proceedings the rights of children in this age group, on different basis, is being jeopardized.

Based on the certain number of complaints received in the reporting period it was not possible to determine the age of children in 12,8% because it was not stated in complaint. But this number has been significantly decreased in comparison to the previous reporting periods (in 2013 –unknown age 17,9%, in 2012 - unknown age 23.3%).
5. What is the gender of children?

From the applications received in the 2014 it is noticed that boys are more exposed to situations that lead to the violation of their rights 376 or 45.7% as compared to girls 295 or 35.8% as it also was pointed out in previous periods (in 2013 – 46,6% were boys and 43,3% were girls, and in 2012 - 43.8% were boys and 43.0%. were girls).

<table>
<thead>
<tr>
<th>Gender</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Girls</td>
<td>295</td>
<td>35.8%</td>
</tr>
<tr>
<td>Boys</td>
<td>376</td>
<td>45.7%</td>
</tr>
<tr>
<td>Group of children</td>
<td>29</td>
<td>3.5%</td>
</tr>
<tr>
<td>Unknown</td>
<td>123</td>
<td>14.9%</td>
</tr>
<tr>
<td>Total:</td>
<td>823</td>
<td></td>
</tr>
</tbody>
</table>

In this reporting time it was not possible to record gender for certain number of children, because it was not stated in the complaint, the complaint only states the specific problem of a child (for example in complaint it is stated, "a single mother of two children" or “my child”).

6. Institutions relevant to complaints

Bearing in mind that the application - complaints usually relate to the violation of personal rights of the child, that are under competence of Centers for Social Work, in reporting period
these institutions were asked in most cases, 2,699, to provide the answer on actions they have taken in regard to violations indicated.

Even though in previous reports it was indicated that complaints mostly relate to the actions of Centers for Social Work, evident in current reporting period is increase of the number of those complaints 45.4% (in 2013 it was 36.3% and in 2012 the number was 37.2%).

During the investigation of the allegations stated in complaints that are related to the violation of educational rights, in addition to statement of a school, in a significant number of cases Institutions required action of the Republic Pedagogical Institute and the Education Inspectorate.

7. Manner of receiving complaint

<table>
<thead>
<tr>
<th>Manner of receiving complaint</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>In person</td>
<td>302</td>
<td>51.0%</td>
</tr>
<tr>
<td>By phone</td>
<td>120</td>
<td>20.3%</td>
</tr>
<tr>
<td>By mail</td>
<td>66</td>
<td>11.1%</td>
</tr>
<tr>
<td>E-mail</td>
<td>51</td>
<td>8.6%</td>
</tr>
<tr>
<td>By fax</td>
<td>9</td>
<td>1.5%</td>
</tr>
<tr>
<td>From the media</td>
<td>9</td>
<td>1.5%</td>
</tr>
<tr>
<td>Total:</td>
<td>557</td>
<td></td>
</tr>
</tbody>
</table>

The most complaints were submitted by citizens in person 215 or 51% what is significant increase in comparison with 2013 when this number was 215 citizens. Somewhat smaller number of citizens, 66 of them, has sent it by mail, and there is an increase in number of complaints received by e-mail or by phone.
8. Acting upon complaints-appeals

Out of total number of received complaints-appeals that indicate violation of rights of a child on different grounds that Institution has acted upon in reporting period, 651 or 88% have been solved and in process of solving is 91 complaint or 12%.

<table>
<thead>
<tr>
<th>Complaints in process in 2014.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solved</td>
</tr>
<tr>
<td>In process</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Out of total number of solved complaints 651, in 44 or 7% of cases, complaints were unfounded and in 62 or 10% of cases Institution was incompetent to act upon. Those mostly were cases were protection of rights of children older than 18 was requested, or implementation of right to retirement, asking Institution for advices it is not competent for, financial assistance, questions related to labor rights and similar.

<table>
<thead>
<tr>
<th>Out of 651 solved complaint:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unfounded</td>
</tr>
<tr>
<td>Incompetence</td>
</tr>
</tbody>
</table>
III PERSONAL RIGHTS OF A CHILD

1. The right of a child to a family life and parental care

The family is the basic, natural and irreplaceable environment for the growth and well-being of all its members and particularly children\textsuperscript{19}, and the right of a child to family life, as a fundamental right of every child, is guaranteed by the international documents and national legislation.

By establishing the right of a child to live with its parents, Convention establishes mutual responsibility of parents for upbringing, providing care, education, growth and development for each child.

According to the Family Law of the Republic of Srpska, parents have the obligation and right to protect their minor children and provide care for their life and health.\textsuperscript{20} Parents can not renounce their parental right, but such right they can be deprived of in cases prescribed by the law.

Unfortunately, there are many problems families face today and they have direct impact on children and implementation of their rights. Family is at crisis, this is confirmed with data of decrease in number of concluded marriages and increase in divorces. Statistics warn that number of children from broken families is at the rise. Parents forget that by divorcing they do not stop being parents, they forget that the decision to divorce is their decision which children do not want and can not affect, and however, the consequences of divorce, especially those conflict ones, are bore by the children. First of all, the sole procedure and process of divorce, stressful as it is for all involved, is very intense for children.

Also, statistics warn of the fact that children up to 10 years are the ones who are mostly exposed to situations that lead to violation of their rights on different grounds, including violation of rights of children in procedures of divorce – non-payment of alimony, not having contact with other parent and similar. If here, taken in account is the necessity of the most intense parental obligations focused on child’s growth and development, as this is crucial time for this process and the lack of such parental care due to marriage divorce, it is clear that the consequences for child and its growth and development are grievous and lasting.

According to statistics indicators\textsuperscript{21} the number of marriages in the past three years is decreasing and the number of divorces after five years of marriage is on the rise.

\begin{table}[h]
\centering
\begin{tabular}{|l|c|c|c|}
\hline
\hline
Concluded marriages & 5802 & 5326 & 5467 \\
\hline
Divorced & 886 & 878 & 1052 \\
\hline
\end{tabular}
\end{table}

\textsuperscript{19} UN Convention on Rights of a Child, Preamble
\textsuperscript{20} The Family Law, „Official Gazette of Republic of Srpska“, number 54/02, 41/08, 63/14 Article 81
Statistic indicators confirm that the number of children who suffer consequences of divorce is at rise and according to those indicators in 2014 recorded was 770 children and in 2010 this number was 344. For three years, in period 2010-2012, number of children coming from divorced marriages is 1674 children and for period 2011-2013 this number is 2100.

**Divorced marriages have lasted:**

<table>
<thead>
<tr>
<th></th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than a year</td>
<td>32</td>
<td>17</td>
<td>30</td>
</tr>
<tr>
<td>1 year</td>
<td>49</td>
<td>42</td>
<td>38</td>
</tr>
<tr>
<td>2 years</td>
<td>55</td>
<td>44</td>
<td>70</td>
</tr>
<tr>
<td>3-4 years</td>
<td>122</td>
<td>114</td>
<td>98</td>
</tr>
<tr>
<td>More than 5 years</td>
<td>628</td>
<td>661</td>
<td>816</td>
</tr>
<tr>
<td>Total</td>
<td>886</td>
<td>878</td>
<td>1052</td>
</tr>
</tbody>
</table>

**Number of children coming from divorced marriages**

<table>
<thead>
<tr>
<th></th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 child</td>
<td>215</td>
<td>247</td>
<td>247</td>
</tr>
<tr>
<td>2 children</td>
<td>174</td>
<td>179</td>
<td>182</td>
</tr>
<tr>
<td>3 or more children</td>
<td>21</td>
<td>33</td>
<td>53</td>
</tr>
<tr>
<td>No children</td>
<td>384</td>
<td>419</td>
<td>408</td>
</tr>
<tr>
<td>Unknown</td>
<td>92</td>
<td></td>
<td>162</td>
</tr>
<tr>
<td>Number of children</td>
<td>626</td>
<td>704</td>
<td>770</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>2100</td>
</tr>
</tbody>
</table>

2. **The right of a child to personal relations and direct contacts with other parents and close relatives**

It is child’s right to maintain personal relationship and immediate contact with a parent it does not live with and it irrelevant of relationship between parents and status of their matrimonial community. Separation of child from parents is possible only in extraordinary situations and only if, in appropriate procedure, it is found that separation is in child’s best interest.

Unfortunately, practice shows and complaints received by Institution in reporting period confirm that in cases of divorce or termination of common law relationship jeopardizes implementation of child’s right to contact and personal relationship with a parent it does not live with or with close relatives on various grounds.

According to the Ministry of Health and Social Welfare\(^{23}\) in 2013, 482 requests were filed for maintaining personal contact of a parent and a child (253 cases were solved by agreement, and for 155 requests decision was made). The number of cases is slightly lower than in 2012 when 520 requests were submitted. These data speak not only about the number of submitted requests and how they have been solved, but it is not a confirmation that such decision is implemented and child is enabled to maintain contact with parent with whom it does not live.

\(^{22}\) UN Convention on Rights of a Child, Article 9  
\(^{23}\) Ministry of Health and Social Protection, Newsletter on social, family and child protection 2013
Most common reasons mothers state for not respecting decisions are that child still is not ready for such contact and it needs more time, father does not pay alimony or pays it irregularly, he “puts pressure” that personal contacts must be in period precisely determined by decision and child simply can not come at that exact time, either it is in school or in kindergarten, what was not taken in consideration in decision.

Fathers usually emphasize that their parental right is brought down to paying alimony as the greatest pressure on them is in this part and at the same time they are being prevented to spend time with their child. They emphasize that time determined by decision they can spend with their children is not in the best interest of a child even if it is implemented as prescribed by decision (every other weekend from Friday to Sunday), especially in part when weekend is skipped (due to child’s illness or inability of a parent to take child) and those weekends can not be compensated but they have to wait for next second weekend.

Family Law, Article 93. states that if a child does not live with both parents, the parents will come to an agreement on how to maintain personal relations with the child visitations, etc.). If such an agreement is not reached, decision is made by the guardianship authority. Maintaining a personal relationship of parents with their children may be restricted or prohibited only to protect personal and other interests of the children. Centers for Social Work in all cases when there is not agreement between parents determines with its decision place, time and method of maintaining personal contact of a child and parent (precisely determine time and place of meeting, contacts during holidays, school breaks, child’s birthday, who brings child to precisely determined place of child takeover, etc.).

Complaints that Institution acted upon in reporting period indicate following violation of children rights:

a) Imprecise decisions

Every imprecise decision “parents at conflict” use in a way that prevents or prolongs contacts what for consequence has jeopardizing the right of a child to personal relation and contact with other parent.

In number of cases, due to incomplete decision on personal relation and contacts, problem occurred at the place of handover of a child, and father did not want contact with child because decision states that mother will hand over the child and in this case her sister, child’s aunt, brought the child or he did not want to hand over child to grandmother because handover of a child according to decision is between child’s parents.

Another problem is regulating contacts in a way, for example every other weekend in certain period, what practically means that if child is ill or parent is prevented to takeover child, they will have to wait another two weeks to spend time together.

Problem also occurs in interpretation of “first week from Friday to Sunday” and parents are asking is first week when first day of a month starts on Saturday or Sunday and also problem is when decision does not precisely define contacts during holidays and important religious dates.

b) Centers for Social Work do not make decisions in a legally specified period

Procedure at competent Center for Social Work for passing decision that regulates personal contacts of a child with parent with whom it does not live lasts too long.
Although the law prescribes that the competent body should pass decision within 60 days from the day complaint was submitted\(^\text{24}\), in cases processed by Institution, competent bodies have not made a decision within the legally set deadline.

1. Ombudsman for Children has received on May 27\(^{th}\), 2014 a complaint\(^{25}\) that states that on February 27\(^{th}\), 2014 request for regulation of personal contacts with juvenile child was submitted and even today it was never acted upon it.

On request of Ombudsman for Children, Center for Social Work delivers its response on June 9\(^{th}\), 2014 where it states:

- that child’s father has submitted request for regulating personal contact with child on February 27\(^{th}\), 2014,
- that on March 13\(^{th}\), 2014 both parties were invited to come to Center for Social Work in regard to this request,
- that due to inability of mother, and in accordance with requests and obligations of parents, on April 24\(^{th}\), 2014 "parents were interviewed and goal of this interview was reaching agreement of parents on regulating contacts of father and juvenile daughter," but parents did not reach an agreement,
- on May 28\(^{th}\), 2014 they had hearing was,
- on June 4\(^{th}\), 2014 center had done observation of contact between father and juvenile daughter.

Since from February 27\(^{th}\), 2014 when request was submitted, no administrative act was passed until July 10\(^{th}\), 2014, Center had made failure and jeopardized child’s rights because it did not pass decision on submitted request in legally prescribed timeframe.

2. On April 24\(^{th}\), 2014 Institution has received complaint of a father\(^{26}\) stating that he has submitted request to Center for Social Work on December 30\(^{th}\), 2013 for changing Agreement on regulation of personal contacts with juvenile child because mother did not respect it and requesting that those contacts are without presence of mother and in his household, but it still has not been acted upon his request.

In Center for Social Work response to Institution that was delivered on May 29\(^{th}\), 2014, among else, it has been stated that "procedure of passing decision is still ongoing". On July 1\(^{st}\), 2014, Institution addressed competent Inspection requesting that they do inspect work of Center in stated case and on that same day (July 1\(^{st}\), 2014) Center for Social Work has decided upon request of a party and decision was passed.

3. On March 25\(^{th}\), 2014 Institution has received complaint of a child’s father\(^{27}\) stating that he has no contact with a child because Center for Social Work, even after couple of requests has been submitted, did not made decision on it. Since the Center has confirmed what was

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\(^{24}\) The Law on Administrative Procedure “Official gazette of RS”, number 13/02, 87/07, 50/10, Article 206 states: ... In other cases when procedure is initiated by request of a complainant, or ex officio if it is in complainant interest, administrative body is obliged to pass decision and deliver it to the complainant in period of two months, if special provision does not prescribe shorter period.”

\(^{25}\) Case number: 697-62-PZ/14

\(^{26}\) Case number: 550-44-PZ/14

\(^{27}\) Case number: 377-32-PZ/14
stated in father’s complaint, Institution requested that inspection of Center’s work is done by competent Inspection service. After inspection was concluded, it was stated that Center has violated provisions of Article 206., paragraph 1. of the Law on Administrative Procedure because it did not pass decision or appropriate act in legally prescribed period, two months the longest, from the moment request was submitted.

Center for Social Work has obligation and responsibility to take measures that are under its competence and in timeframe prescribed by the law. Legally prescribed timeframe for acting of Center’s or Social Work requires maximal engagement in performing tasks and finally reaching the goal that is in the frame of legally defined authorities.

Time lapse in implementation of the right of a child to personal relation and contact with parent it does not live with, may have irreparable consequences in relationship between children and parent with whom children do not live with and is the biggest threat in implementation of this rights of a child and therefore measures and activities of center for Social Work must be adopted to this fact in relation to its efficiency and promptness and repressive measure against parent who is preventing contact of a child with other parent can not be excluded.28

c) Centers for Social Work in a certain number of cases do not act in accordance with the instruction of second instance authority

The Law on Administrative Procedure establishes that first instance body is obliged to act upon second instance body decision with no delays whatsoever and to pass new decision 30 days the latest from the moment case was received.29

Unfortunately, complaints received by the Institution indicate that Center’s for Social Work do not act upon order of second instance body or pass decision in time period prescribed by the law.

1. Ombudsman for Children has received complaint-appeal against Center for Social Work that relates to maintaining contacts between parent and juvenile son.30

In this complaint it is stated that Center for Social Work did not act upon Decision of Ministry of health and Social Protection dated March 25th, 2014 that, among other things, defines place, time and manner in which contact of a child and father will be done until procedure is finalized.

Center for Social Work, upon request of Ombudsman for Children, for delivering written report on actions of Center upon order of second instance body and measures it has taken in relation to implementation of child’s right to contact with parents, as it is defined by second instance body decision, among other things, Center states: “objections enlisted in second instance decision are fully respected, but expert’s team did not find that conditions are met for retrial in this administrative procedure and in future period center will supervise implementation of parental rights of both parents and provide families with advisory support.”

28 Decision of the European Court for Human Rights number 39177/05 dated March 13th, 2007
29 The Law on Administrative Procedure, Article 227.
30 Case number: 583-52-PZ/14
2. Institution has received complaint-appeal against Center for Social Work that related to maintaining contact with juvenile daughter. In complaint it is stated that Ministry of Health and Social Protection of Republic of Srpska on March 27th, 2014 has passed Decision that terminates Decision of the Center passed on October 14th, 2013 and the case is returned to first instance body for repeated procedure and decision. In response of Center it is stated: "It is the truth that second instance body has terminated decision of this Center and obligation of Center was to pass a new decision, but under such circumstances (parent has traveled abroad), Center concluded that it can not eliminate deficiencies enlisted in second instance decision and therefore it id not pass a new decision.”

d) Centers for Social Work do not use authorities prescribed by the law in protection of rights and interests of a child

If justified interests of children require, when parents, actually parent whom child lives with neglects child, than Center for Social Work may prescribe continuous supervision in implementation of parental right and with other measures of family-legal protection it can provide assistance for parents in implementation of child's rights and protection of it interests.

According to the Law, parent has grossly neglected parental duties and rights, among other, if he/she does not comply with measures that have been passed for protection of rights and child's well-being by competent body.

Even though it is indisputable that in certain number of cases child can not implement its right to contact and personal relation with parent it does not live with because the other parent does respect measures prescribed by decision of competent Center, there is no reaction whatsoever of Center towards parent that prevents implementation of children rights. Instead, even after decision became legally biding parents are summoned on interviews and confrontations, causing additional child neglect with the time lapse.

The child has the right to both parents and responsibility for the right not being implemented falls on a parent who disables or prevents it but also competent body bears its share of responsibility for not taking all necessary measures for implementation of child's rights.

When in procedure it is determined that contacts may be harmful for a child, actually contacts are not in the best interest of a child, competent body bans them having on mind the best interest of a child, which was proven and explained in the procedure.

Implementation of rights of a child to contact with a parent it does not live with can not and must not depend on requests and conditions placed by other parent; it is responsibility of competent services but even though they recognize such behavior unfortunately they do not react to such situations in accordance with their authorities.

Although in their proceedings Centers have obligation to ensure that the best interest of a child is priority and to allow child to state its opinion on all questions related to it, unfortunately, in procedure of marriage divorce, the best interest of child and other rights from Convention stay only principles, because parents due to their heated feelings do not see what is the best interest of a child and competent services do not use authorities prescribed by the law in preventing parents to act contrary to the best interest of a child.

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31 Case number: 504-41-PZ/14
32 The Family Law, Article 96. and 97.
33 The Family Law, Article 106.
In situation when child is deprived of personal relation and contacts with a parent, measures of guardianship body must be efficient and timely, there is no place for delays or prolonging in competent body activities.

The mechanisms of child protection in procedures of defining personal relationships generally prove ineffective. As the main problem centers see the irresponsible parents who in these proceedings manipulate children and who are just declaratively willing to cooperate with the authorities in order to have decisions passed in the best interest of the child, in not responding to the summons of Center, justifying their absence with various reasons. Parents put responsibility on centers because they delay procedure, support other parent, did not take statement of a child and similar. Placing responsibility from one to the other side additionally complicates situation, and consequences feel only children because there are no contact of a child and a parent with whom child does not live with while process for its regulation is ongoing.

Parent to whom the child is entrusted, very often reminds child of a parent that has abandoned him/her, who does not love him/her, who now takes care of someone else, creating a negative image of other parent, what for result has gradual weakening of child and the other parent communication and finally it stops, because now the child insists on it. In preventing any form of contact of a child and other parent manipulation space is larger and it is much easier to achieve the goal when children are of younger ages.

Encouraged by child's behavior and absence of competent body's reaction, parent stimulates such behavior of a child, and the other parent usually withdraws. Or, on the contrary, conscious of the manipulation over a child, his/hers battle for having contact with a child gets new forms and methods that further complicate the whole situation. During all that time, child is deprived of the right to a personal relationship and contact with the other parent.

As a consequence of the above stated, very often, in procedure of regulating contacts, submitted are reports on violence against child, anticipating that first decision will be made in regard of violence against child and than about contact. In this way, while waiting on decision on child abuse parent is trying to prevent every contact of a child and parent with whom child does not live with.

**Besides parents, other relatives of a child have addressed Institution**, usually grandparents, who were unable to make contact with their grandchildren. In a letter sent to Institution by grandparents it is stated: „*Please allow me contact with a child.*“34

On initiative of Ombudsman for Children in 2013 **Changes and Amendments of the Family Law**35 were made and for the first time in Republic of Srpska prescribe the right of a child to contact and personal relation with close relatives and third persons that child had close relationship with, if it is in the best interest of a child.36

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34 Case number: 1655-144-PZ/14
35 The Law on Changes and Amendments of the Family Law, “Official Gazette of Republic of Srpska” number 63/14
36 Case at European Court number: 27966/06, European Court for Human Rights in its decisions has concluded that circle of people with whom child has the right to family bonds is constantly expanding, starts from the fact that this right is extremely important for its proper and healthy
About possibilities to have contact of a child and close relative (when the Law on Changes and Amendments of the Family Law was enforced) Institution has informed complainant from all previous years and whose requests at competent Centers for Social Work were refused as it was not legally defined.

Changes of the Law oblige Center for Social Work to decide upon submitted request in legally prescribed timeframe, taking in account child’s best interest and to pass appropriate administrative act. Even though obligations of Centers for Social Work are clearly defined by the Law, Center has, acting upon submitted request, given consent to contacts of child and close relatives on certain day and party has to submit new request next contact. The Law doe not authorize Center to give consent in implementation of child’s rights on this ground but it decides in appropriate procedure about submitted request.

3. Implementation of competent bodies’ decision

Besides the fact that agreement on maintaining contacts has been concluded before Center for Social Work or decision was passed that became legally binding, complaints indicate the violation of rights of the child is ongoing because there still are no contacts.

The only way to implement the right of child to contact and personal relation in such situation is compulsory implementation in a way and under conditions prescribed by the law. In such situations parent usually forgo the compulsory implementation because he/she perceives it as a new pressure on a child and opinion of Center for Social Work is that “it is not obtainable in practice to have mere implementation, and in some cases where Center has initiated process of implementation, compulsory implementation was not realized nor it gave desired results." Result of the stated was that procedure at Center for Social Work for regulating contacts of child and parent with whom child does not live lasted couple of months and after all such contact is not possible to implement.

Parent irritated because of not being able to maintain contacts with the child wonders why the procedure at Center for Social Work was initiated at all if passed decision can not be implemented. Center sees the problem in other parent who prevents those contacts but also in municipal services that are competent for implementation of their decisions. Transferring responsibility from one to the other side, just like in many other situations, does not contribute to implementation of child’s rights, on contrary; it delays procedure what certainly is not in child’s best interest. Delays in such procedures just additionally complicate already complicated process. Children did not choose to be part of process of implementation, usually they do not know or understand what kind of procedures those are, and they are under great pressure from one of their parents and repeatedly are put in situation to choose between father and mother what in long-term leaves great consequences on their development and growth.

Competent body final decision obliges both parents and competent services and they can not jeopardize implementation of these decisions. Implementation must be done in a way that all additional stressful situations for child are avoided "In all activities relevant to children greatest significance have protection of interests of a child regardless of the fact how they
devolution and growth and it is state’s responsibility because it did not take all necessary steps to enable child this right.

37 Case number: 589-50-PZ/14
are implemented, by public or private institutions for social protection, court, administrative or legislative bodies.\textsuperscript{38}

The basic problem in those procedures is that parents do not see passing of decision on contacts of a child and parent with whom child does not live with as the right and need of a child. They do not comprehend that decision is passed because it is a need of a child and not something they should be forced to do and competent Centers for Social Work, prior to the compulsory procedure, do not use existing legally prescribed measures of family-legal protection in order to provide support to a parent, prevent exposure of child to stressful situations and enable child implementation of its rights and best interests.

In previous Report Institution has indicated the unacceptable practice of certain municipalities’ administrative departments who with their decisions have been delaying administrative implementation of decision of Center for Social Work until professionals of Center and mother do not prepare child for contact with father. Such behavior of competent services seriously jeopardizes rights and interests of a child. In reporting period, Institution did not receive complaints that indicate violation of the right of a child on these grounds.

4. Child support

The right of a child to a child support is one of its fundamental rights. Since the child is not able to take care of itself, the most important part of the overall care for a child is to provide the necessary child support. The child has the right to child support, and, before all, children’s parents have obligation and responsibility to ensure the implementation of children’s rights.\textsuperscript{39}

Complaints Institution has acted upon in the reporting period, which indicated a violation of the rights of the child to a child support, regardless of the fact they imply to various situations children are exposed to, for result have the same - children are further humiliated and hurt and without funds sufficient for living.

When parents of a child live together, in marriage or in common law, the question of financing child is not raised because it is obligation of parents. However, when parents for any reason do not live together and child grows up with one parent, implementation of child’s right to support is jeopardized.

In letter sent to Institution, among other, stated is: "Father does not pay child alimony nor he helps in any form of child support, even though decision on implementation has been passed."\textsuperscript{40}

- The final verdict on divorce and child support is not implemented. Based on the court decision on divorce, the child is entrusted to the care and custody to one parent with an obligation of the other parent to pay a certain amount of funds for the need of child support. In these situations, as one can read from the case file, there was no appeal to a court decision on divorce where obligation to pay alimony is clearly stated and therefore parent has agreed to pay it, decision became final but alimony was never paid out.

\textsuperscript{38} UN Convention on Rights of a Child, Article 3.
\textsuperscript{39} UN Convention on Rights of a Child, Article 27., paragraph 3:State parties will take all appropriate measures to ensure that child receives support from its parents or other parties who are financially responsible for a child
\textsuperscript{40} Case number: 1723-153-PZ/14
- The absence of voluntary implementation of the final decision for result has initiation of administrative procedure. Based on the final decision of the court, since there is no voluntary payment for child support, mother initiates administrative procedure. Decision on implementation "orders seizure on part of monthly income of plaintiff in amount of XX KM per month that plaintiff earns at XXX and transfer of seized funds under lawful conditions or until new decision is passed by the Court."

After decision on implementation is received, employer informs court that "it is impossible to act in accordance with decision on implementation because employee already has monthly deduction for credit in amount of XX KM and therefore we are not in position to suspend funds for alimony prescribed by the delivered decision."

When employer can not act in accordance to decision on implementation for the above stated reasons, the only thing party requiring implementation is left with is proposing change in subject and funds in accordance with Article 8., paragraph 3 of the Law on Enforcement Proceedings and with this, according to the court’s information, implementation on salary of one in debt is considered completed. For many, the problem only arises then because failing to have a insight of the actual state of debtor’s property, or the fact that the property was not registered in debtor’s name, procedure that should be initiated once again and face additional expenses, many do not initiate new procedure. If, by any chance, in newly initiated procedure party collects the owing -after property is assessed and sold, it covers only a part of his debt in the name of child support. Then a new proposal must be filed for the accumulated past due receivables and during such procedure child do not receive child support.

-The right of a child to child support is directly related to capabilities of child support provider. The Law prescribes that when child support is requested than court will take in consideration the age of child and its needs. However, the law at the same time determines how the amount for child support is determined in the court procedure, but it is not determined in relation to child’s age or needs but it is related to capabilities of child support provider what is against child’s best interest and its right to child support.

- The law does not prescribe the minimum that parent has to provide for child support so the payments calculated in percentage from his/her salary usually is not reflection of that parent’s realistic capabilities.

- Decision on execution on salary or other permanent financial income of a parent for the child support is not prioritized by the law in comparison to all other claims and result is that child does not have priority in receiving funds for support but it is in waiting line (if parent has credit that has burdened his/her salary than child should wait until credit is paid out).

- Avoiding paying alimony is a criminal act. The right to alimony is secured by criminal and legal protection, indicating broader social interest, before all having at aim protection of

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41 Case number: 1723-153-PZ/14
42 The Family Law, Article 253.
43 The family law: Person obliged to provide child support and is employeeed or is retired, or it receives permanent financial rent every month, the Court will oblige such parent to make future monthly payments for child support calculated in percentage from his/her salary, pension or permanent monthly rent (Article 259.) that can not be less than 15 % for each supported person and percentage for all persons requesting support it can not me more than 50% of monthly income (Aricle 261.)
children who are not capable to support themselves. Avoiding giving alimony exists not only in the case of non-payment of alimony, but also in the case of making payment of alimony in amount smaller than it is specified, or in occasional payments (one month alimony is paid and then three months no payment is made) what is very common in the field. Criminal proceeding against irresponsible parent and the prescribed measure for non-compliance with statutory obligation is a sanction for such parent and legal presumption for existence of this crime is the existence of an executive order (judicial, administrative settlement before the court or other competent body) that prescribes obligation to provide the alimony. Prosecutor's Offices of the Republic of Srpska have great sensibility in acting upon reports that indicate the violation of children's rights and those cases have priority.

**Absence of family-legal protection.** The law prescribes that parent severely neglects parental right if he/she does not provide care for child with whom he/she does not live longer than one month or if he/she does not comply with measures for protection of rights and child’s well-being that were prescribed by the competent body. For stated reasons parent may be deprived of parental right, as last and the most severe measure. Centers for Social Work do not use legally prescribed authorities and they do not take measures of family legal protection for protection of rights and interests of a child in this field.

The law prescribes authorities of Centers for Social Work to submit proposal for implementation on behalf of a child. Unfortunately, in practice Centers for Social Work almost do not use this authority at all nor they take measures against irresponsible parent so problem of child support remains problem of a child and parent with whom child lives.

Existing problem does not only jeopardize the child and its daily needs, but also its family who is forced to address various agencies and institutions and seek for and prove their right to alimony, but it is also additional pressure on social care services to provide help for such children, who are in real social need regardless of the fact that their parent has the obligation and responsibility to provide support for his/her child.

However, there are situations when parents are, unfortunately, not able to provide child support for their children. Even though the Law recognizes such situation (when court determines that even together parents are not able to support child, it will inform guardianship body in order to provide funds for child support, Article 255.) it is never been used and consequences, once again, fall on children.

The right of child to alimony is it’s right and it does not depend on relationship between parents or their matrimonial status, regardless of that they are married or not, do they live together or not, have child been born in or out of marriage, does parent contact child.

**Child support is obligation of both parents and system measures must provide that this obligation is implemented. For improvement of system and protection of child and its right to child support necessary are changes and amendments of the Family Law.**
5. Right to consultation

A number of applications received by the Institution have indicated the violation of children's rights in proceedings before the Centre for Social Work, that are initiated for regulating contact between the child and the parent with whom the child does not live, and in relation to the implementation of the right to consultation.

These applications usually state that consultations last too long and that they do not know what is the goal of consultation and how long those activities before Centers may last.

The Law on Social Protection that was enforced in May 2012, consulting is defined as separate right that users of services of social protection implement under legally prescribed conditions.

The Law on Social Protection prescribes that the counseling is systematic and programmed professional assistance that is being implemented by professionals who use methods of social work and other social and human sciences, and with the purpose of helping the individual, a family member, or the family in a whole in developing, completing, maintaining and improving their own social abilities, and in the case of sickness, old age, disability, unemployment, death of close persons, problems in the upbringing and relationship between parents and children, problem of risky behavior of children and adolescents, problems of marital and non-marital relationships, marriage, domestic violence, inclusion of a person in normal daily life after such person had been institutionalized for a long time, implementing certain social rights, and in all other unfavorable social circumstances and emergencies.44

The law further stipulates that the consultation is implemented on the basis of assessment of all needs of users, individual plans and agreements between service providers and users.

The Law obliges professionals to use methods of social work and individual plans and clearly define their actions in specific situations, to set a reachable goal of professional assistance to an individual or family, what ultimately should reduce or eliminate the dependence of the individual or the family as a whole from social services, and the timeframe for reaching set goal.

Center for Social Work justifies its actions in implementing this right of the user of social protection services and states that "for it we are unable to implement procedure because Ministry of health and Social Protection did not pass Instruction for implementing consultations.45

It is failure of Ministry because it did not pass Instruction for Implementing Consultations46 in given timeframe, but it does not backset implementation of the right in accordance with the law. So statements of Centers that they are not in position to implement procedure have no grounds. They do implement procedure as it can be seen from file content that subject is advised to address family consultation department of Center for Social Work47 but, unfortunately, not in a manner prescribed by the law.

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44 The Law on Social Protection „Official Gazette of Republic of Srpska”number 37/12, Article 55.
45 Case number: 1394-129-PZ/14
47 Case number: 107-10-PZ/14
The right to consultation as prescribed by the law, is extremely important not only for implementation of child’s right to contacts and personal relation with parent with whom child does not live with but also for implementation of other rights child has but it must be implemented, as all other rights, under condition and in the manner that Law prescribes.

6. Strengthening the capacities of Social Work Centers

UN Committee for the Rights of a Child[^48] observing second, third and fourth combined report of Bosnia and Herzegovina, repeats its recommendation issued earlier (Social Service Centers must be provided with the adequate human and financial resources and systematic training of employees, and all other measures that guarantee the quality, efficiency and transparency of these institutions should be taken), and it states concern that activities of centers are not focused on providing social support, but they are often focused on administrative tasks related to registration of users and assessment of formal legal criteria for eligibility for social assistance, rather than providing support to the families. In this regard, the Committee furthermore recommends that the activities are focused on building the capacities of Social Care Centers whose mandate will be providing support.

Centers for Social Work keep stating that they are under constant pressure, that expectations of citizens are getting higher; primarily because the number of requests of citizens for implementation of their rights is on rise but also the Law gives Centers for Social Work greater authorities. Greater number of cases does not decrease responsibility that Centers for Social Work have in ongoing procedures and decisions it passes for protection of rights and interests of a child.

Centers for Social Work are professional organizations to who important is not only the number of employees but also the structure of employees. According to the Ministry of Health and Social Care[^49] data for year 2011, total number of employees of centers and social work was 539 employees, and out of this number 317 are professionals. In 2012, according to the same data[^50], the number of graduated social workers working for Centers was increased from 87 to 92, number of graduated lawyers went from 39 to 44, number of psychologists went from 22 to 31 and number of pedagogues went from 8 to 13. However, in despite of increased number of employed professionals, in 10 out of 45 Centers for Social Work out of total number of employees, professionals do not make even a half of employees. Particular problems are the municipal services for social care that have one professional or they do not employ professionals at all.

In significant number of complaints that Institution has acted upon that indicate violation of the rights of a child, not only in reporting period, relate to work of Centers for Social Work. Worrying is the fact that complaints indicate violations of rights of child that are being processed at same center and on the same grounds. Certain number of complaints requested exemption of individuals employed by Centers and some even asked for exemption of entire institution.

[^48]: UN Committee for the Rights of a Child, Concluding Observations and Recommendations for 2012, point 46-47
[^49]: Ministry of Health and Social Care, Report for 2011
[^50]: Ministry of Health and Social Care, Report for 2012
Since the role of Center for Social Work is very significant in protection of rights and interests of a child it is also important to have cooperation between Centers and other institutions and services, among others, with educational institutions. Employees of these educational institutions emphasize that upon their reports on violation of child’s rights on various grounds there is no appropriate reaction or information of center if any, and which measures they have taken in protecting children rights and interests.

7. The rights of children and large families

Parents and other persons providing care for child have responsibility to ensure, in the frame of their abilities and finances, living conditions necessary for child’s development.

State will, in accordance with national conditions and in the frame of its abilities, take all necessary measures to assist parents and other persons responsible for children to implement this right and, if necessary, it will provide material assistance and programs.51

Problem of creating conditions necessary for development and growth of a child is more evident in large families because they struggle to meet the needs of their children and provide them with the necessary conditions.

By Strategy of Republic of Srpska52 on Development of the Family as a Strategic Objective 1 defined are: changes and amendments of to the laws in areas related to family and family life that will improve the overall condition and perspectives of families, including Family Law, the Law on Child Protection, and the Law on Labor. None of stated laws is in parliamentary procedure nor was it adopted during the term of the Strategy.

Strategy prescribes subsidizing stay in preschool facilities for the third child, what was not implemented in all local communities.53

Association of Parents with Four or More Children, such associations have been registered in many local communities, only solution see in system solutions that would on basis of these family needs define policy of permanent assistance and support in different fields and with basic goal- creating conditions for improvement of position of these families and their integration, implementation of mothers’ rights in regard to financial and social status, implementation of mechanism of support for family in material and other ways, services available for children, etc.

Basic problem, according to the same data, is the unemployment of parents and due to that significant number of these families depends on social support and various donations. Certain number of these families is regular users of financial aid provided by Center for Social Work. This aid is focused on overcoming current situation such family finds itself in – buying textbooks for children, firewood or medications.

51 UN Convention on Rights of a Child, Article 27.
52 Strategy on Development of Family was adopted on January 4th, 2009 by Republic of Srpska National Assembly.
53 Strategy states that birth of third and fourth child should be additionally financially stimulated regardless of family’s financial situation. According to data of Public Fund for Child Protection compensation paid for third and fourth child is 600 KM, actually 400 KM. In 2013 status of third child in family had 1193 children and 211 were born as fourth child. In 2014 status of third child had 1318 and 213 were born as fourth child.
For many families, child benefit they receive for the second, third and fourth child is the only source of income, and families see the way out in the employment of one member of these large families.

Additional problem is that many of these families do not have their own housing and are forced to pay rent or live in extremely bad conditions in premises they were permitted to use. Certain parts of the funds they manage to provide are going for utility fees. Due to the problems these families face on daily basis, Associations receive huge number of requests for financial assistance on daily basis. Since the financial resources of the Association are very limited, their ability to support these families is very limited, and it is almost impossible for Association to provide support for such families.

8. The rights of children and single parent

Numerous problems that single parents nowadays are facing directly are reflected on children because parents are not able to adequately respond to child’s needs.

Even though great number of children grows up with only one parent, today there is no official and comprehensive data on number of single parents, or on number of children who grow up under the care of just one parent which could be indicators for: the number of single parents who have no income, number of single parents who are employed but who can not enroll their children in kindergarten, the number of single parents whose housing issues are not solved, the number of families depending on social contributions, if and how many families needed legal assistance, or psychological assistance and availability of different services for their children. One must bear in mind that certain number of single parents provides care to four or more children, or that have children challenged in development, or are with severe illnesses or health issues. Therefore, necessary are system solutions that are realistic and possible in given conditions and which are, on permanent basis, support to these families in implementing children rights and their protection (buying textbooks, enrollment in kindergarten, assistance for the child challenged in its development).

In situation when other parent does not provide care for child, regardless of the reasons that led to such situation, the parent that provides care bears the burden of responsibility for all everyday situations that occur. Child’s school duties, free time, relationship with its peers, their health, excursions, providing conditions for life,… and many other issues are problems of single parent. Those problems are social, financial and emotional and they must not be related to the issue of alimony, but non-payment of alimony additionally complicates situation and endangers child and parent.

Many local communities have registered associations of single parents whose goal is to indicate numerous problems of single parents and the need for systemic solutions for overcoming those problems. These associations emphasize that on daily basis they receive requests for assistance from those families, however, due to the lack of funding associations’ ability to provide support is very limited. Some parents occasionally get one-time financial assistance, and many are refused of such assistance because they are entitled for alimony that is just statement on the paper.
Parents emphasize that the problem of non-payment of alimony is not only denying the child the means of subsistence, but it hinders the implementation of other rights because legally prescribed alimony is considered paid regardless of the proof that payment was never made or it was partially paid out.

The burden of responsibility and fear of uncertainty laid on single parents also falls on their children who are growing up knowing that their parent usually cannot provide even for their basic needs.
IV CHILDREN WITHOUT PARENTAL CARE

Strategies for Improvement of Social Protection of Children without Parental Care for the period 2009-2014 is strategic document focused on improvement of children position who, due to various life circumstances live out of their biological families. Strategy has set a goal of improving systemic models of social and family-legal protection of children without parental care and it refers to the foster care, adoption, guardianship and institutionalization of children. Unfortunately, defining the need for changes and amendments of the Family Law, creation of unique database and creation of unified registration forms for guardianship purposes as it was outlined in the goals of Strategy were not implemented.

Strategies for Improvement of Social Protection of Children without Parental Care, among other things, states the fact that great number of children without parental care grows up in families of close relatives but those families do not have status of foster families and what is especially important these families entrusted to provide care for a child are not under continuous supervision of Centers for Social Work.

Providing care for children without parental care is very demanding and responsible task which, in addition to clearly set out and defined normative frameworks, requires the involvement of experts in different fields, in different sectors, especially in the Center for Social Work, whose responsibility is selection of alternative forms of child care, and constant supervision of child care, even when children, based on decision of the center, are provided with adequate alternative care.

According to the Convention on the Rights of the Child, a child who is temporarily or permanently deprived of their family environment, or to whom, in his/her best interests, it is prohibited to remain in that environment, and such child is entitled to special protection and assistance of the state. Member States in accordance with their national laws ensure alternative care for such a child.

Such care could include, inter alia, foster placement, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due attention should be paid to the fact that desirable is continuity in a child-raising, as well as to ethnic, religious, cultural and linguistic origins of the child.

The requirement of the Convention is an obligation of the state to comply with the law in all cases where the development and growth of the child is not possible in child’s biological family, child should be provided with the conditions for the unhindered development, stating all possible solutions, with respect to the one of basic principles - the best interests of the child.

Institution of Ombudsman for Children has received complaint stating that child without parental care, in last few years (from 2009 to 2014) after being in four foster families has

57 Case number: 1055-96-PZ/14
been temporarily placed in family of a close relative. Currently, based on decision of competent Center for Social Work this child is in Children’s Home.

Statements made in complaint and documentation received from Center for Social Work open numerous questions:

1. Who is the guardian of a child and who is responsible for a child when it is exempted from the family? Guardian was never assigned for this child without parental care. On question raised by the Institution who is child’s guardian and who is responsible for a child from the moment it was exempted from the family, Center’s response was that child’s mother is guardian and legal representative of a child. If mother is guardian and legal representative of a child than why not even one of Center’s decisions was delivered to her, and why she did not participate in procedure at Center for Social Work and represent child’s interests.

According to the Article 201. of the Family Law guardianship will be prescribed for juvenile person whose parents throughout a period of time have neglected its care and upbringing and guardian is obliged to provide child with the care, especially about child’s health, upbringing, education and teaching it skills for independent life and work.

2. What are the reasons, not even one decision explains, that child without parental care based on decisions of a Center was placed in four foster families in period of 5 years. Explanation of Center was that child had hard time adapting to first family and then they moved it to second family where same problem occurred and as the result of this child has been placed in four families in above stated period of time. With this explanation Center basically puts the blame on a child for not being able to adapt to new family and the fact that during exemption of a child from its biological family Center did not properly assess all needs and abilities of a child and in regard to that it did not pass appropriate decision for child’s adequate alternative care. Each new foster family for a child is not the only new family surrounding but it also represents new school, new friends- every family is a square one for a child because foster families come from different municipalities.

3. Four foster families later, child is temporarily, until appropriate solution is found, placed in extended family that does not have status of a foster family. From there, child was moved to reception center (shelter) for children and youth found living on the street and in beggary. At the time child was sent to this reception center, child was not found doing either of above mentioned deeds, its extended family where child was placed did not abandon it nor it was found acting in acceptable manner. From the submitted documentation - official record made on a day child was exempted from its extended family there is noting stated that could imply that child was exposed to certain form of violence or neglect or at any risk whatsoever or that there certain reasons for such swift action of Center have existed. Was child at risk and in which form of it, has it been endangered by someone, has child’s health been jeopardized still remains an unanswered question.

In accordance with the Law on Social Protection, shelter is an institution where for a short period of time placed are abandoned children, children with behavioral disorders,... who are in need of urgent social protection. Placement of a child in this institution, under conditions prescribed by the Law, must be followed with appropriate act on child’s placement what in this particular situation was not the case.
In the proceedings before Center for Social Work that relate to placement of a child without parental care, it is evident that the practice of Center for Social Work to appoint its employee as the child’s guardian who at the same time represents the child and is a member of expert’s team that decides upon guardian’s requests what is absolutely unacceptable bearing in mind obligations and authorities he/she has as a guardian in accordance with the law.

Center for Social Work is public institution and according to the Law it has obligation and responsibility to take all necessary measures in the frame of given authorities for protection of the rights and interests of a child and for implementation of the goal for what it was given public authority.

Center for Social Work also has obligation and responsibility to execute administrative and other procedures that are of significance for implementation and protection of rights of a child respecting basic principles of the Law on Administrative Procedure, principle of legality, efficiency, truth, fair hearing for all parties in the process.

Center for Social Work has obligation and responsibility to take all measures from its competence and for protection of rights and interests of a child, to ensure that the best interest of a child in each individual case is priority and to enable child to express its opinion in every procedure.

1. Foster care

A child that is temporarily or permanently deprived of family environment or to whom, in its best interest, it is not allowed to stay in such environment, will have right on special protection and care provided by state.

State will, in accordance with its national laws, provide alternative care for such child.

One of basic rights of each child is its right to family life. Family is basic unit of society; it is natural and irreplaceable environment for development and well being of all its members, especially children. If a child does not have biological family, if parents have abandoned child or for any other reason are not able to meet the needs of their child such child still needs family, even alternative – foster care or adoption, that would provide support for a child on his path to adulthood.

Foster care is one of the most human forms of protection of children and it is in interest of, before all, the child and then both families biological and foster, and society in a whole.

Foster care is demanding and responsible role because it temporarily provides child with appropriate family environment for growth and development and it does not break child’s ties to its biological family. The key advantage of foster care in comparison to all other forms of providing child with the care is in the fact that child maintains its personal family identity and relationship with its family and, at the same time, it acquires positive experiences from foster family and the purpose of foster care is that child after certain time, depending on its needs, is returned to its biological family.

58 Case number: 1656-17-PZS/14
59 Recommendation to Center for Social Work Banja Luka, number: 1055-96-PZ/14
60 UN Convention on Rights of a Child, Article 20.
According to the Law persons providing foster care have certain rights and obligations towards child in their care as well as the parents of that child and therefore it is very important that issues of foster care preparation procedure, duration of foster care and its termination must be clearly defined. The rights of a child to contacts and personal relationship with biological family, close relatives and other persons, the right to express opinion and participation in all procedures relevant to child, the right to information, privacy, leisure time, education, health protection, protection from violence, abuse and neglect must not be jeopardized if that is in child’s best interest.

The new Law on Social Protection in the normative sense is a step forward in defining this form of providing care for children, and by its entry into force many activities have begun primarily on the promotion of foster care and benefits of providing such care of children. Article 46. paragraph 2 of the Law on Social Protection61 states:

Minister passes Regulations on Foster Care.

Article 149. of the Law states:

Minister will, in period of six months from the moment this Law becomes effective, pass:
b) Regulation on Foster Care (Article 46. paragraph 2.)

The law on Social Protection has been enforced in 2012. Regulation on Foster Care62 was passed in 2014 and it was enforced on April 19th, 2014.

Basic problem here is that Regulation on Foster Care did not recognize standards related to the rights of children in foster care from moment of entering foster family and during foster care.

If Center for Social Work uses foster care as a measure of child protection only when it is in child’s best interest, than Regulation must clearly define when foster care is in child’s best interest and standards that must be applied in implementation of the best interests of a child in foster family.

Convention implements rights of a child that applies to all children and under all conditions that child finds itself in at its path to adulthood. The best interest of a child, child’s right and universal Convention approach is condition for implementation of child’s right to alternative care. The best interest of a child, among other, requires: the right of a child to contacts with its biological family, close relatives and third persons if that is in interest of a child, the right to express opinion and participation in all procedures relevant to the child,, the right to information,, privacy protection, protection from all forms of violence and neglecting, housing conditions adopted to child’s needs and background,....

It is very important to have clearly normatively defined standards (standards represent starting point for measuring the quality of services and one of the most important indicators for assessment of the quality is the manner in which this service is reflected on the life of those in need of such service – in this case we speak of children in alternative care) for children and their families but also for competent service that initiate such procedures and pass decisions in such situations.

61 The Law on Social Protection, “Official Gazette of Republic of Srpska”, number 37/12
62 Regulations on Foster Care, “Official Gazette of Republic of Srpska”, number 27/14
Since Regulation on Foster Care did not set standards that must be applied in all cases when foster care is applied as measure of child protection, especially in a part relating to standards that determine the best interest of a child in foster care, Ombudsman for Children has proposed\(^{63}\) to Ministry of Health and Social Protection to take necessary measures and activities in creating conditions where competent services act in child’s best interest in a way that changes and amendments of the Regulation on Foster Care clearly define standards based on which it is assessed and determined what, in each individual case, is the best interest of a child at foster care, as the best interest is condition for implementing foster care as a measure of child protection.

Implementation of the rights of children without parental care and their protection\(^{64}\) is jeopardized because in procedure for providing care to a child in a foster family, child’s biological parent do not participate, their statements are not part of decision, decisions are not even delivered to biological parents, children in question do not participate in procedure nor they give statements. In procedures, according to documentation delivered to the Institution, Center alone opens and closes procedure and decision delivers only to its services.

Addressing to the Institution, inter alia, raise the question "how could they appoint anyone without adequate training to be a foster parent when guardian is not appointed to a child and this process of appointing guardian to a child should be completed first. Do they really respect this order line ",\(^{65}\) only confirm that foster care, as the most human form of protecting children, on territory of Republic of Srpska is not present as much as it should be. Republic of Srpska has families interested in providing this form of child protection. In 2013 registered were 284 foster families.\(^{66}\) (According to the same data in 2012 there were 250 foster families, while in 2008 this number was 150). Taken in account should be that one foster family, according to the law, can take under its care no more than three children. However, numerous issues must be raised and defined within the system so every foster family would be the answer to the needs of child. Therefore, along with development of standard foster care, specialized form of foster care like foster care for urgent cases, or for children with behavioral disorders, or for children challenged in their development should also be developed...

Foster care as alternative care for a child that do not have biological family or parents are not able to fulfill their parental duties or for any other reasons is answer to needs and right of a child to live in a family. Assessment of child’s needs and its best interests as well as ability of a foster family to meet those needs is responsibility of a Center for Social Work. Center has a key role – obligation and responsibility to ensure that the care for a child in a foster family adequately meets all needs of a child. From the moment Center passes decision on placement of a child in a foster family, Center has taken responsibility for that child and therefore supervision of foster families must be continuous and lack of such supervision can not be justified by inadequate number of employees of Center for Social Work. Inadequate supervision of foster families, as it is not permanent activity of Center, and is

\(^{63}\) Recommendation to Ministry of Health and Social Protection, number: 784-5-UP/14

\(^{64}\) Center for Social Work Banja Luka, Decision number: 02-UP/I-60141-39-1/14, number: 02-UP/I-60141-20/13, number:03-UP/I-60142-11/03-3/09

\(^{65}\) Case number: 1693-146-PZ/14

implemented only in cases when problem escalates or is done just to satisfy the process, jeopardizes the quality of foster care and the right of a child without parental care to adequate care.

2. Adoption

In order to provide special protection for "a child that is deprived of a family or it is in the best interest to remove child from such environment" that might also include adoption, it is necessary to improve system solutions and affirm adoption as the most efficient model of providing care for children without parental care.

Adoption as the most complete form of family-legal protection of children without parental care, that simultaneously contributes to implementation of parenthood, in Republic of Srpska is insufficiently affirmed and used what is confirmed with Ministry of Health and Social Protection data for last couple of years.

According to the data of Ministry of Health and Social Protection in 2013 in the Republic of Srpska 225 request for child adoption was filed. Out of this number, a total of 17 requests were implemented and 9 were full adoption, 7 were partial adoption and 1 international adoption.

According to the same data, in 2012, 542 requests to adopt a child were submitted. Out of the total number of submitted applications implemented were 23 adoptions, 14 were full adoption, 3 were partial adoptions and 6 were international adoptions, while out of 301 filed requests in 2011 a total of 29 requests were implemented.

Adoption, as a special form of the family-legal care and protection of a child without parental care, is very concisely regulated by the Family Law. From one side clearly determined procedure is understandable if we take into account the seriousness of the relationship that is established by the adoption. However, the application of the law in practice is jeopardized by existing legal provisions for a number of reasons, including:

- persons who live alone or are common-law partners can not adopt child, as the provision of the positive law stipulates that only spouses may jointly adopt a child, or the child can be adopted by one of them, with the consent of the other spouse (Article 153 of the Family Law),
- prescribed child’s age limit for the full adoption; the Law has determined that the upper age limit to adopt a child is 5 years, what jeopardizes adoption of children older than 5 years,
- undefined bottom age limit of a child for adoption, the Law does not define the bottom age limit of a child for adoption, and then Centers for Social Work are left to make assessment of

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70 Family Law of the Republic of Srpska, Article 145-174
71 Family Law of the Republic of Srpska, Article 157.: Only children up to age 5 could be fully adopted.
situation when in adoption procedure is a baby, but according to the Guidelines on the Adoption Process of Children, the newborns can not be given for adoption from a nursery, - undefined preparation and training of prospective adoptive parents, there are no provisions in the Law on the preparation of prospective adoptive parents or children for such an important relationship that will be established by the adoption of a child. Program of preparation for adoption must be uniformly defined and, as such, it must oblige potential adoptive parents and competent centers for social work.

The Law prescribes possibility of accommodating child in a potential adoptive family for determined period of time, and that period of time is only 3 months. Such possibility is not left for the international adoptions. Within this period assessed would be the successfulness of potential adoptive parents in performing their parental duties.

The Law does not prescribe the criteria by which a foreign citizen can be adoptive parent; it determines that only exceptionally foreign citizen may be an adoptive parent if there are justified reasons. What are the exceptionally justified reasons the Law does not determine, but according to the Guidelines, Point. 12 the competent Center for Social Work in such proceedings is obliged to ask for the approval of the Ministry of Health and Social Protection.

What certainly represents a problem in a practice is the lack of unified records - the database of potential adoptive parents, as well as database of children who, in accordance with the Law can be adopted.

Committee for the Rights of a Child examining the Report of Bosnia and Herzegovina for 2012, inter alia, reiterates its earlier recommendation from 2005 and its appeal to the government to accelerate the necessary legislative, administrative and other measures in order to ensure that the full adoption procedures are in compliance with the Article 21. of Convention, and it recommends following:

a) facilitation of the adoption process in a way that it is simplified and rationalized and introduction of unified integrated database for social protection institutions with information about potential adoptee and adoptive parents,

b) to take in consideration the increase of the upper age limit for adoption in the Republic of Srpska,

c) to respond to a previous recommendation of the Committee (CRC/C/15/Add/item 260, paragraph 39) for 2005 - expeditious collection of data on children involved in domestic and international adoptions.

However, obstacles in adoption do not only relate to existing normative frame but also to the practice in the field that is not unified. Partners in matrimony (one of them is foreign citizen) have addressed Center for Social Work with request for full adoption of juvenile child who, according to Center’s decision, was in foster care of the same family.

72 Family Law, Article 147.
73 UN Committee for the Rights of a Child, 2012 Conclusion Observations and Recommendations, Point 51.
74 Request submitted to a Center for Social Work for implementation of a right to adoption dated April 9th, 2014
75 Decision passed by Center for Social Work number 02-UP/I-60142-1/12/IM dated February 24th, 2012
In order to regulate child adoption that according to the assessment of the Center in this particular case was the best solution for a child, Center for Social Work has initiated procedure at competent court for termination of parental right for biological parents who have been not providing care for child, neglecting and abandoning child.

Basic Court, taking in account all reasons Center for Social Work based its decision on, after implementing procedure has passed decision on termination of parental rights to biological parents.\textsuperscript{76}

After the Court decision on termination of parental right for biological parents was delivered to the Center and all other relevant documentation defined by the law was collected, Center for Social Work has filed request to the Ministry of Health and Social Protection asking for its permission in process of adoption of a child where one of matrimonial partners is foreign citizens.

Upon request of Center, Ministry has found that in this particular case all legally relevant facts have not been determined and administrative procedure was not fully respected. Center for Social Work was given 10 days to remove all stated procedural faults, enable parties to participate in investigative procedure in accordance with Article 131 of the Law on Administrative Procedure and to deliver all collected evidence and other relevant acts to Ministry.

Acting upon Ministry’s request in prescribed timeframe, believing that it has established all legally relevant facts and removed all pointed out faults, Center for Social Work once again addresses competent Ministry and asks for permission for child adoption.

Ministry of Health and Social Protection, in repeated procedure based on request of Center for Social Work in its response states:

- that the evidence is not obtained that residence of minor child parents is unknown for more than one year,
- that there is no consent of parents that their child is fully adopted and therefore Ministry can not respond positively to request of Center for Social Work on minor child adoption.

The applicants for adoption in their complaint to the Ombudsman for Children\textsuperscript{77} state that they actively participated in the procedure before Center for Social Work, have submitted all relevant evidence that they were requested but that they constantly were asked for new, additional evidence either from Center for Social Work or Ministry.

The issue applicants for adoption emphasize is on one side, incompleteness of existing legal solutions and their disharmony with basic requirements and principles of UN Convention on the Rights of a Child, and on the other side, in unequal approach in implementation of the law in the field in a case when person who wants to adopt child is citizen of Republic of Srpska and when such person is foreign citizen.

\textsuperscript{76} Basic Court decision number 71 OV 140698 12 V dated April 9\textsuperscript{th}, 2014

\textsuperscript{77} Case number: 591-53-PZ/14
Preliminary approval of adoption decision, as defined in Instruction, means that guardianship body even prior to the procedure on adoption is initiated will have consent that foreign citizen can be adoptive parent, that adoption procedure in accordance with provisions of the law is executed by guardianship body, who delivers records and decision on adoption to the competent Ministry.

In this particular case, Center for Social Work has implemented procedure of adoption and only than it has addressed competent Ministry with request for adoption permission. In this phase of adoption procedure different approach in implementation of laws and other provisions is evident, when the law is differently applied on citizens of Republic of Srpska and foreign citizens.

Family Law does not state any difference in regard to meeting conditions for adoption in case when citizen of Republic of Srpska or foreign citizen applies for it. However, practice indicates very different approach in adoption process – especially in a part of termination of parental right of children in process of adoption.

In stated case, even though in appropriate procedure it was determined that adoption is in child’s best interest and there is no obstacles that minor child is fully adopted, full adoption was not implemented because of different approach of competent bodies in this domain.(in meantime child turned 5 what automatically excluded possibility for full adoption of a child)

All stated above is additional confirmation that needed are changes and amendments of the Family Law in a part relevant to child adoption and its harmonization with Convention on Rights of a Child basic principles and requirements and practice of European Court for Human Rights.

3. Children placed in an institution

The right of a child to family life, as basic right of every child, is guaranteed with all international documents.

Taking in account the role and importance of the family in growth of every child, institutionalized care of child is used only as a last alternative, when all other options are exhausted and when the competent authority in appropriate proceeding has found that this type of accommodation is in the best interest of the child.

According to Convention on the Rights of a Child in every procedure when competent authority, in accordance with positive law and procedure, determines that removing child from its natural family is in its best interest, all parties involved will have opportunity to participate in procedure and express their opinions.

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78 Instruction on adoption procedure, : "Official gazette of Republic of Srpska", number 27/04, Point 12) If there are explicitly justified reasons that adoption parents are foreign citizens, guardianship body will preliminarily ask competent Ministry for adoption permission.

79 Recommendation to the Ministry of Justice, number 591-53-PZ/14

80 European Court for Human Rights, on January 8th, 2013 has passed decision against Croatia on violation of the right to family life in process of child adoption because of the manner in which termination of parental rights was implemented and the fact that Center for Social Work that led procedure of adoption, did not inform child’s parents about it and hereby disabled them to ask for restoring of their parental right to what, legally, they are entitled (request number 37956/11)

81 UN Convention on the Rights of a Child, Article 9.
In procedure at Center for Social Work on placement of a child in Children’s Home there are neither interested parties nor their opinion about ongoing procedure what jeopardizes implementation of children rights and their protection:

1. The Law on Social Protection\(^{82}\) prescribes that right to institutionalized care has the child without parental care, child whose development is disturbed by family circumstances, child with socially unacceptable behavior, child-victim of violence,...

The Law clearly states that child is institutionalized based on decision of competent Center for Social Work.\(^{83}\) Center, in accordance with the Law, passes decision based on **executed procedure**, assessment of a life conditions, child and its surroundings, analyzing and finding the best form of providing care and opinion that institutionalization is the best form of protection.

Center for Social Work, in ongoing procedure, does not pass decision on child institutionalization, but it sends letter to a Children’s Home and asks approval for placing child in Children’s Home. Children’s Home is not supervision body of Center or second instance body, and the Law does not recognize such procedure. The Law clearly states that placement of a child in a Children’s Home is done based on decision of a Center and that institution of social protection, whose founder is Government, prior to admittance of a child user of this service, is obliged to get expert’s opinion from the Ministry.\(^{84}\)

Center for Social Work takes all necessary measures to protect child based on inspection, assessment and proposal made by expert’s team passes appropriate administrative act. In this procedure when Center asks approval from Children’s Home for decision it did not even pass, Center places its obligation and responsibility on other services and institutions.

2. Basic problem is the fact that prior to institutionalization of a child there is no expert’s team opinion where it is explained why institutionalized care is in child’s best interest.

Decision on placing child in Children’s Home does not contain explanation so it is unclear if Center has timely taken all other measures of family-legal protection (supervision, increased supervision, etc.) and if measures have been prescribed they did not contribute to protection of a child within the family.

It can not be seen from decision that Center has timely examined all other possibilities to provide out of institution form of child accommodation (placement in extended family, foster care, adoption) and that this measure was its last option.

Decision on placing child in institution does not contain explanation clearly stating what are problems in the family, how long they are lasting, what are the consequences on a child. Family problems, as stated in decision, can be very different, from diseases, alcohol, violence etc and each one jeopardizes healthy development of a child in the family, but for appropriate individual treatment in institution reasons that led to it must be clearly defined and explained.

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\(^{82}\) The Law on Social Protection, "Official Gazette of Republic of Srpska", number 37/12, Article 40

\(^{83}\) The Law on Social Protection, Article 38.

\(^{84}\) The Law on Social Protection, Article 84.
3. In process of institutionalization of a child there is no medical report on child’s health that should have been part of documentation that follows child every time it is placed to a new family or institution.

Most of children at institutional care are children whose development is challenged by family circumstances. It must be brought to attention that Home also accommodates children with behavioral problems with whom additional work based on specific, individual program must be done or external associate/professionals must be hired, as well as children challenged in their development whose needs also require special individual program, depending on the age of the child and its needs.

Particular concern is the fact that the Home still provides care for children up to three years of age, even though this option is given by the Law on Social Protection only exceptionally, temporarily and with the approval of the competent ministry.\(^85\)

According to the Law on Social Protection, children can be institutionalized until the end of regular schooling, longest until they turn age 26. Unfortunately for many of them, the problem arises when they leave the Home. No family, no address, they are often left all alone. All countries in the region face this problem; the state has no mechanism on how to provide a social care for this category. In the Republic of Srpska in average per annum, five or six children leave the Home on the basis of completion of secondary education. Taking in account that institutionalized children come from different local communities where they should return after they leave Children’s Home and the number of these children, only system solution, regardless of the economic situation, would in long-term solve the problems of this category.

The ongoing relevant campaign is focused on reduction of a number of children in the institution and therefore on the reduction of the number of institutions providing care for institutionalized children. Based on the requests made in this regard, and by comparing it with the neighboring countries, Republic of Srpska does not have such problem, for the simple reason of having only one institution that provides care for children without parental care "Rada Vranješević" that by its capacity and offer meets the needs for providing care for children in this form.

In addition, the number of children placed in institution, according to the indicators in last few years does not exceed 15% of the total number of children without parental care or without adequate parental care. In December 2013 65 children were accommodated in the Children’s Home and in 2014 this number was 85.

What needs to be additionally improved within the Home, regardless of the number of children placed in it, is the quality of the services and activities at children’s disposal, in order to ensure that their stay in the Children’s Home would have the quality and would be meet all requirements of social adequacy in providing care for children in institutions. In order to have accommodation meet the needs of a child, it is necessary that all activities of Center that were preliminary to the institutionalization of a child are implemented in accordance with positive laws and in the best interest of a child.

Even though children are placed in an Institution their contact with relatives must not stop, yet it should be encouraged and strengthened. During the stay of the child in the institution

\(^{85}\) The Law on Social Protection, Article 40.
competent center would have to work with the family in order to create conditions for the return of a child to the family, and when this is not possible, the alternative, again, is the foster family or adoption. At the same time, the institution must work with children on preparing them on life and childhood in either one of the above stated families.
V THE RIGHT TO PROTECTION FROM VIOLENCE, ABUSE AND NEGLECT

UN Convention on the Rights of a Child\textsuperscript{86} obliges state parties to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parents, legal guardians or some other person to whom a child is entrusted for care.

European Council’s Convention on Protection of Children from Sexual Exploitation and Sexual Abuse\textsuperscript{87} obliges state parties to take all necessary legislative and other measures to provide that children in course of their primary and secondary education get informed about dangers of sexual exploitation and sexual abuse, and about means of their protection in accordance with abilities they are developing.

In accordance with Convention, solving and eliminating widely present violence against children is obligation of the state party that must take responsibility over children not only on national but also on local level what includes obligation to protect children victims and witnesses, to punish responsible and to provide legal protection.\textsuperscript{88}

The obligation of the state is to "take all appropriate measures", which does not leave any room for the assessment of whether and what action it will take, but it is committed to all measures that will fully enable the realization of children's rights to protection. All appropriate measures are related to a number of measures in different sectors, which at the same time must be linked and coordinated.

Considering the Initial Report of Bosnia and Herzegovina on the implementation of the Convention on the Rights of a Child, the Committee on the Rights of the Child\textsuperscript{89} has expressed its concern regarding the violence against children. Unfortunately, by examining the new Report, the UN Committee on the Rights of the Child, repeats the same recommendation from 2005 and again invites the State Party to "take all appropriate measures to explicitly prohibit corporal punishment in all settings, including family environment throughout the state. Furthermore, the Committee recommends that the State Party strengthens and expands awareness and education programs, including campaigns with the aim of promoting positive and alternative forms of discipline and respect for children’s rights, with participation of children, at the same time raising awareness on harmful consequences that corporal punishment causes".\textsuperscript{90}

\textsuperscript{86} UN Convention on the Rights of a Child, Article 19.
\textsuperscript{87} Convention of Council of Europe on Protection of Children from Sexual Exploitation and Abuse, Article 6.
\textsuperscript{88} UN Committee for Children Rights, general Comments number 13 – The right of a child to protection from all forms of violence
\textsuperscript{89} UN Committee for the Rights of the Child, 2005 Concluding observations and recommendations, Point 43.
\textsuperscript{90} UN Committee for the Rights of the Child, 2005 Concluding observations and recommendations, Point 40.
1. Violence against children

Violence against children is a serious social problem and currently is one of the most common forms of violation of basic rights and interest of children. Violence against children occurs in different forms: child neglecting, physical and psychological violence, sexual abuse, violence on internet and cellular phones. General problem is that different forms of violence, abuse and neglecting of a child are not recognized timely recognized and therefore there is no appropriate assistance and support for a child and adequate reaction towards perpetrators of the violence against children. Even when such behavior is timely recognized, often it is expected that someone else deals with that problem, that it solves by itself or that in course of time such behavior towards child ends on its own.

These are, among others, the reasons why Ombudsman for Children has insisted on signing of a Protocol on Proceedings in Case of Violence, Abuse and Neglecting of a Child. The Protocol implements obligatory procedural standards for competent services, determines procedure, obliges on continuous cooperation of different sectors upon complaint or information that child has been exposed to any form of violence, obliges on having appropriate database and writing annual report on violence against children in Republic of Srpska.

The First Report on Violence against Children in Republic of Srpska that is result of implementation of Protocol, besides the statistical indicators – number of children victims of violence, their age, gender, who are perpetrators, where violence has happened and in which form, indicates attitude towards recorded problem and activities of competent services in each individual case, indicates parts of system which should be strengthened in order to have system of protection functioning, indicates that society is not sufficiently introduced with this problem nor is it sensitive to this problem and additional measures in this part should be taken.

In 2013, in Republic of Srpska recorded were 650 children victims of different forms of violence, abuse and neglecting where certain number of children was simultaneously victim of different forms of violence:

<table>
<thead>
<tr>
<th>Form of violence</th>
<th>Total</th>
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<tbody>
<tr>
<td>Emotional violence</td>
<td>322 (33.7%)</td>
</tr>
<tr>
<td>Neglecting and negligent behavior</td>
<td>294 (30.8%)</td>
</tr>
<tr>
<td>Physical violence</td>
<td>208 (21.8%)</td>
</tr>
<tr>
<td>Social violence</td>
<td>45 (4.7%)</td>
</tr>
<tr>
<td>Sexual violence and abuse</td>
<td>31 (3.2%)</td>
</tr>
<tr>
<td>Child abuse</td>
<td>28 (2.9%)</td>
</tr>
<tr>
<td>Child exploitation</td>
<td>15 (1.6%)</td>
</tr>
<tr>
<td>Cyber violence</td>
<td>13 (1.3%)</td>
</tr>
</tbody>
</table>

91 Protocol on Proceedings in Case of Violence, Abuse and Neglecting of a Child, on initiative of Ombudsman for Children, on November 20th, 2012, was signed by Ministry of Education and Culture, Ministry of Health and Social Protection, Ministry of Internal Affairs and Ministry of Family, Youth and Sport

92 Ministry of Family, Youth and Sport data from the First Report on Violence against Children
Children victims of violence
- the biggest number of children victims were of age 15 to 18, **246**, 
- there were **207** children victims of age 10 to 14, 
- **131** children victims were age 5 to 9, 
- and age 0 to 4 there were **66** children victims.

According to data stated in Report, in relation to child gender, number of boys victims of violence is almost same as the number of girl victims; there were 326 or 50,2% boys victims and 324 or 49,8% girls victims.

What is very concerning is the fact that children up to 4 years of age, 36 boys and 30 girls are recorded as victims of different form of violence:
- neglecting and negligent behavior- 37 cases, 52,1%
- emotional/psychological violence – 27 cases, 38%
- Child abuse – 5 cases, 7,1%
- Physical violence – 2 cases, 2,8%.

An additional problem is that children are silent about the violence that is happening to them. They are afraid that they will additionally embarrass they family, that they would be laughed at in school, that it is they fault such thing happened at all. They fear perpetrator who with threats and blackmails keep children in state of fear from consequences there would be if they spoke of the problem. Therefore, it is very important to recognize that child has problem and even if they do not speak of it, child’s behavior will show that there is a problem. Those can be different reactions, sometimes more than one at the same time, such as changes in mood, nightmares, fears, isolation, eating disorder, problems in studying, problems in communication with peers and adults. None of indicators is definite signal that child is victim of violence but it is a signal that child has problem and it needs support.

Every violence against children insults and degrades, each hurts and each, experts warn seriously jeopardizes their development and growth. Psychological violence does not leave visible marks as it is case in physical violence, it is more difficult to detect and consequently less reported, but the consequences on the mental and emotional development of a child can be very difficult and permanent for physical and emotional development of a child.

Growth of a child is a process that determines its future. If in this process adults who have obligation and responsibility to provide healthy growth of a child, do not recognize its needs and right to protection from any form of violence, abuse and neglecting, consequences for child and its development can be following: low self-esteem, growing with the feeling that it is less worth than others, insecurity, withdrawal or excessive aggression, unacceptable behavior where children endanger themselves but also others and adopt model of violent behavior. Due to the lack of care and attention children often see they way out in aggressive and destructive behavior, alcohol, running away from home and school and similar.

Prevention of all forms of violence leads to implementation of basic rights of a child to human dignity and physical and psychological integrity. Educational system has an important role here because education is not only one of basic human rights but it is a key factor for implementation of rights in general. Children in educational system implement relevant rights and also they learn about their rights within family, in health and social sector, in local community.
Bearing in mind the importance of prevention programs in protecting children from different forms of violence, abuse and neglecting, Ombudsman for Children\(^93\) has made proposal to Ministry of Education and Culture to take all necessary measures and activities that would make programs of prevention from different forms of violence an integral part of school curriculum in a way that:

- until next school year defined is program of violence prevention that would be a part of educational system and it would be implemented in homeroom.
- Program should include different forms of violence among children – peer bullying and different forms of violence against children – physical, psychological, sexual, violence on the internet, how to recognize all its forms, what are the consequences violence has on child’s growth, how and from whom they seek help, what is the obligation of competent institutions according to the Protocol on Proceedings in Case of Violence, Abuse and Neglecting of a child.
- About program proposal necessary consultations with experts, especially those working in educational institutions, should be done and
- Plan and program of training of educational system employees should be defined in order to have it implemented.

At the beginning of the new school year ministry of Education and Culture and Republic Pedagogic Bureau have promoted modernized Curriculum for Primary Education\(^94\) where programs of violence prevention are introduced to educational program through work of homeroom classes and in child friendly manner. The goal of program is to introduce students with all forms of violence, its consequences on growth and development of a child, and developing ability to have non-violent communication. At the same time, programs contain didactic instruction and recommendations for using current methods of work, inclusion of experts in implementation of given program contents and obligatory participation of children in creation of contents.

In regard to the International Day of Violence and Abuse Prevention on November 19\(^{th}\), 2014, Ombudsman for Children has organized Round Table with topic “Protection of children from different forms of violence has the key role in improvement of all rights of a child” and its goal was, based on experiences from the filed and bearing in mind system measures taken in last two years in this field,\(^95\) to indicate in which direction further activities should go in order to have system of child protection, in all cases of violence against children, meet the needs of children.

Joint stand of all participants – representatives of Ministry of Education and Culture, Ministry of Family, Youth and Sport, Republic Pedagogic Bureau, Gender center and non-government organizations that have years of experience in protection of children from different forms of violence, abuse and neglecting is:

- in protection of children from different forms of violence I Republic of Srpska in last two years significant improvements have been made: Protocol on Proceedings in Case of Violence, Abuse and Neglecting of Children has been signed, the First Annual Report on violence against Children in republic of Srpska has been made and Programs of Violence prevention became integral part of school curriculum.
- Application of Protocol in the field has proven to be justifiable.

\(^93\) Recommendation to the Ministry of Education and Culture, number 1847-16-UP/13, dated December 11\(^{th}\), 2013

\(^94\) Curriculum for Primary Education, “Official Gazette of Republic of Srpska” number 74/14

\(^95\) Protocol on Proceedings in Case of Violence, Abuse and Neglecting was signed, the First Annual Report on Violence against Children in Republic of Srpska was made and Programs of Violence Prevention have became integral part of school curriculum.
In order to additionally strengthen system of child protection, participants have indicated:

- different approach of schools and proceeding upon receiving complaint or being informed about violence against children; some schools still do not act upon reported violence against child, some schools does not deliver their responses regarding measures they have taken in particular case of violence against child, and certain number of schools does not deliver date from their records to the competent ministry what they are obliged based on the signed Protocol,
- very different is the practice of Centers for Social Work in proceedings and basic problem is that there is no feedback from Center that, upon report on violence against child, they have taken measures of child protection and which measures are those,
- for implementation of violence prevention program necessary is continuous education of employees of educational system and Centers for Social Work,
- Protocol still is not published in all school in adequate manner and parents, students and employees of the school still are not adequately introduced to it,
- Schematic view of Protocol content would contribute to its better understanding and therefore reaction to report of violence would be more efficient,
- Guidelines for children and parents, and also educational system employees, on various forms of violence, how to recognize it, what is the impact of it on child’s growth and its protection, would surely contribute to strengthening system.  

Even though there is no reason that child should suffers anyone’s violent behavior or that absence of reaction of competent services for child protection can be justified, unfortunately, reports of violence against children that Institution has acted upon show that competent services do not use their legal authorities for protection of child exposed to different forms of violence.

1. Institution of Ombudsman for Children has received report-complaint against Center for Social Work where it is stated that on February 4th, 2014 complainant has given information to Center by phone about violence against child and on February 6th, 2014 this person has informed Center about this matter in written.

On request of Ombudsman for Children, Center for Social Work in its response, among others, states:

- that person XX on February 4th, 2014 phoned Center for Social Work and said that he/she has noticed scars on child’s face;
- father of juvenile child was told to immediately go to a doctor and after that, if there are indications of violence, to go to Public Security Center with doctor’s opinion and report it;
- after examination, on February 4th, 2014, above stated once again phones Center for Social Work and reads doctor’s opinion and was told to go to Public Security Center and report circumstances of the violence against child;
- on February 14th, 2014 Expert’s Team had interview with complainant who cave statement in regard to the circumstances already known by Center for Social Work;
- on March 5th, 2014 Expert’s Team has contacted Public Security Center and was informed that they did not get any reports related to violence against boy;
- on the same day Expert’s Team invited complainant to come to Center what he did on March 6th 2014 when he stated that he did not go to Public Security Center but to the Ombudsman for Children;

96 Recommendation to the Ministry of Education and Culture, number 1805-25-PZS/14
97 Case number 157-15-PZ/14
- on March 6th, 2014 Expert’s Team for conciliation, entrusting minor children and arranging personal contacts has submitted proposal for initiation of a procedure to Public Security Center and also with written submission initiated is urgent procedure at Center for Social Work – Department for protection of minor children from neglecting and abuse.

As it can be seen from the received response, the procedure at Center for Social Work was initiated on March 6th, 2014, with emphasis on urgent; insight in a case for Ombudsman for Children was facilitated on Friday, March 14th, 2014. On this occasion confirmed were allegations stated in delivered response and when concretely asked what are the measures taken after procedure was initiated at Center for Social Work that was highlighted as urgent - the response was that on March 18th, 2013 both parent were summoned to come to Center for Social Work.

From the response of Center and insight in a file it is evident that Center for Social Work did not take measures in accordance with its authorities prescribed by the law and Protocol on Proceedings in Case of Violence, Abuse and Neglecting of a Child and therefore it has made failures to the detriment of the rights of a child.98

Center for Social Work is public institution to whom all competent institutions, organizations and individuals report any suspicion that child is victim of any form of violence and Center is obliged to take all necessary measures for protection of personal and property rights and interest of a child.99 Center for Social Work has obligation and responsibility to examine each and every report on violence against child, child’s condition, assesses needs and eventual risks and based on examination and assessment to plan and implement measures of protection.

The Law on Social Protection obliges Center to intensified attention of this body in all cases of protection of child’s rights and interests and to enable child to express its opinion in all procedures related to child.100

Center for Social Work in relation to the report received by the phone on February 4th, 2014 and record of this report was made on February 14th, 2014, did not implement not even one activity focused on checking stated allegation, neither it assessed condition and needs of child nor established necessary cooperation with competent institutions.

Instead of taking defined measures that Center for Social Work are obliged to do, it advised person who has reported the case to go to doctor and police. Therefore, Center has placed its obligation and responsibility to act on a parent who will asses if “he/she will go to Public Security Center to report case if there are indications of violence”.

Worrying is the stand of Center that “Proposal and advice of expert’s team given to father of a child was based on the fact that Public Security Center Department for Juvenile Delinquency implements procedure in full capacity, as the more efficient instance in this part...”

Public Security Center full capacity investigation, as it is stated in the response of Center, can not be replacement for Center’s activities. Center takes all necessary measures to protect

99 The Family Law, Article 94.
100 The Law on Social Protection, Article 66.
child based on the examination and assessment made by Expert’s team, it does not wait results of procedures that are initiated (if they are initiated) at other institutions and services. With afore stated approach Center has placed its obligation for initiating measures for child protection to other services and institutions.

The only activity Center has taken is that it has summoned both parents to come to Center on March 18th (a month and 14 days after report on violence against child was received). Center for Social Work failed to take legally prescribed measures: it did not establish contact child and it does not have insight in occurrences stated in allegation, it did not establish contact with other institutions that could have information on circumstances stated in allegation, it did not assess the needs of a child nor it has taken measures for child protection; what is completely against child’s best interest and its right to protection from all forms of violence, abuse and neglecting.

2. Based on report on violence against child Center for Social Work, among others, states that report of a child and mother for alleged psychological violence, abuse and neglecting by father is completely ungrounded... “After implementing activities it has been concluded that mother is the one implementing psychological violence against minor child, constantly induces negative opinion of a child towards father, manipulate with minor child and tries to manipulate the institution.”

When such situation is found, Center does not take necessary measures for child protection.

3. In complaint submitted to the Institution it is stated that child “is being humiliated in front of its peers, peers were encouraging that child is removed from class and all this has started when mother talked to teacher and asked that this child gets a little more attention.”

4. In 2014 Institution also has received complaints indicating violence of third persons against children. In her addressing to the Institution, mother asks for help because her children are in danger of psychological violence done by neighbor who “threatens, swears and curses children and is telling them that she will pour acetic acid in their eyes and won’t be held responsible for that because, as this neighbor said, she has "medical code" - psychological disease.”

According to data of Ministry of Internal Affairs, in 2014 recorded were 427 criminal acts of domestic violence and number of reported persons is 442. Out of total number of reported persons – 156 are returnees, 2 persons are juveniles and 28 of them are women. According to the same data, total number of victims of violence is 493, in 32 cases victims were children 17 boys and 15 girls up to 7 years of age, 11 children were age 7 to 14, 5 children were age 14 to 16 and 12 children were age 16 to 18.

At the same time number of offences according to the Law on Protection from Domestic Violence is 1133, criminal charges were filed against 1110 persons and as victims 1259 persons have been recorded, where 45 were boys and 56 girls.

Unfortunately, statistics still do not reflect the actual situation in the filed for many reasons. One of the reasons is that recorded are only children who are immediate victims of violence, usually the physical violence. Children who, for years, are witnesses of different forms of

101 Case number 570-51-PZ/14
102 Case number: 1388-128-PZ/14
103 Case number: 852-79-PZ/14
104
domestic violence are not recorded as victims and therefore system does not provide them with the appropriate professional assistance and support.

Complaints on violence against children within the family usually are submitted to the Institutions by close relatives.

School still does not perceive the problem of violence against children that occurs outside of school as a problem in which it should get involved and work on identifying and preventing of such problem.

According to the Law on Primary and Secondary Education, it is responsibility of school directors who "ensure the protection of students' rights, protection of the health of students and their safety in the school, and take measures to protect the rights of students."\(^{105}\) in all cases when they have information that violence against children was committed by school employee, to initiate proceedings of determining responsibility of a such employee. Unfortunately, usually this does not happen, so in a number of cases parents directly address the Institution without prior filing complaint to the school anticipating that in this way they will provide protect for their child.

Non-government sector, engaged in this field, has made a great contribution not only in strengthening of public awareness on presence of the problem and systemic regulation of this issue, but also by work in the field and providing support to the victims of all forms of violence and by constantly stressing the need to strengthen systemic solutions.

2. Peer violence

The biggest problem in dealing with the cases of peer bullying is ignoring its existence, and we do have such situations in the field.

Some schools do not react in cases of peer bullying because they do not understand problem or because of their policy of non-confronting, they say that children always did and it is an integral part of their growing up. Such attitude towards the problem of peer bullying they are trying to justify with the negative impact each reported case has on the reputation of the school.

A number of schools has really responsible approach in solving each case, has a good cooperation with parents, and it literally applies Protocol on Proceedings in cases of peer bullying amongst children and youth in the schools of the Republic of Srpska.\(^{106}\)

Violence amongst children occurs in very different forms of aggressive behavior from insulting, humiliating and embarrassing to physical violence.

The problem of peer bullying is not just a school problem, regardless of the fact it most commonly occurs in the school. Parents here have a very important role. Particularly important is the cooperation between parents and schools, which unfortunately is often lacking. Parents are trying to find an excuse for any behavior of their child and they see problem in the inadequate response of the school.

\(^{105}\) The Law on Primary and Secondary Education, “Official Gazette of Republic of Srpska”, number 74/08, 71/09 , 104/11 , 33/14 Article 129

\(^{106}\) Protocol on Proceedings in Cases of Peer Bullying amongst Children and Youth in Schools of Republic of Srpska has been signed on November 19\(^{th}\), 2008 by Minister of Education and Culture, Minister of Health and Social Protection and Minister of Internal Affairs
The main problem schools see in parents and their unwillingness to cooperate. Transfer of responsibility from one to another does not contribute to the resolution of cases of peer bullying, on the contrary, it further complicates it is failure of all involved because they did not provide proper supervision of development and growth of a child.

Applications Institution was acting upon in the reporting period were filed mainly by parents of children who are victims of violence and media. "Student was beaten by her peer in school yard during the recess; she kicked her and pulled her hair."

It is difficult to determine from which families and of what backgrounds perpetrators are, but experts warn that those children have a problem. Reasons for such behavior vary and go from the insecurity in their own values, they do not tolerate others and different ones, they impose order and discipline by disrespecting, humiliating, harassing and insulting other children. Problem is that such behavior is not recognized as a problem. Ignorance of this problem by adults actually encourages such behavior of children and they continue to behave in that manner because adults tolerate it. The basic problem is that adults (parents, school) made reaction even when they do nothing about it because children from the reaction of adults (or lack of that reaction) set the limits to which they can go in such behavior.

Children-victims rarely report the violence they experience, they say they are afraid that it will further "complicate" the problem so part of them withdraws and hope that it will eventually end, and other part adopts same pattern of behavior and react in the same violent way. They also do not report violence because they think that if they speak of it at home or in school, they will not get needed support and won't be taken seriously. According to the statements of children, additional problem is the presence of psychological violence amongst peers. This form of violence does not leave visible marks as it is the case with physical violence, it is harder to detect and report it.

According to the date of Ministry of Internal Affairs108 in 2014 recorded were 22 criminal acts of peer bullying (in 2013 there were 20), and there were 90 juveniles against whom violence was committed. Unfortunately, this database states that out of total number of juveniles against whom violence has been committed 38 are children under the age 14 (in 2013 this number was 59).

Research that Institution has completed in 2010 on application of Protocol on Proceedings in Cases of Peer Bullying in Schools and research on presence of peer bullying amongst children that Institution has completed in 2012 together with Network of Young Advisors to Ombudsman for Children through children's eyes, have indicated the need that programs of violence prevention in general, including peer bullying, become part of school curriculum so children from their earliest age , and in manner adopted to their age and need, will get all necessary information about different forms of violence, how to recognize it, their consequences of child's growth and development, etc. Since programs of prevention from violence against children have been introduced to school curriculum in school year 2014/2015 it is still early to speak of its contribution to protection of children in this field.

Research has indicated the need that competent ministry, based on the annual reports of all schools in the Republic of Srpska, writes an annual report on peer violence in the education system. This report would put an emphasis not only on the presence of a phenomenon of

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107 Case number: 693-5-PZS/14
108 Ministry of Internal Affairs data from 2014 data number D/P-052-62/15 dated February 5th, 2015,
peer bullying and actions of the authorities, but also it would state the examples of good practice in the schools, positive experience from schools that have no records of peer bullying, and based on all these indicators new measures and activities could be planned in order to strengthen those segments of system that have proven to be inefficient. Unfortunately, report on peer bullying in schools was not written.

Protection of children from any form of violence requires, among others, clearly defined rules of behavior in the school that apply to all under the same conditions: the issue of class absence and justifying the absence, the role of psychologists and social workers in schools, cooperation between school and parents that unfortunately often is missing, the role of Parents Council, and especially the role of Students Council. Parents must be a part of the education system and they should supervise the progress of their child but also they must be aware of problems their children face in the school. The system must find an appropriate solution for establishing this cooperation that must be continuous, realistic and in the best interest of a child.

3. Violence on the Internet

Research “Exploitation of Children on the Internet” that Ombudsman has implemented in period from end of 2012 to mid 2013 for goal had gathering of data and information about the views and experiences of children about the risks of using information and communication technologies and relevant social stakeholders information (parents, professionals, NGOs and companies in this field, and the media) as well as sensitization of the responsible institutions and authorities and the general public about the various forms of violence amongst and against children on the Internet, and the potential risks they may be exposed to.

Besides the children, parents and experts from schools, Centers for Social Work, Police, Basic and District Courts, Public Prosecutors Offices and NGOs were involved in it and they emphasized that in the field they did not have experiences with serious cases of exploitation of children on Internet nor have they been acquainted with the methods of solving such problems and they have stressed that it is important to define the problem and educate all about it.

Even Internet providers do not have appropriate response to a legal obligation in sense of protecting their customers, especially children, from inappropriate and harmful contents.

Results of research, among other, have indicated the need for prevention programs for protection of children from different forms of violence, abuse and neglecting, including violence on the internet to become integral part of school curriculum so children, from their earliest age, will get information on different forms of violence they could be exposed.

The only sure protection for children is teaching them about the advantages and risks of this form communication. Only children who know those advantages and risks and who have enough information can recognize situations that violate and threaten them. From the earliest age of children when parent start to tech their children how to use mobile phones, computers and internet, they also need to work on raising awareness of children that on the Internet they can be exposed to unpleasant situations, but at the same time parents should work on earning trust of children who then would tell them in confidence what they are experiencing and only than parents could protect them.
Results of research have indicated the need for ensuring consistent implementation and supervision of implementation of the Protocol on the Proceedings in Cases of Violence, Abuse or Neglect, because Protocol obliges the competent bodies to act in cases of violence related to the use of information technologies.109

Usually parents are not aware of dangers children are exposed on the Internet, they do not have information or knowledge how to control child on Internet, how to recognize if child has a problem, how to protect a child; parents are confused as the warnings on dangers on the Internet are getting louder and lauder. Their primary reaction is to forbid child to use computer and internet and that exactly is the reason why children do not speak to their parents of situations where they are exposed to violence on the Internet.

Along with all its advantages, Internet brings the risks that relate to exposure of children to different forms of violence and to jeopardizing child’s privacy in form of insults, harassment, sending threatening and insulting messages, false personation, encouraging hatred and violence, giving away personal data, family circumstances, joining different groups with different goals that might be damaging for a child.

Violence against children on the Internet committed by adults is usually related to the child pornography. By falsely representing themselves on the Internet adults easily win trust of children and become their "friends". Once they become friends all their chitchats and agreements are "just their secret."

Besides the various forms of violence to which children may be exposed on the Internet, a growing problem is development of addiction to this form of communication that also jeopardizes children’s health. During the period of their growth and development, the uncontrolled sitting in front of a computer for several hours a day endangers their spine and their vision, creates poor eating habits and further jeopardizes the quality of social life of children. Children socialize less; they do not communicate with other children directly so they could talk and play their socializing and playing takes place in the virtual world because in their leisure time, unfortunately, they often are sitting in front of computers. This is not done only in their leisure time but they also deprive themselves of sleep, learning and rest. "I spend too much time on computer, actually on the Internet. When I am on computer first thing I do is turn on Facebook, stay there 2 to 3 hours, on weekends I stay 6 hours, we make arrangements, spend time... I use Internet for entertainment, listening music or watching movies. Rarely do I use it for school."110

In previous period Institution has promoted the website www.djecanainternetu.org and printed an appropriate Guidebook with intention to emphasize greater presence and impact of these technologies on child’s growth but also to emphasize obligation of adults in protecting children in this world of communication. Besides stated, in 2013 and 2014 in 56 schools Institution has held workshops with children on topic “Do we know what violence is?” including violence on the Internet. Institution was initiator of marking of the Day of Safe Internet that for the fifth year is held in Republic of Srpska and its goal, among others, is to keep this topic continuously actual among children because it is a lesson for life.

Ombudsman for Children also contributed in promotion of child protection on Internet through active participation in work of Committee of Republic of Srpska for Fight against

109 According to data of Initial Report on Violence against Children in 2013 there were 13 cases of violence on the Internet.
110 Participant of Focus Group discussion – 16 years of age, for the need of 2012 research
language of hatred on Internet. This campaign Institution promoted among Young Advisors in order to raise consciousness of children on need for non-violent communication on the Internet.

4. The right to privacy

No child will be exposed to self-willed or illegal intrusion in its private and family life, home or personal correspondence or illegal violation of its honor and reputation. Child has the right to lawful protection from such intrusions and violation.\(^{111}\)

Resulting from the afore stated and from the other articles of Convention it is obligation of the state to take all necessary legitimate, administrative and other measures for implementation of the rights recognized by Convention, starting with basic principles of Convention (the right to life and development, non-discrimination, the best interest of a child, the right of child to express opinion) that are condition for implementation of every right enlisted in Convention, including the right to privacy protection.\(^{112}\)

In reporting period parents, teachers and employees of Centers for Social Work have reported to the Institution numerous violations of child’s rights to privacy protection. Parents usually indicate the problem of children being exposed to different media contents that are nor appropriate for children's age and needs, and employees of institutions that work with children have indicated violation of right of a child to privacy and disrespect of its dignity.

When speaking of child’s privacy it relates primarily to child’s private life, identity and mental integrity. Child’s identity is revealed by publishing its photo, first and last name, initials, data on family circumstances, child’s development and similar, directly or indirectly. In all those situation raised is the question of child and parents consent, actual need of a child and public interest justification.

Unfortunately, still present is sensational approach in reporting about occurrences that bring children to the front page. Most commonly those are the children in conflict with the law, victims of violence, children living in severe living conditions, where stated are data about family, children are being interviewed without parental or guardian consent, medical diagnosis are being stated as well as child’s school and grade and photos are being published. Such approach prioritizes the public right to information over child’s right to privacy protection.

The Law on Protection of Personal Data\(^{113}\) ensures that the right to privacy is respected in regard to relevant personal data processing to all persons living on territory of Bosnia and Herzegovina. The Law introduces basic principles in processing personal data, speaks of especially sensitive data and, among other, it relates to collection, processing and further use of video recordings that in its content represents personal data of a persons and it obliges institutions to take all necessary measures against illegal approach, unauthorized broadcasting, illegal processing and also measures against misuse of personal data. Unauthorized approach and broadcasting may lead to various misuses that endanger not only child’s right to privacy protection but also they endanger child’s safety. Video

\(^{111}\) UN Convention on Rights of the Child, Article16.

\(^{112}\) UN Committee for the Rights of a Child in 2005 has examined Initial Report of Bosnia and Herzegovina on condition of children's rights and in it concluding observations stated its concern about the fact that the right of a child to privacy is not respected and it has recommended taking necessary measures that would ensure conditions for respecting child’s right to privacy.

\(^{113}\) The Law on Protection of Personal Data, “Official gazette B&H”, number 49/06, 76/11, 89/11
surveillance in educational and other institutions is installed primarily for the sake of child security. But in order to ensure safety and use video surveillance, it is necessary that institution, with appropriate acts, regulates its use – first of all the purpose of video surveillance, method of use and manner of preserving recorded data, giving recorded materials to third persons and protection of rights on this basis so any misuse of this data can be avoided. Parents, children and employees of Institution should be timely introduced with the fact that there is video surveillance in the Institution and also they should know which premises video surveillance covers.

Institution also has received complaints that indicate the impossibility to access information in institution that decide about children’s rights. Those institutions justify their behavior towards such requests with child’s right to privacy protection. Even though the Law on Freedom to Access Information\(^\text{114}\) obliges all public institutions to provide access to information in accordance with the law, this still is not done in appropriate way as it should be according to the Law on freedom to Access Information and therefore there isn’t appropriate procedure.

The Law on Public Information\(^\text{115}\), unfortunately, did not recognize children as especially sensitive category and therefore their protection is possible only under conditions prescribed by the law that relate to all persons (if jeopardized is someone’s honor, dignity or integrity, false allegations are made or in any other way someone’s dignity is being insulted). Application of the Law on Public Information does not provide necessary supervision.

Any reporting on children exposes children to different forms of public attention, and therefore it is very important to direct interest of public to the occurrence and problem and not to a child and its privacy (if a girl is victim of violence is it an interest of public to know her name, initials, and name of school she attends); in each situation it must be deeply analyzed if and how publicized information will affect child and its growth.

\(^{114}\) The Law on Freedom to Access Information, “Official Gazette of Republic of Srpska” number 20/01

\(^{115}\) The Law on Public Information, “Official gazette of Republic of Srpska”, number 10/97, revised text
VI THE RIGHT TO HEALTH PROTECTION

1. Access to health care

The right to health and health protection as basic human right is guaranteed by Constitution of Republic of Srpska\(^1\) and its implementation is regulated with numerous laws not only in health domain.

Implementation of children’s right based on the Convention on the Rights of the Child has not been defined precisely:

- States Parties shall ensure, to the maximum extent possible the survival and development of the child (Article 6. of the Convention),

- States Parties recognize the right of the child to the highest attainable standard of health and to facilities for treating health conditions and rehabilitation. States Parties will try to ensure that no child is deprived of the right to access these health care services. (Article 24. of the Convention).

One of the basic requirements of the Convention is the obligation of the State to ensure that no child is deprived of the right to access health care services. According to the applicable laws\(^2\) the right to access health care services in the Republic of Srpska is ensured for children under 15 and to children who are full-time students up to age 26, which means that these categories have compulsory health insurance, regardless of insurance status of their parents, whether parents work or not and whether or not they pay contributions. According to the data of Health Insurance Fund, no child is deprived of access to health protection, health insurance as the current law prescribes, but the first changes of the Law will ensure access to health protection for all children in a way that all persons up to age 18 are children.

Institution did not receive complaints that indicate violation of children rights based on access to services of health protection and monthly validation of health card.

Applications filed to the Institution usually indicate serious illnesses of children who need long treatment and surgeries outside of the Republic of Srpska, rare diseases of children that are not supported appropriately, points out the problem of the status of parents who for years have been on sick leave due to serious health condition of their children, points to the problem other healthy children within those families have in their growth and development, some even have taken over the care and responsibility for their ill siblings, financial problems and complicated administrative procedures.

"With decision of Center for Social Work child was classified in group of persons with combined difficulties. For purchase of device Health Insurance Fund of Republic of Srpska has approved refund to parents but, however, they were denied refund for procurement of spare parts that are needed for servicing device. Based on the complaint made on decision it was nor responded in period of 60 days as prescribed by the law, nor in additional period of 15 days given in letter urging this respond."\(^3\)

\(^{1}\) Constitution of Republic of Srpska, Article 37.
\(^{2}\) The Law on Health Insurance „Official Gazette of Republic of Srpska”, number 18/99, 51/01, 70/01, 51/03, 57/03, 17/08, 1/09, 106/09 Article 16.
\(^{3}\) Case number 751-71-PZ/14
"I am kindly asking you to verify regularity of first and second instance procedure since one case based on the same documents was positively solved and second was refused."  
"Since I have not received response to my latest complaint, I am addressing Ombudsman for Children to help me get the answer (request for approval of procurement of the new aid device)."

In addition to the applications received, the Association of Parents of Children with Severe and Rare Diseases has addressed Institutions with the question of whether and which system solutions are possible, to help families who, because of the nature of illness of their child, have to provide child with 24 hours care.

Children with severe and rare illnesses are fighting the hardest battles with their diseases, long-term treatments and very aggressive therapies; very often are in situation when they have to make public appeal trying to collect funds for treatments abroad. Establishment of the fund for severely ill children, in the frame of existing institutions, as it is done in surrounding countries, would provide support and assistance for each child and under the same conditions in situations when in short period of time it is necessary to collect significant funds.

Humanitarian action “With love for brave hearts” that for years have been implemented under sponsorship of President of Republic of Srpska represents significant support and assistance for children challenged in their development and children with severe illnesses. The first home away from home (a place where parents of and children fighting cancers can stay during medical treatment in Banja Luka) is one form of this support.

UN Committee on the Rights of the Child states that the State Parties did not pay enough attention to the special needs of adolescents as rights holders and also to the improvement of their health and development, noting that "health and development" on which abovementioned Articles of Convention bind State Parties. Their needs are greater than it is defined by provisions of Articles 6. and 24. of the Convention.

In relation to this, in reporting period Institution has indicated the lack of system prevention programs and programs of health protection of children – alcohol, tobacco and drugs use and reproductive health. Absence of appropriate prevention programs adapted to children's needs from their earliest age leads to situation where system deals with consequences that in some cases end up with medical treatment of a child. Concept of health and development of children requires that health of children is improved and preserved not only in health sector but also within family, in school, sports clubs...

2. Protection of children from drug use

Normative framework and established practice of acting in protection of children from drug abuse – monitoring the phenomenon, systemic solutions in various sectors, inter-institutional and inter-sector cooperation, database, is just one of the segments of protection that should be recognized in protection of children from the use of drugs.

Unfortunately, practice shows that on market there always are new products, new drugs, and this requires proactive role of competent institutions especially in recognizing such

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119 Case number: 1366-125-PZ/14
120 Case number: 558-48-PZ/14
121 UN Committee for the Rights of the Child, General Comment 4., Adolescents health
products and in appropriate reaction. New drugs that can be fund on market as different herbal products sprayed with unknown chemicals are being sold as air fresheners, bathing salts and similar are very cheep and easily accessible for children. Even when police finds such products it can not take it away nor it can initiate question of responsibility for those with whom it was found because such products are not on the list of illegal drugs and psychotropic substances. According to the Law\textsuperscript{122} psychotropic substance is every natural and artificial substance that is on the list of psychotropic substances according to the international Conventions on Drug Control or based on decision of competent B&H body. The list of narcotic drugs, psychotropic substances, plants from which drug can be derived is passed by Council of Ministers (Article 16). If taken in account is the fact that update of the list of illegal drugs and psychotropic substances is done very slowly,\textsuperscript{123} than it is clear that different products, the new drugs, are always couple of years ahead of activities in this field taken by the competent bodies.

Certain measures and activities are being implemented in different sectors in Republic of Srpska, they mostly are preventive and their goal is advancement of the fight against drug abuse. Commission consisting of 13 members was appointed and those members came from all relevant bodies and in cooperation with civil organizations it implements different programs that are focused on prevention of drug abuse among children and youth and on decreasing health and social risks related to drug abuse. Among other, changes in biology textbook fro grade 6 and 7 have been made and those changes are related to prevention of drug abuse and therefore protection of children from drug abuse became a part of regular curriculum for grades 6 and 7. In the frame of numerous activities in implementation of program, drafted and implemented is program for collection and processing data on drug users, procured is needed equipment and persons were appointed for its implementation.

Protection of children in this field requires that prevention programs are not only focused on children but also on parents in order for them to have all necessary information and knowledge about challenges of raising children.

European survey on presence of alcohol and drug abuse amongst children of secondary schools - ESPAD\textsuperscript{124} focused on surveying trends and habits of alcohol and drug abuse amongst children age 15 was implemented in Republic of Srpska in 2011.

3. Protection of children from tobacco use

The institution has received complaints from children and parents that indicate violation of provisions of the Law on Prohibition of Smoking in Public Places.\textsuperscript{125} Unfortunately, the

\textsuperscript{122} The Law on Prevention and Suppression of Drug Abuse, “Official Gazette of B&H” number 8/06, Article 2.

\textsuperscript{123} The list was updated in 2011 according to the available data, “Official Gazette of B&H”, number 51/11

\textsuperscript{124} ESPAD – European Survey project on tobacco, alcohol and drug use amongst children of secondary schools was implemented by Ministry of Health and Social Protection and Institute for Public Health. Project is implemented in 36 European countries in cooperation with European Center for supervision of drugs and drug addiction.

\textsuperscript{125} The law on Prohibition of Smoking in Public Places, “Official gazette of Republic of Srpska”, number 46/04, 74/04 and 92/09 Article 2. as public places states institutions where public services are provided and places where number of persons is gathering, including:

a) educational institutions such as: nursery, kindergarten, primary and secondary schools, faculties and universities and other similar institutions and

b) institutions facilitating accommodation for pupils and students such as: student’s dormitories, hostels for youngsters and other institutions where minor children are accommodated.
application of the Law, the adequate supervision of the competent inspection authorities is missing.

The problem in protecting children from tobacco use, among other things, is in its availability, in inadequate supervision of the implementation of this legislation and the absence of reaction towards those who expose children to risks of tobacco products.

Protection of children from tobacco use in addition to the measures and activities aimed on educating children about the harmful effects of tobacco smoke and the appropriate sanctions against those who allow or do not prevent children to use it, must be focused on the consistent application of the Law on the Prohibition of Smoking in Public Places.

Consistent application of the Law, unfortunately, is not implemented in public institutions children have access to and at the same time competent bodies for supervision have not given due attention to this problem. Supervision and control of these institutions should be ongoing and continuous in order to be in function of prevention.

At the same time, the Law on Prohibition to Sell Tobacco to Persons under the Age of 18,\footnote{The Law on Prohibition to Sell Tobacco to Persons under the Age of 18, “Official Gazette of Republic of Srpska”, number: 46/04, 74/04, 96/05, 92/09} prescribed are, among others, the obligations of educational institutions to include in its primary and secondary school curriculums the topic – health risks of tobacco use that should be taught at least once a month during regular school classes. However, Law does not determine who makes the program nor does it state liability to have those programs adapted to the age of the child, it is all left to the schools, and therefore there was no assessment on the impact of such legal solutions in protection of children in this area (are those programs implemented in schools, are they adapted to children’s age, have they given anticipated results).

4. Protection of children from alcohol use

UN Committee for the Rights of a Child has expressed worry that use of alcohol, tobacco and other illegal drugs is still present amongst adolescents in State Party and it recommends state to do systematic collection of information about alcohol, tobacco and other illegal drugs consumption among adolescents and to take measures necessary for efficient implementation of prohibition to sell such products to children.\footnote{UN Committee for the Rights of a Child, 2012 Concluding examinations and recommendations, point 58-59.}

In spite of the existing legal decisions that clearly prohibit sale of alcohol to persons under age of 18, the Law on Changes and Amendments of the Law on Trade,\footnote{The Law on Changes and Amendments of the Law on Trade, „Official Gazette of Republic of Srpska”, number 52/11, Article 15. prescribes ban to the salespersons to sell alcohol to persons younger than 18 and it obligates owners of all businessess that serve alcohol beverages to place at the visible spot the ban to sell, use and serve children with alcohol drinks.} the practice shows that unfortunately there is no efficient implementation of the law in the field. What especially worries is the attitude of competent inspection that there is no appropriate procedure. Problems of protecting children from the use of alcohol are still present on several grounds:
- High availability of alcohol,
- Inadequate supervision of competent bodies in implementation of the law,
- Absence of prevention programs on the harmful effects of alcohol,
- Absence of reaction against those who enable or expose children to harmful effects of alcohol.

The most common reaction to situations in which children find themselves is transfer of responsibility from one to another institution, blaming it on social situation, influence of community etc. Consequences of such reaction fall on children alone.

Emergency services confirmed that especially on holidays and during the weekends they admit and provide medical assistance to children intoxicated with alcohol. Certain numbers of secondary schools have confirmed that they had a situation when student comes to school intoxicated, and school immediately notifies parents of those students, but, very often, parents do not react to such calls.

Especially worrying is the fact that children at younger age are having their first alcohol experience and girls follow boys very closely in this experience. Causes that lead to alcoholism at youth are numerous but most often are related to their adolescence period, influence of family and especial influence of child’s peers.

Experts warned that changes in behavior of a child, increased aggression, problems with concentration, disregarding school duties and similar might be indicators that child has a problem with alcohol. Prevention is the most important in protection of children from use of alcohol, meaning that teaching children about protection of their health and all harmful consequences alcohol use has on their growth and development must start at their youngest age, should be adapted to their needs and it must be part of school curriculums.

All of the above stated confirms that the serious problem of presence of alcohol amongst children is still not taken seriously, there is no defined protection program for use of alcohol and there are no sanctions for those who expose children to harmful effects of alcohol.

5. Children and lottery

Article 11. of the Law on Lottery\textsuperscript{129} states:
- that person younger than 18 is prohibited to participate in lottery,
- person younger than 18 is banned to enter casino, premises where organized is classic bingo, betting and game clubs,
- organizer of lottery is obliged to place on a prominent place in its premises provisions of paragraph 1 and 2 of this Article.

Despite the existence of clear legal provisions\textsuperscript{130} that prohibits participation of children in games of chance, children have access to these premises and they do participate in lottery what is clear disrespect of the positive laws.

Unfortunately, in this field also, present is the problem of not having competent inspection bodies supervise implementation of provisions, no reaction of the same bodies towards those allowing and enabling children to participate the games of chance, and there are no prevention programs on harmful effects lottery has on children and their growth and whose consequences may become severe and long term creating bad habits - children spend time in premises not intended for them, spend their snack money on games of chance, even borrow for that purpose and finally they develop addiction.

\textsuperscript{129} The Lae on Lottery, „Official Gazette of Republic of Srpska“, number 111/12
\textsuperscript{130} Opinion of Ombudsman for Children on proposal of the Law on Lottery, number 1554-UP/14
Besides prevention programs, protection of children in this field must be ensured with continuous supervision of inspection bodies that will, by regular control, be in service of prevention.

6. Weight of school bag

According to the World Health Organization health is not absence of illness and disability, but it is much more, it is condition of total physical, mental and social welfare. Nowadays, health and social sector are faced with numerous questions of child’s health protection that partially are consequence of absence of adequate prevention programs and measures of health protection of children. One of these questions is the issue of weight of school bag.

Doctors have been pointing out this problem for years and they warn that results of systematic physical examination of primary school students usually indicate problems of spine and foot deformities that besides insufficient physical activity of children, poor posture and sitting in front computer without any control are also caused by weight of school bag.

Today, almost everyone agrees that the weight that children carry on back every day and for years, is not result of need of children or educational system, but lack of sensitivity for this problem and particularly consequences it has on development of a child. Recommendations that Ombudsman for Children had made to the competent institutions for taking necessary measures in protection of children’s health and relevant measures that Republic Pedagogic Bureau have taken, are implemented in certain number of school while in other schools activities are still ongoing.

7. Child nutrition

Child nutrition is very important for proper growth and development of each child and it requires first of all the engagement of parents as well as the school, because most of their time children spend at home and in school. In order to provide proper and healthy nutrition of children during the day it is obvious that at least one meal child should have in school, and based on school schedule that meal should be either breakfast or snack.

The Law on Primary Education\textsuperscript{131}, in Article 47. states:

\(\text{(3) school may organize cafeteria} \)

\(\text{(4) Minister passes Regulation on Working Conditions of School Cafeteria.} \)

The schools consider necessary passing of the Regulation that would determine possible methods and conditions for sustenance of children in schools and in connection to this they propose:

- need to respect diversity of conditions that schools work in,
- precisely stating list of food that can be prepared and sold in the school cafeteria,
- precisely stating those competent for inspecting cafeteria,
- developing children's consciousness on healthy nutrition,
- active participation of parental and Student’s Councils in solving this issue,
- necessity of financial support for schools in solving this issue.

Some schools have confirmed to the Institution that they have given up on renting school premises to third persons that have been selling different pastries, sweets, snacks, juices,

\textsuperscript{131} The Law on Primary Education, "Official Gazette of Republic of Srpska", number 74/08, 71/09, 104/11, 33/14
etc. They emphasize that because of responsibility school has towards students, and without clearly defined conditions, they can not take over the risk as they are in no position to control on a daily basis what is sold to children, when it expires and similar and yet schools are held responsible for eventual harmful consequences consumption of it can have on students.

Institution representatives during one of their visits to certain primary schools were witnesses of this form of child nutrition. Third persons, during the break, have brought sandwiches in a basket and they stood at the school entrance. According to the school director, school is trying to solve this problem for quite some time; however, even competent inspection body did not show any understanding for this issue.

The question of child nutrition in the school is important on several grounds. Aside from having at least one meal or snack in a school, it is very important that children, from their earliest age acquire habits and learn of healthy nutrition, number of meals, consequences that improper nutrition has on their health...

8. Protection of children with behavioral problems

According to the data of Ministry of Health and Social Protection\(^{132}\) in 2013 Centers for Social Work have recorded 829 children with antisocial behavior, what is significantly less than it was in 2011 when according to the data there were 1333 children with antisocial behavior.

Behavioral disorders in children relate to numerous and very different deviations from common and socially acceptable behavior. They can relate to unjustifiable absence from school, running away from home, use of alcohol, theft and other behaviors that point out that child’s development is going in a wrong direction if such behavior is not detected on time and if there is no appropriate reaction to such behavior.

Unfortunately, children with behavioral problems very often are not seen as those in need of help and support but they are labeled as rude and as future delinquents. What characterizes development of this form of behavior in children, according to the opinion of experts, is that it is gradual, from less severe to seriously severe. Untimely recognition of the problem and the absence of the response for such behavior, leads to bigger and more serious problems and disorders. An example of this is that a couple months of absence from school of a student for each month was punished with relevant disciplinary measures and no one looked for reasons of such behavior, no one tried to find the way to help such child, parents have not participated in these procedures of passing measures and instead of getting support and assistance child got punishment which will not solve problem of that child or its family.

9. Protection of reproductive health of children

Committee has expressed concern that marriages at young age and birth represent significant factors for health problems related to sexual and reproductive health and also children who enter these underage marriages often abandon school and they find themselves on social margins.\(^{133}\)

\(^{132}\) Ministry of Health and Social Protection, 2013 Report on social, family and child protection

\(^{133}\) UN Committee for the Rights of a Child, General comment number 4. Adolescent’s Health, point 21.
Lack of information in children and young people, ignorance and absence of professional assistance and support are basic problems emphasized by health workers, parents and children themselves who, by addressing the Institution, indicate the need to acquire the knowledge on these issues in school, and that protection of reproductive health of young people must be recognized as the need of society and it should appropriately be addressed by the system.\textsuperscript{134}

The result of silence of family and school on topics that interest children and are an integral part of their growing is that children most often get information on issues and problems in relationships from their peers, through various magazines or the Internet. Absence of knowledge or misinformation and lack of support in family and school brings children to situations that leave long-lasting effects on their health.

By giving birth while they are still children and need parental care, children are put in situations that are not their choice but are the consequence of our attitude towards children and their health and non-recognition of causes that led to such situation and, especially, non-recognition of consequences that are severe and long lasting not only for a child but for the family and society in general.

By giving birth while they are still children, from the very beginning, those children face life situations for which they are not prepared and very often children born by juvenile mothers do not grow up in conditions which do not ensure their proper growth and development.

Bearing in mind the causes and, in particular, the consequences of risky sexual behavior of young people, it is essential that educational system recognizes the need and creates the program for teaching young people about sexuality and reproduction, which will, among other things, encourage children and young people to think about their health, especially reproductive, about relations between sexes, risky behavior, sexually transmitted diseases, abortions ... and which will primarily be in a function of prevention.

\textbf{Achieving the goals of education as defined by the Law, requires, among other things, that the curriculum includes topics related to promotion of health, healthy lifestyles and adopting healthy habits in children.}\textsuperscript{135} Thus, children enrolled in schools, from an early age, in a child-friendly manner appropriate to their age and needs, would have received the necessary information and knowledge about the harmful effects of alcohol, drugs, tobacco, healthy eating and the importance of physical activity.\textsuperscript{136}

\textsuperscript{134} The Research of Institution where 523 students have participated, on the question—Would you like to learn about reproductive health in the school?, 82% answered with yes.

\textsuperscript{135} The Law on Primary and Secondary Education, Article 52.: The right to care for physical and mental health and safety of children has the primate over other rights.

\textsuperscript{136} UN Committee for the Rights of a Child, General Comment 4, Adolescent health, point 18: Committee invites state parties to initiate and support measures, opinions and activities focused on healthy behavior in a way that they would include it in school curriculums.
VII PROTECTION OF RIGHTS OF CHILDREN CHALLENGED IN THEIR DEVELOPMENT

The requirement of the Convention to protect the rights of children challenged in development, is a primarily an invitation for active participation in society of those children where they should enjoy full and decent life, in conditions that ensure their dignity, where they achieve independence and are facilitated for active participation in community.\textsuperscript{137}

The UN Committee on the Rights of the Child\textsuperscript{138} in the 2012 Recommendations, among other things, expresses its concern for:

a) Inclusive education that is still very limited, because most children remain at home or are sent to special institutions/schools...

b) insufficient and inadequate care and support of service providers, especially of Centers for Social Work and Health Centers that are not adequately equipped and prepared to provide services and support necessary to meet the needs of this category of children;

c) Insufficient implementation of legal provisions on construction, which results in existence of architectural and physical barriers in public places, including schools.

Un fortunately, unlike many other areas, almost all municipalities in Republic of Srpska have registered children with a variety of developmental challenges. According to data of the Ministry of Health and Social Protection\textsuperscript{139} in the Republic of Srpska for year 2013 recorded is a total of 3007 juvenile that have Decision on Classification, 1723 are boys and 1284 are girls and in 2014 there were total of 2984 juveniles, 1685 boys and 1299 girls.

According to the same data, the highest number of children who have undergone classification are children with multiple disabilities 1074 (in 2013 the number was 787), psychological 661 (in 2013 the number was 798) followed by children with physical disabilities 405(355 in 2013), hearing impairment 72 (142 in 2013), with vocal, speech and language impairment78 (113 in 2013).

Regardless of the type of challenge in development that children have and regardless of the number of child’s peers that have the same problem, they are still just children who have the same needs as the rest of their peers.

Based on the assessment of the experts early identification of children - recognizing signs of disability at the earliest age and ability of system to adequately intervene is the pre-requisite for the realization of child’s full potential. All this requires a multidisciplinary approach, in the identification of obstacles that a child has and in the appropriate intervention.

Unfortunately, practice shows that absent is early diagnostics and number of professionals working with those children is insufficient what is another problem present in many local communities. These children are not in position to have assistance of speech therapists or special education teachers in volume relevant to disability child has according to doctor’s

\textsuperscript{137} UN Convention on the Rights of the Child, Article 23.
\textsuperscript{138} UN Committee for the Rights of the Child, 2012 Concluding Observations, Point. 52
\textsuperscript{139} Ministry of Health and Social Protection, 2013 Report on social, family and child protection
opinion and therefore their chances to integrate in society and reach their maximum potentials are significantly decreased.

The most common problem indicated by parents is insufficient number of those professionals working with children and inability to provide couple of hours of day care for children.

This is why the engagement of the President of the Republic in organizing an fund raising event on behalf of children challenged in their development and the response of many institutions and individuals that have supported such event, they took as additional care and need expressed by state and society, and only then as financial assistance that will surely contribute to improvement of their position.

1. The right to a day care

In their addressing of the Institution, parents of children challenged in their development usually indicate the problem of non-existence of the appropriate day care centers for these children.

The new right of children to social protection[^140^] - the right to day care is a new quality in protection of the interests of children, especially of the vulnerable category. The right to a day care includes different types of organized daily services and stays outside the family where they are provided with nurturing, care, health care, education and training, psychosocial rehabilitation, occupational therapy and other services, and which can be done in a separate centers or at the day care center.

Day care centers provide activities focused at developing practical skills for everyday life, which in the greatest extent possible, enable independence, development and protection of social, cognitive and physical function. Providing care at the day care center, including appropriate health care services, physical therapy, the individual treatment based on disability, and counseling work with parents is in the function of prevention of institutionalization of children.

Day care centers in support to these families have been established in a number of local communities. In the certain number of municipalities, the implementation of the announced projects was delayed due to the lack of funds.

2. Assistants in schools

In their addressing to the Institution parents also indicate the absence of assistance for child in school and inability to engage an assistant.

The Law on Primary Education and the Law on Secondary Education does not define the right of a child to teaching assistant or the obligation of school to engage persons to work as teaching assistants in the school.

Not a single normative act does not determine what are the authorities of an assistant, if he/she is a personal or pedagogic assistant or teaching assistant, what are his/her obligations and responsibilities, is he/she employed, on what basis and under what conditions.

[^140^]: The Law on Social Protection, Article 51.
Given that the issue of engagement of teaching assistants for children challenged in development is not normatively regulated, even though for a specific category of children by individually submitted requests it was provided, it is essential that the issue of engaging teaching assistants is normatively regulated, so it is defined which children and under what conditions can realize assistance and support of teaching assistants in educational system, and which persons, under what conditions and with what kind of authorities can provide such assistance and support, who supervises their work, and possible ways of financing.

Teaching assistants is intended to facilitate the integration of students, to provide the necessary assistance for the child challenged in development, but also to the teacher and the whole class, so child’s education in regular classes would be less stressful especially for that students, as well as for the other students, teachers and parents. The introduction of teaching assistants contributes to quality inclusive education and to the implementation of the rights of children involved in the process.

Employees of educational institutions agree that teaching assistance for children challenged in their development is insufficient and they state that regardless of their efforts they do not know if it is really in the interest of each child. Teaching assistants must be professionals of different profiles and fields who work on protection of children’s rights and interests.

3. Organization and financing of special schools

A number of complaints received by the Institution indicate the violation of the rights of children challenged in development in exercising their right to education in special schools. Education of children in special schools, as their name implies - special, requires an additional normative framework to clearly define the mode of operation and organization of these institutions. Terms and methods of organizing these institutions is the answer to the question of which categories of children and with what disabilities have the possibility to realize their right to education in this institution, actually, for that category of children institution has adequate conditions for their education because it, among other things, requires appropriate educational program for children with various disabilities and also adequate professional staff for its implementation.

In accordance with Article 88. of the Law on Primary Education, it is necessary to pass Book of Rules on Organization and Financing of Special Schools.

4. Implementation of the rights of children challenges in their development based on Regulations on Assessment of Special Needs and Education of children and youth challenged in their development

In its Report for 2012, the Institution has indicated complaints that point out the violation of children’s rights in connection with the implementation of the Book of Rules on the Education of Children with Special Educational Needs in Primary and Secondary Schools141 and the Regulations on the Classification of Persons Challenged in Physical and Mental Development.142

142 Regulations on the Classification of Persons Challenged in Physical and Mental Development, “Official Gazette of Republic of Srpska”, number 115/03
Minister of Health and Social Protection has passed a new Regulation on Assessment of the Needs and Education of Children and Youth Challenged in their Development,\textsuperscript{143} based on which the findings and opinion of the first instance experts' committee is submitted to the Center for Social Work, who then delivers it to all institutions that are competent to provide support. At the same time Center, based on the findings and opinion, makes a decision on the implementation of rights and services prescribed by the Law or decision of the local government. In this way, the parents will have no need to visit institutions and services that will implement the adopted decision, because the obligation and responsibility now is placed on the institutions and services, which is a unique quality of the new Regulations.

However, the application of the Regulation has not been fully implemented yet, and in reporting period, for result we have citizens addressing Institution in this regard.

One of problems in implementation of Regulation is the fact that certain number of first instance professional commission for assessment of the needs of children and youth challenged in their development, with its findings and opinion as assistance and support for a child, among else, proposes "continuation of attendance at regular classes with teaching assistant and individual adoption of curriculum\textsuperscript{144}" while in numerous local communities, findings do not include them in regular classes and they justify it with explanation that issue of teaching assistant is not defined by the law. In local communities where by findings it is proposed that teaching assistant is engaged, parents insist on it and they wonder if children should at all be assessed by Commission if at the end they will end up without support defined in findings of experts.

Parents state that the lack of clearly defined rules and procedures, rights and obligations of all participants for the consequence has the absence of equal approach to children in education system, as are the situations where two children have the same disability (according to the findings of first instance commission), for one child teaching assistant is provided and for other is not.

\textsuperscript{143} Regulation on Assessment of the Needs and Education of Children and Youth Challenged in their Development, "Official Gazette of Republic of Srpska", number 117/12

\textsuperscript{144} Case number: 1275-116-PZ/14, Findings and opinion of first Instance professional Commission dated August 15\textsuperscript{th}, 2014
VIII. THE RIGHT TO EDUCATION

In the reporting period, the Institution has acted upon complaints which, based on various grounds, have indicated the violations of the right to education.

The complaints point out the number of subjects, very broad curriculum and curriculum not adjusted to the age and needs of children and, at the same time, to the lack of themes important for children’s growth and development, the problem of school discipline and especially implementation of disciplinary procedure, assessment of students, school excursions, selection of student of generation, extracurricular activities. Almost all complaints state that cooperation of parents and schools is not at desirable level.

In accordance with requirements and basic principles of Convention on the Rights of a Child, especially in acting in child’s best interest, Article 29. emphasizes that focus is on the child: “key goal of education is development of child’s personality, talents and abilities, in sense that every child has unique characteristics, interests, abilities and needs in process of learning” and that it is important that “schools are adopted to child’s needs in full sense... participation of children in school life, creating school communities and Student Councils, peer education and consulting, involvement of children in disciplinary procedure should be improved as the part of learning and gaining experiences in implementation of rights.”. 145

Putting highlight on the schools of Republic of Srpska and Brcko District and praising the fact that they provide education on human rights, UN Committee for the Rights of Child further appeal to the state party to develop National Activity Plan for Education on Human Rights. 146

1. Curriculum

The goals of education defined by the Law on Primary Education147 require educational work focused on comprehensive development of a student implying to balanced educational and correctional treatment.

Since overloaded curriculum creates constant pressure on children and teachers and parents, children have to learn too many information and yet it has no expected results, they almost have no leisure time, teachers do not have enough time to examine knowledge adopted by children nor they have time for correctional work with them and therefore it is obvious that school curriculum requires radical changes.

These changes must be focused on reduction of curriculum, development of creative learning, and better quality in work with talented children, better cooperation of student, parent and school and on introduction of those topics that are of crucial importance for growth and development of children in educational process (health protection and healthy lifestyles, addiction diseases, violence protection). The most important is that curriculum is adapted to child’s needs and abilities; it understands everything it is being taught because children are learning for life and not for grades.

145 UN Committee for the Rights of the Child, General Comment No.1., Goals of education, point 8. and 9.
146 UN Committee for the Rights of the Child, 2012 Concluding observations and recommendations Point 64.
Therefore, on one side we have burdened curriculum, too many subjects and teaching contents that do not relate to topics and problems of the real life which children face in certain stage of their lives and for which they should get information in school from their earliest age and in a way adapted to their abilities and needs.

We are in continuous contact with children, we discuss different topics and the feedback we get from them emphasizes their need for more information on health, healthy eating, reproductive health, different forms of violence, abuse and neglecting, protection from alcohol, drugs and tobacco use, on expressing their opinion and participating in all issues that consider them.

In complaints related to curriculum, usually it is stated that:

- There are too many subjects. Teachers and school management agree that curriculum is too broad and in race for realization of the school curriculum there is not enough time for testing adopted knowledge. In order to maintain continuum there is not enough time for rehearsals what for consequence has children studying more yet without anticipated results.

- Subjects are burdened with contents, there are too many teaching units for each subject, exhausting schedule, no time for explanation or exercise are usual problems indicated by students. Here they emphasize that there are so many abstract notions that they have to learn, too many data to memorize and they all come down to short-term memorizing of numbers, dates, names, formulas, definitions. This especially relates to geography, history, biology and chemistry. Students state that in abundance of data it is hard to determine what is the most important and essential to memorize and they ask – "What is the use of lessons memorized word for word if we do not understand them?" They suggest that some subject they should have once a month or biweekly contrary to schedule when they have them every week what would lessen burden placed on them and yet such subjects would not lose its importance.

Besides this, students state that textbooks\(^{148}\) for certain subjects are written in non-understandable language, sentences are too long and complicated and that there are many words they do not know meaning of. Some textbooks contain too many unnecessary information, an example is geography textbook and others contain information that students have learned long time ago, for example computer science textbook.

Parents agree that curriculum is too broad and, among else, they state that it is reason why they have to pay for private instructions for some subjects and children, faced with so many duties, do not have any free time.

Even though new Curriculum was passed for year 2014-2015 it did not bring changes that would adequately enable implementation of the educational goals in the school.

School was always institution for education and upbringing. Nowadays, under the pressure of school curriculum there is not enough room for this upbringing work with children.

2. Cooperation between school and parents

Educational system today requires partnership between parents and school that relays on continuous cooperation and communication, mutual respect and mutual contribution to each child’s success.

\(^{148}\) The Law on Primary Education, Article 38, paragraph 1 states that textbook must meet all scientific, pedagogic, psychological, didactical-methodical, ethical, lingual, artistic-graphic and technical requirements enlisted as standards for creation of a textbook.
However, in certain number of cases, due to violation of child’s right in educational system, parents have directly addressed Institution of Ombudsman for Children stating they do not expect school to understand and adequately react to a problem without being asked to by Ombudsman.

In certain number of cases, school has directly addressed Institution because they were not able to establish communication with student’s parents when problem has occurred. Both situations confirm that necessary cooperation and partnership between parents and school, extremely important for education of great quality, has not been established. Without this cooperation jeopardized are goals of education as they are defined by the law and implementation of the rights of children in educational system as well as their best interest.

According to the Law, parents have right and obligation to get regularly informed about success of their children and also, through their representatives, to participate in making various decisions related to work of school. In practice this cooperation ends at parental meetings where parents get information about their children’s grades and their behavior, while about other school activities they know very little as they are not involved in them.

According to the Law, Council of Parent, as advisory body, has significant role in school life, however, parents usually do not have information on who are members of Council nor what their authorities are, does Council have annual work program, what are their initiatives, are and how parents are involved in those activities. In order to have Council of Parents really represent parents in school life it is necessary to provide better communication between parental representatives in Council and other parents.

It is obvious that parents do not use existing legal solutions in necessary measure and school does not insist on it.

Schools mostly see problem in non-cooperation of parents and their unwillingness to be involved in school activities. On the other side, same is stated by parents, lack of interest of school as there is no appropriate engagement in establishing cooperation at the beginning of a school year, to define rules and make school normative acts available. Individual cases Institution ha acted upon indicate that when a child has any problem, if until then there was no necessary cooperation between parents and school, that we have situation of shifting responsibility from one to the other and child stays aside alone with its problem. Responsibility shifting does not contribute to problem solving but unfortunately, it additionally complicates it.

In order to implement and strengthen partnership of school and parents, at the beginning of the school year parents should be introduced with their rights and obligations in education system, they would also learn why their participation in school activities is important, what are information relevant and important to parents and how to make them available, they should be provided with professional assistance from school employees or other competent service, what are priorities in school work and how to attain them, extracurricular activities in school, cooperation of school with local community, implementation of children’s rights in school and how to protect those rights.

In certain number of schools it is emphasized that they have pretty good cooperation with parents and they believe that such cooperation has contributed to a better success of school and students individually, especially in a part that those schools did not have cases of peer bullying, or cases of violence against children. Partnership of school and parents can not be based on isolated examples of good practice; all possibilities must be used that would make
partnership part of school practice – continuous work with parents and education professional advancement of teachers on the need and necessity for such cooperation.

3. Disciplinary responsibility of a student

Since the question of disciplinary responsibility of students for violation of their obligations in the school either for not being regulated by normative act of school or it is not appropriately regulated, including the fact that schools are having different approach in stating correctional disciplinary measures for students what consequently leads to violation of students’ legal rights, Ombudsman for Children, in 2012 reporting period has indicated problems in protection of children rights on this basis. **Institution has made recommendation to the competent Ministry to take all necessary measures to prevent proceedings that lead to violation of children’s rights in educational institutions in a manner that question of disciplinary responsibility of a student is defined by regulation in unified way.**

As this question is still not adequately regulated, Institution, in reporting period, has acted upon complaints that have indicated violations of children rights related to disciplinary proceedings and passing correctional-disciplinary measures.

It is a fact that the Law on Primary Education and the Law on Secondary Education do not prescribe rules of educational-disciplinary procedure. However, the Law on Administrative Procedure states that state bodies are obliged to act in accordance with this law in administrative procedures when deciding on rights, obligations and legal interests of individuals. Decision stating disciplinary measure to a student must clearly determine when and how student had violated its obligations but, in practice often we have measures stated for something improper that student has done “earlier”, “in previous semester”, etc.

1. Institution of Ombudsman for Children had received complaint of student’s parent for measure of exclusion from school imposed against student of first year of secondary school for unjustified absences from school.

On request of Institution school to state if disciplinary procedure was conducted and what are the duties and obligations violated by student, school has delivered following copies of:
- Decision on imposing disciplinary measure of Reprimand of Teachers Council,
- Decision on imposing disciplinary measure of student exclusion from the school,
- Postal return receipt that parents have been informed of measure,
- Regulation on Disciplinary and Material Liability of a student.

From delivered documentation it is indisputable that:

1. Regulation on Rights, Obligations, Disciplinary and Material Responsibility of a Student is not harmonized with the Law on Secondary Education:
- Student Council was not asked to state its opinion prior to passing such decision (decision of Constitutional Court number U-26/11 dated September 26th, 2012;
Official Gazette of Republic of Srpska”, number 117/12) as it is defined in Article 7. of this Law,

- Regulation on Disciplinary and Material Liability of Student was passed, inter alia, based on Regulation on Evaluation and Examination of Students in secondary schools (“official gazette of Republic of Srpska”, number 73/13).

2. Decision on disciplinary measures number 466/14, dated may 5th, 2014 does not state that student is held responsible for committed severe violation of obligations and that this was determined in appropriate procedure and there isn’t statement of a student about committed violation.

Goals of education as defined by the Law and Convention on the Rights of the Child are in direct link with the implementation of children’s rights in general and not only with the right to education, and, as such, they are focused to the protection of basic values guaranteed by Convention, first and foremost being human dignity of a child.

The question of school discipline is highly important for educational system and it is a presumption for independent work, work of homeroom and school in a whole. Here it is very important to clearly define the question of disciplinary responsibility of students that relates to their responsibility for violation of their obligations relevant to education.

In all cases of violation of student’s obligations, the school must bear in mind, before all, the basic purpose of imposing correctional-disciplinary measures for a student. Stated measure must, primarily, be educational and only than disciplinary and it must be efficient enough in order to have preventive effect on a student and to stop him in committing new violations of his obligations. It also should have positive effect in developing consciousness of the need to respect school discipline. Stated measure simultaneously should have preventive effect on all other students.

In this concrete case, the school failed to protect the rights of a student. With its failures school has violated the Law on Secondary Education and also the Regulation on Disciplinary and Material responsibility of a student, and therefore it has violated the rights of a student that are prescribed by the Law and which are in child’s best interest.150

Failures of the school relate not only to the fact that school did not initiate nor execute disciplinary procedure for determining liability of a student. The Law states that student is held responsible only for violation of responsibility when it has been proven. School Regulation Book defines process of initiating and executing disciplinary procedure. The Law and regulation obliges school to have appropriate procedure for each individual case and to establish all facts and circumstances along with the opinion and position of a student on a stated incident and, based on that, it should pass correctional-disciplinary measure that is proportional to the committed violation. Severe violations of student obligations are defined by the Law, School Regulation define procedure of determining liability of student where necessary is to establish all facts of importance for passing decision on student’s liability.

150 Ombudsman for Children recommendation number: 707-64-PZ/14, dated June 10th, 2014; School response to the recommendation, dated July 7th, 2014: We are informing you that we accept your recommendation in regard to the harmonization of the Regulation, however, in relation to decision on exclusion of a student from classes we will determine our stand after court procedure that has been initiated is concluded.
In order for measure to be justifiable, it needs all prior activities focused on correction of student’s behavior and milder degree of sanctioning, and stated measure must be proportional to the committed violation.

School’s Regulation Book, provisions 17 to 22 clearly define disciplinary procedure – it is initiated with request whose content is accordance with Regulations, procedure for determining responsibility is executed by commission, commission is obliged to hear out student with presence of its parent in case student is a minor and it should be in possession of written copy of findings of a school pedagogue about student’s personality.

3. Institution of Ombudsman for Children has received complaint from a parent of seventh grade student of Primary School in relation to disciplinary measure of transfer of a student to another homeroom because of violation of student’s obligation.

On request of Institution, school has delivered written report on measures taken towards this student during school year, copy of documentation related to the process of determining responsibility and stating educational-disciplinary measures for a student. From delivered documentation it is obvious that Teachers Council has made decision on transfer of a student to another homeroom because this student during current and previous school years made quite a few minor and severe violations of student’s obligation and even though this student was interviewed and warned he/she continued to behave in the same manner.

However, in Decision it is not stated that disciplinary procedure was initiated and executed, there is no statement and opinion of student about committed violation. Furthermore, it becomes clear that student already was subject of disciplinary procedure but it is not stated on which ground. In imposed measures parents do not participate and yet they mutually could remove causes of student’s improper behavior and propose educational-disciplinary measures that would have positive effect on a student. In records it is stated that “it is anticipated that those measures will have positive effects on student’s behavior” but grounds for such opinion are not stated.

The Law prescribes that student is responsible only for violation of obligation that has been proven. This provision obliges schools to establish, in every individual case, all facts and circumstances in appropriate procedure along with having opinion and stand of student about stated occurrence and based on all of it should impose disciplinary measure proportional to committed violation.

Initiating and executing disciplinary procedure for determining responsibility of a student and imposing appropriate educational-disciplinary measure for violation of student’s obligations that was determined in appropriate procedure is implemented in accordance with the Regulation on Disciplinary and material Liability of a Student that, in all its parts, must be harmonized with the Law.

School regulation Book that was delivered to the Institution was not harmonized with the Law because it, among other things, determines some severe violations of student’s obligations that the Law does not recognize:

- Article 15. of Regulation states that student, besides stated educational-disciplinary measure, is imposed with appropriate measures of banning what is not recognized by the Law,
- Regulation does not contain provisions on initiating and executing disciplinary procedure and about participation of student in procedure related to him/her,
- In Article 5. of Regulation key provision established by the law was discharged – student is responsible for violation of obligation that was proven.

Bearing in mind that Regulation on Disciplinary and Material Responsibility of a Student is not harmonized with the Law, and yet student was imposed with educational-disciplinary measures for severe violation of obligation without appropriate disciplinary procedure, there are no written decision on imposed disciplinary measures, no participation of a student and parents in procedure of imposing measures, such decision were never delivered to student and its parents, Ombudsman for Children has recommended school\textsuperscript{151} to take certain measures and remove faults that lead to violation of student’s rights.

4. Organization and implementation of excursions in primary schools

Excursion is extra curricular form of education that is being implemented outside of school with the goal of acquiring knowledge by immediate introduction with content of subjects, occurrences and relations in natural and social environment, by getting acquainted with cultural heritage and economic accomplishments that are related to school activity and each excursion is planned in annual school curriculum.\textsuperscript{152}

Excursion content is based on school curriculum and is integral part of annual curriculum.\textsuperscript{153} Annual curriculum is being adopted by School Board and school has to deliver it to the Ministry, Republic pedagogic Bureau, and Founder if it is a private school and to local municipality until September 20\textsuperscript{th}, the latest and Ministry creates for each school year model of annual curriculum.\textsuperscript{154} Question of organizing school excursion is much more than just determining destination. Selection of destination is very important but it is only one of many elements that determine quality of excursion in implementation of the excursion goals.

Article 1. of the Regulation on Planning Fieldtrips, Excursions and School in Nature states that by Regulation planning, preparation, implementation, evaluation and reporting is regulated. Planning and preparation is done by homeroom councils in cooperation with students and their parents and professional institutions.

Executors of planning, preparation, organization and implementation of the excursion agenda are Director of the school, professional leader and homeroom teacher.

Organization and implementation of student’s excursions is highly responsible job that requires clear normative framework and appropriate preparation of all participants, from selection of travel agency, destination, security measures, rights and obligations of service provider (travel agency) and service users (students, parents, school directors, teachers) by

\textsuperscript{151} Recommendation number 1502-136-PZ/14, dated December 16\textsuperscript{th}, 2014; Response of school dated January 5\textsuperscript{th}, 2015: In accordance with your recommendation we inform you that decision on imposed educational-disciplinary measure for student is put out of force and currently ongoing is process of harmonization of Regulation on Disciplinary Responsibility of a Student with the law
\textsuperscript{152} Regulation on Planning Fieldtrips, Excursions and School in Nature, “Official Gazette of Republic of Srpska”, number 67/09
\textsuperscript{153} Same, Article 9.
\textsuperscript{154} The Law on Primary Education, Article 41.
which evaded would be situations where due to the faults in organization and implementation of excursion, consequences would fall only on children and their parent, and not only in financial sense.

Regulation does not define when exactly, prior to the exact date of excursion, public tender could be announced and what it should contain.155 Schools are left to decide when they will initiate those activities and what conditions for excursion implementation are. Justifying it as the best offer (read the cheapest offer) no guarantees for service quality or child safety are required.

Excursion can not have hidden expenses, meaning that all activities must be included in the price and from the offer students and parents must be able to clearly see and know what offered price includes (how many nights and in what kind of object, is it on half-board basis, are there additional trips, additional expenses for a guide, and similar) in order to avoid situations when a child feels bad because it does not have enough money for additional offers. On the other side, with all elements stated for the given price it will clearly be seen what services are included and implemented and what was not implemented and in which amount children will be refunded for the services that where not executed (if they have paid for service that was not implemented).

Regulation does not determine the rights and obligations of service provider and service user individually. There are a lot of participants in organization and implementation of excursion and since Regulation does not determine their rights and obligations, the question of responsibility for failures in organization and implementation of excursion usually is placed on someone else what in certain number of cases is being decided about in the Court.156

Highly important is the issue of safety of all participants of student excursions which must be priority. This requires that Regulation clearly determines obligations and responsibilities in organizing and implementing excursions in this part and it does not leave any room for shifting responsibility fro one to another when problem has already occurred.

In order to remove all dilemmas and to diminish different risks Ombudsman for Children, in accordance with its authorities defined by Article 9. of the Law on Ombudsman for Children, has proposed to the Ministry of Education and Culture to take measures for removing all failures in organization and implementation of student excursions that lead to violation of right and interests of children in a following way:

1. Changes and Amendments of the Regulation on Planning Fieldtrips, Excursions and School in Nature will clearly define rules and procedures of preparation and implementation of excursion,
2. When making changes and amendments of Regulation borne in mind should be longstanding practice and different experiences of primary schools in Republic of Srpska,

155 Regulation on Planning Fieldtrips, Excursions and School in Nature, Article 18.: Information on public tender that is being published should contain short info that is in accordance with relevant information from tender documentation, especially program and general conditions of traveling and also planned activities, with the goal of freeing student of additional payments.

156 Regulation on Planning Fieldtrips, Excursions and School in Nature, Article 5. and 6. Full responsibility for organization and implementation has school's professional team for a) organization and contract it is director and b) for other forms of protection of children and implementation of adopted programs all adults that are following children on excursion.
3. In process of changes and amendments of the Regulation parents and students should be involved and their opinion should be taken with due attention,

4. Changes and amendments should include unique form of summon-offer for implementation of student excursions what would provide that all elements important for successful excursion implementation are requested.

**Selection of the student of generation**

Certain number of complaints received by the institution of Ombudsman for Children indicates that there are violation of children’s rights in primary and secondary schools in procedure of selection of the student of generation.

These complaints indicate that existing normative frame in practice causes numerous problems: in interpretation of the law and certain provisions of Regulation and their implementation, in different approaches schools have in implementation of this activity, on inadequate participation of students in these school activities, what for consequence has dissatisfaction of selected students of generation and their peers.

This satisfaction was at its peal in secondary schools in 2013/2014 when based on the change of the Law on Secondary Education selection procedure was defined completely opposite to procedure in primary schools and already established practice in secondary schools.

According to the Law on Primary Education, the school at the end of grade nine of primary school announces the student of the generation and Minister passes Regulation on Selection and Announcement of the Student of the Generation in Primary School.

Regulation on Selection and Announcement of the Student of Generation in primary school it has been defined that Commission creates ranking and delivers it to school Director who makes decision on selection of the student of the generation based on created ranking. Decision on selection of the student of generation and candidate ranking list is being published on school’s notice board the latest until May 25th of current year. Candidate that is unsatisfied with decision of school director can in period of 2 days from the day it was published on notice board of school file complaint to the school board. School Board makes decision in period of 5 days from the day they received complaint. Regulation states that Proposer delivers proposal for the student of generation until May 15th the latest and that decision on selection and ranking is published by May 25th of the current year the latest.

The Law on Secondary Education stats that for a student of the generation selected is students whose grades and behavior were exemplary in all grades. Minister passes regulation on Selection of Student of the Generation.

Changes of the Law that were enforced in May 2014, totally different approach in selection of a student of the generation is being established in relation to primary school and prior practice that in accordance with current legal provisions was common in secondary schools.

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157 The Law on Primary Education, Article 72.
158 Regulation on Selection and Announcement of the Student of Generation in primary school, “Official Gazette of Republic of Srpska”, number 45/12, 38/13
159 The Law on Changes and Amendments of the Law on Secondary Education, “Official Gazette of Republic of Srpska”, number 33/14, Article 8.: Article 64., paragraph 7 is changed and now it states: For a student of the generation selected is the one who had extraordinary success throughout the school and its behavior was exemplary in all grades.
up to those changes. Changed Law practically eliminates Regulation and its implementation because it does not prescribe possibility for ranking as it only values success in studying and behaving. Now, such normative framework led to situations where some schools only implemented the Law, others have only implemented Regulation while some have implemented both. Regardless of what was normative frame for school, in practice it caused dissatisfaction of students and parents but also of employees of educational institutions.

Regulation on Selection of the Student of Generation in Secondary School states that selection of the student of generation is done by Commission for Selection of the Student of Generation (Article 10.). At the same time Regulation defines that Commission creates ranking list and delivers it to Teachers’ Council (Article 12.) that confirms and adopts ranking list and publishes it on school notice board (Article 13.). Candidate that is not satisfied with decision of Teachers’ Council may file complaint in period of three days from the day ranking list was published on the school notice board. School Board is obliged to pass decision based on complaint in period of seven days from the day complaint was submitted (Article 14.).

Regulation on Selection of the Student of Generation in Secondary School does not determine when selection procedure starts but it determines that deadline for pronouncing student of the generation is the end of school year. Regulation does not determine who makes decision on selection of the student based on the ranking list and if complaint to ranking list may be made before decision on selection is passed.

In order to implement the goal that this activity in first place is being realized in school and to provide greater transparency and equal approach of schools with adequate participation of students, Ombudsman for Children on December 3rd, 2014 has organized Round Table with topic “Who and how selects student of the generation”, where present were representatives of Ministry of Education and Culture, Republic Pedagogic Bureau, Education Inspection, Gender Center, representatives of primary and secondary schools, representatives of Network of Young Advisors of Ombudsman for Children and Network of Student Councils of Republic of Srpska.

Representatives of Network of Student Councils have presented survey that was implemented on 1928 students where they collected opinions of students who where asked is it necessary to have selection of the student of the generation and what should be valued during selection of such student. Results presented indicate that secondary school student in 92 % of cases think that selection of student of the generation is necessary.

In relation to criteria that should be valued results show that 57% of student supports valuing success in studying, 15% supports success in extracurricular activities, 15% activity within Student Council, 12% results from competitions organized by Republic Pedagogic Bureau and 11% sports and other activities. 73% students from secondary schools has stated that in their school Student's Council participates in selection of the student of generation while 27% of them stated that in their schools this is not a case.

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160 The Law on Secondary Education, “Official gazette of Republic of Srpska”, number 74/08, 106/09, 104/11, Article 64.: “For a student of the generation selected is student who throughout Secondary School in its generation had the best grades and achievements in learning, behaving and in extracurricular and other activities. Minister passes regulation on selection of the student of generation in secondary school.”

161 Regulation on selection of student of the generation in secondary school, „Official Gazette of Republic of Srpska”, number 71/09
Representatives of primary schools did not have any objections to procedure of selection of student of the generation as it is defined by Regulation.

Objections were made to criteria for selection of the student of the generation especially in a part that related to sports competition and need to separate extracurricular and other activities where advantage would be given to extracurricular activities. Current system of ranking, according to the experience of some primary schools, results in unpleasant surprise for all because for student of the generation is not selected the one that everyone in school knows is the best, but the one who had extraordinary success in certain sport disciplines even though its peers and teachers did not see it as student of the generation. In relation to importance of sport and its significance in children growth, the need for its continuous promotion and recognition, those present at the Round table have pointed out that extraordinary sport successes could be awarded with special acknowledgment.

When selection of student of the generation in secondary schools was on agenda, objections were mostly made to following issues:
- Is Regulation being implemented at all, if, according to the Law, ranked is only success in studying and behaving (if five students have great success in studying and behaving, the Law does not prescribe criteria for their ranking),
- Procedure defined by regulation is incomplete and unclear,
- Criteria for selection of student of the generation are not adequately set up:
  a) participation at Student’s Council is not valued as criteria (in primary schools it is),
  b) function of president of homeroom class is not valued as criteria (in primary schools it is),
  c) Regulation defines that in process of selection for certain competitions that are not used as basis for ranking, final decision about that competition will be made by Republic Pedagogic Bureau (Article 6.) what creates additional problem in the field,
  d) Sport competitions and their value creates special problem in the field,
  e) In placing value to different activities advantage is given to extracurricular activities.

Mutual stand of all participants is:
- activities related to selection of student of the generation should be implemented within the school,
- it is good that this issue is regulated by the Regulation passed by Ministry and it is not left to schools to define the rules by its normative acts,
- Regulations passed by Ministry should be changed and harmonized with demands and in parts that cause dissatisfaction of all participants,
- for changes of Regulations a professional and public discussion should be organized,
- for Changes of the Regulation in secondary schools it is necessary to create legal frame for it and in the way that changes of Article 64. of the Law stating criteria for selection of student of the generation besides success in learning and behaving valued also are other extracurricular and other activities,
- procedure of selection of a student of the generation in secondary school should be précised similar as it is done in Regulation for Primary Schools,
- Criteria valued in secondary schools should include participation at Students’ Council, function of a President of homeroom class, as it is done in regulation for Primary Schools,
- Valuing different sports activities creates the biggest problem in practice,
- In valuing different activities advantage should be given to extracurricular activities.

Success in school is result of learning curriculum but also a whole range of student’s competencies to adjust to school rules and get accepted in its community. Therefore, it is very important that in process of selection of a student of the generation based on ranking
student’s success in learning and behaving also extracurricular and other activities are valued, that rules and criteria of selection are clearly defined, participants are aware of them and in the process of selection students have active role.

In order to remove all situations that lead to violation of student’s rights while selecting student of the generation in primary and secondary schools, Ombudsman for Children in accordance with its authorities defined by Article 9. of the Law on Ombudsman for Children, has placed proposal for Ministry of Education and Culture with following measures to be taken:

- with changes of the Law on Secondary Education, Article 64., to define that for student of the generation is selected student who besides its success in learning and behaving also had extraordinary results in other activities, extracurricular and others;
- with changes of Regulation on selection of student of the generation in primary school removed should be faults indicated in this Recommendation (in valuing different activities advantage should be given to extracurricular activities);
- with changes of the Regulation on selection of student of the generation in secondary schools removed should be the faults indicated by Recommendation ( and in part of the procedure in selection, criteria to be valued – participation in Students Council, being president of the homeroom, eliminate consent that is being given in certain competitions, in valuing different activities advantage should be given to extracurricular activities, if and under which conditions based on various programs in school selected is student of the generation);
- for changes and amendments of the Regulation, professional and public discussion should be organized in order to have the best normative solutions and employees of educational system and students and their parents could make their contribution in this process.

6. Insuring students from consequences of accidents that occur in the school

Convention on the Rights of a Child obliges state parties to provide child with protection and care necessary for its well being and to prioritize child’s best interests in all activities of public or private institutions providing social care, courts, administrative or legislative bodies.

Insuring a student at appropriate insurance company is just one of many activities focused on protection of children and their interests. In complaint received by Institution, parent asks – is insurance obligatory in accordance with the law, who decides on selection of insurance company, what is the proof that child did not pay 3 KM for insurance and child claims it has, etc., what indicates that issue of child insurance from consequences of accidents that occur in school is not known well by those insurance relates to, foremost children and parents, what jeopardizes the best interest of a child.

The Law, among else, defines that Director of school provides protection of students’ rights, their health and safety in school, takes measures for protection of students’ rights. The Law on Primary Education does not contain provision on insuring student from consequences of accidents that occur in the school. Insuring of students for years has been implemented in a way that school at the beginning of the school year collects offers of all

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162 Convention on Rights of the Child, Article 3.
163 Case number: 972-90-PZ/14
164 The Law on Primary Education, Article 129
interested insurance companies and concludes agreement with the one that gave the best offer. Integral part of agreement is the list of insured students – students that have paid premium.

The Law on Secondary Education defines in Article 129. that “school may at the beginning of the school year collect from students participation and collected funds will be used for student insurance, procurement of reporting form, diplomas, notebooks, etc”. Experience in the field is that funds for insurance are not collected from students but collection of funds for participation is made and from those funds insurance for student is being paid. The rest, procedure of public tender and selection of insurance company and conclusion of agreements is the same as in primary schools.

Even though insurance from consequences of accidents that occur in schools is not mandatory, the fact is that it is being implemented in great percentage in primary and secondary schools but question raised is if manner of its implementation is in child’s best interests.

According to the General insurance provisions insured may be all persons of age 14 to 75. Persons, younger than 14 or older than 75, may be insured in accordance with Special or Additional rules.

Insured case, according to General Provisions, is event for which insurance contract has been signed and it must be future, uncertain and independent of exclusive will of contractors. Risks covered with insurance may be: total disability, consequential death, health impairment that requires medical assistance including: treatment and hospital day expenses.

General problem is that parents don’t even know that child is insured, and when they do know, regardless of the risks covered by insurance, parents believe that their children are insured 24 hours a day, every day and every year even when they are not in the school, that it has full coverage regardless of the fact where and when accident has happened. Problem occurs when accident happens in school and when they can not implement rights on those grounds than questions are raised – what are the risks child has been insured from, who decides on selection of insurance company and on what criteria, who decides what risks will be covered with insurance, is the child who have not paid insurance, out of insurance, why parents do not know that their child has not been insured until the moment accident occurs, etc.

In order to get answers to numerous questions Institution together with Agency for Insurance of Republic of Srpska on November 12th, 2014 has organized Round Table on topic – Insuring students from consequences of accident within educational system where present were representatives of primary and secondary schools.

Mutual stand of all participants is that children in educational system should be insured but it is necessary that competent ministry takes all needed measures and activities for insuring equal approach of schools to these activities and to create conditions that all children and under same conditions have the right to insurance from consequences of accidents.165

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165 Recommendation to the Ministry of Education and Culture, number 1789-24-PZS/14
In this way evaded would be situations where in certain number of schools for children who do not pay for insurance schools would do so and than all children under the same conditions would be insured. In other schools where this is not practice, child that is not insured because it did not pay insurance school does not know if this has happened because child does not have funds, or it is already insured or it does not want any insurance and in relation to that is the question should the child stay out of insurance program if parents did not state their mind about it, who is authorized insurance contractor and what procedure implemented in accordance with the Law on Public Procurement means.

7. Children magazines in the school

The Law on Primary Education166 defines that non-government organizations, other institutions and organizations may implement their own programs and activities in schools in accordance with the Instruction on Implementation of Programs and Activities of Non-government Organizations, other Institutions and Organizations in Schools.

Instruction on Implementation of Programs and Activities of Non-government Organizations, other Institutions and Organizations in Schools167 defines that non-government organizations, other institutions and organizations that want to cooperate with schools and whose aim is implementation of their projects or programs in which students, teachers and professional associates are involved are obliged to, at least 30 days prior to the beginning of planned cooperation with the school, submit to the Ministry of Education and Culture written request for approval.

The Law on Primary Education, Article 129., states that school Director cooperates with government, non-government and other organizations with approval of competent Ministry.

Even though school magazines are not mandatory for education process they allow children of different age to broaden their knowledge attained in school from different fields, to upgrade their imagination, communication skills, critical opinion. Therefore it is very important that assessment of the magazine quality in sense of satisfying necessary standards so they could be distributed throughout school, is made by professional body and that all those who satisfy the same criteria are given opportunity, under same conditions, to implement these activities in schools.

At the same time, it is important to allow choice for children so they alone or with their parents can decide if and which magazine they will buy, should siblings or friends who sit together in school be buying same magazine when they can use it simultaneously.

Existing legislation and established practice confirm that each engagement of third persons for implementation of their own programs and activities in schools must have prior approval of the Ministry. The problem indicated in complaints occurs from the “new” interpretation of the Law and Instruction in part if and under which conditions necessary is approval of Ministry for activities of distribution of children magazines in the school. Ministry sees solution in changing Instruction. For changes of Instruction as well as for the other provisions it is very important to hear what professionals in the field have to say, give due attention to their opinion and enable active participation of all in educational system in order to ensure the best normative solutions in this field.

166 The Law on Primary Education, Article 35.
167 Instruction on Implementation of Programs and Activities of Non-government Organizations, other Institutions and Organizations in Schools, “Official Gazette of Republic of Srpska” number 88/09
8. Proceedings of the Republic Education Inspectorate

Inspection, according to the Law on Inspections in Republic of Srpska, for the goal has implementation and protection of public interest and it is implemented by taking inspection measures and activities in order to harmonize conditions and work with the law.\textsuperscript{168}

Legally defined competencies and authorities of Education Inspector oblige him in each individual case, in the frame of grounded authorities, completely professionally and independently to establish all facts and circumstances – first, by analysis of provisions that define work of controlled body, than by found factual conditions and activities of controlled body and, finally, by clear assessment of the Inspector on relation between factual condition and relevant provisions.

Inspection is performed by Inspector with immediate insights in general and individual acts, conditions and work method of institution that is subject of inspection in terms of compliance with regulations and it represents the basic method of determining the facts in process of inspection.\textsuperscript{169}

In case when results of inspection indicate to failures in controlled body proceedings, education Inspector is obliged to order measures for elimination of found irregularities and those measures must be determined as defined by the law. In that way, Education Inspector will not only contribute to the protection of the rights of an individual in a concrete case but it will also have preventive role not only towards this concrete Institution but also towards all other Institutions against who complaints are made on the same ground.

Education Inspectorate, according to the Law, has special responsibility that a proceeding in educational processes is harmonized with the positive provisions because it was entrusted by the law to inspect application of the provisions within educational institutions. Therefore, authorities of Education Inspector are defined by the law in a way that in performing inspection of application of provision in the educational system he primarily acts in prevention and consequently prevents repetition of same irregularities.

Ombudsman for Children, on several occasions, acting upon complaints that indicate violation of student’s rights within educational system has proposed to the Inspectorate of Republic of Srpska to do inspection of concrete situations, actually, with imminent insight general and individual acts and subject’s method of work, to find if proceedings of competent school body and decisions related to it are in accordance with positive provision and in the best interest of a child.\textsuperscript{170}

In comparison to the previous years, inspection has been significantly improved and that was emphasized in 2013 Annual Report.

However, in reporting period there were situations when Education Inspector, during inspection of school proceedings related to disciplinary measure being imposed on a student, did not inspect general school act – the Regulation on Disciplinary Liability of Student but he inspected individual acts what has put student’s rights in jeopardy.

\textsuperscript{168} The Law on Inspection in Republic of Srpska, “Official Gazette of Republic of Srpska”, number 74/10, 109/12, 117/12, Article 2, paragraph 3.

\textsuperscript{169} The Law on Inspection in Republic of Srpska, Article 48.

\textsuperscript{170} In reporting period Institution has addressed other inspections: Market Inspection, Health Inspection,...
The Law on Primary Education\textsuperscript{171} and the Law on Secondary Education\textsuperscript{172} define severe violations of student obligation. The law does not leave possibility that school Regulation define new, more severe violations of student obligation.

The Law clearly defines educational-disciplinary measures that are being imposed on students for violation of their obligation. The Law does not leave possibility that school Regulation may define disciplinary measures other than ones defined by the law.

On request of Ombudsman for Children inspection in primary school inspection was done in relation to the complaint indicating violation of student’s rights while imposing educational-disciplinary measure for violation of student’s obligation.

Information\textsuperscript{173} on completed inspection control, among others, stated is: "Based on found irregularities in procedure of stating educational-disciplinary measure, school Director has been ordered in Decision to put out of force Decision on transferring student to another homeroom class and to repeat procedure of finding disciplinary responsibility and to write down all sessions of Homeroom Council, parental meetings and other data that must be written in the school book”.

Acting of Education Inspector in a way that he does not use his authority in inspection in legally defined way, great failure in work has been made that puts in jeopardy student’s rights because school was ordered to repeat procedure for determining responsibility and at the same time it was not stated that Regulation on Disciplinary and Material Responsibility of school is not harmonized with the law on Primary Education so each repeated procedure based on stated Regulation will not contribute to removal of found irregularities, actually, in implementing legal procedure in the best interest of a child, in concrete case or in any future similar situations that may occur.

Inspection has found irregularities in passing of individual acts – decisions of competent bodies in imposing educational-disciplinary measures.

However, inspection does not state that general act – Regulation on Disciplinary and Material Responsibility of a Student of stated school is not harmonized with the Law and individual acts are result of application of general act that has not defined procedure of proceedings in case of imposing educational-disciplinary measure for a student: is disciplinary procedure already initiated, participation of student and parents in this procedure, passing decision on imposed measure and its delivery, monitoring of implementation of imposed measure, taking all necessary measures for eliminating causes that led to inappropriate behavior of a student etc. Besides that, Regulation defines severe violations of student obligation that law does not recognize what, according to the law, is not possible; Regulation also defines measures of prohibition that are imposed on a student along with educational-disciplinary measures what Law, as it is, does not recognize.

In order to eliminate situations that lead to violation of the rights of a child, Ombudsman for Children has proposed Education Inspectorate to repeated inspection.\textsuperscript{174}

\textsuperscript{171} The Law on Primary Education, Article 82., paragraph 5.
\textsuperscript{172} The law on Secondary Education, Article 65., paragraph 9.
\textsuperscript{173} Education Inspection, Information on completed inspection control number 24.120/616-227-77-4/14 dated December 10\textsuperscript{th}, 2014
\textsuperscript{174} Recommendation of Ombudsman for Children to Education Inspectorate number: 1719-19-PZS/14, dated December 16\textsuperscript{th}, 2014
9. Protection of children rights in emergency situations

Natural disasters and other unfortunate situations that occur in a great intensity do not choose place or time, who will be exposed to and in which extend. For the need of decreasing risks of natural disasters to which especially children are exposed as the most vulnerable category, it is necessary to establish appropriate communication with children and provide them with relevant knowledge about risks and dangers they can be exposed to and how should they behave if such situations occur. Therefore, in order to attain greater level of student safety, it is very important that education system in cooperation with other institutions and services establishes mechanisms for adequate response in situations of natural disasters.

The Law on Protection and Emergency Rescue\textsuperscript{175} defines system of protection and rescue in emergency situations while implementing preventive and operative measures and fulfilling mission on protecting and rescuing persons and goods.

The Law, among others, defines\textsuperscript{176}:

1. for the need of acquiring necessary knowledge related to personal, mutual and collective protection, citizens are being trained and incapacitated for protection and rescue,

2. training is done in the frame of primary and secondary education in order to learn about dangers of natural disasters and other accidents and how to protect against it, in accordance with the special law and appropriate programs,

3. provision on training, paragraph 2 of this Article, is passed by Minister of Education and Culture in cooperation with Minister of Internal Affairs.

The Law was enforced on January 1\textsuperscript{st}, 2013 and on July 31\textsuperscript{st}, 2014 Minister has passed Regulation on Training of Persons on Dangers and Protection from Natural Disasters and Other Accidents in Primary and Secondary Schools.\textsuperscript{177}

Regulation defines method of training and incapacitating persons in frame of primary and secondary education where they will acquire knowledge about dangers of natural disasters and other accidents and about protection and rescue. (Article 1.)

According to the Regulation, during creation of annual curriculum primary and secondary schools also are planning training of students (Article 5.) and students through programs of homeroom classes are trained and they learn about safety risks and consequences natural disasters and other accidents may have on people, their property and environment and they acquire skills for optimal reaction in case of natural disasters and other accidents (Article 8.)

Even though existing legal solution obliges to provision on training students and their incapacitating for adequate reaction, Regulation has forwarded this obligation to primary and secondary schools and result of that is that schools are being in obligation not only to plan and implement activities but also to define content of these activities.

\textsuperscript{175} The Law on Protection and Emergency Rescue, “Official gazette of Republic of Srpska”, number 121/12
\textsuperscript{176} The Law on Protection and Emergency Rescue, Article 136.
\textsuperscript{177} Regulation was published in “official Gazette” number 74/14 and it was enforced on August 30\textsuperscript{th}, 2014.
Since protection and rescue in extraordinary situations, according to the Law (Article 3.) is activity of special interest, it is very important that training program primary and secondary schools will implement is defined in the way that all schools have same obligation and approach in this training, all students should gain equal share of knowledge and information that is in accordance with the law, that program is adapted to children age, needs and abilities, in implementation of these activities ensured should be continuous surveillance in training and in meeting conditions to act in extraordinary situations (fire extinguishers, their servicing and maintenance, exits,...) and all with the goal of raising consciousness of students about risks that different natural disasters bring, acquiring knowledge and necessary skills for adequate reaction and decreasing of the risk.\footnote{Recommendation to Ministry of Education and Culture, number: 1376-15-PZS/14}

During floods in May, according to its abilities and under conditions defined by the Law (started duty service and phone line, along with competent services it worked on collecting and distributing of aid) Institution took all necessary measures and used its all available capacities. Office of Ombudsman for Children in Doboj, as soon as it was possible, has made contact and cooperation with management of primary schools “Sveti Sava”, “Vuk Karadzic” and “Dositej Obradovic” while in those schools organized was cleaning of debris in flooded premises, throwing out of destroyed inventory. At the beginning of school year, school Directors were asked for consistent implementation of the law especially in a part that safety of children must never be in question, and that Directors, according to the Law, are obliged to take all necessary measures for protection of students’ health and their safety.
IX THE RIGHT TO PLAY AND LEISURE

1. Protection of rights of children with sport engagement

Ombudsman for Children has received complaint indicating violation of child’s rights because, for transfer of a child from one club (child is training basketball) to another, requested is “compensation”. Child is 14 and it did not sign contract with the club.179

According to the positive provisions,180 sport clubs regulate questions of membership and rights and other rights and obligations with their Statute. Statute is general administrative act of sport association and other general and implementation acts must be in accordance with it.181

At the same time Law prescribes that:
- joining and leaving sport’s association is done in accordance with the rules of competent sport branch association or based on the Statute of sport’s association, Article 69.
- Branch sport association is obliged to pass sport rules in appropriate sport branches that should be in accordance with the rules of international sport organizations. With sport rules, branch association, among others, defines: conditions for transferring of players from one to another sport organization and sanctions for disrespecting of those rules, compensation that sport organization, from which player comes, is entitled to and compensation that sport organization where player is being transferred has to pay, Article 94
- Sport’s branch associations are obliged to, in period of 6 months from the day this Law was enforced, pass sport rules stated in Article 94. and Article 95. and of the Law, Article 161.
- Sport’s branch association is obliged, in period of 15 days, to submit adopted sport rules to the Ministry competent for the sport, Article 94. of the Law,
- Existing sport and other organizations are obliged to harmonize their internal acts with provisions of the Law in period of one year from the day law has been enforced, Article 158. of the Law.

Along with the complaint, Institution was delivered Ministry’s response dated September 9th, 2014 where, inter alia, is stated: "Article 42. paragraph 2. prescribes that sportsman are obliged to respect general and special rules prescribed by the laws, regulations of their organizations and international sport regulations."

In stated response it is stated that obligation of sportsman is to respect the Law and prescribed rules what is not disputable, however, completely neglected is obligation of sport organization to respect the Law and to pass regulations that are in accordance with that same Law.

In this particular case, Decision on compensation for player’s transfer from one club to another dated March 28th, 2013 as general act was passed based on Statute of Sport’s Association that is not harmonized with the Law on Sport. Decision is being enforced as of day it was passed and it was not available for children and parents.

179 Case number: 1061-99-PZ/14
180 The Law on Sports, “Official Gazette of Republic of Srpska”, number 4/02, 66/03. 102/08
181 The Law on Sports, Article 84.
Based on the stated Decision dated March 28th, 2013 and in accordance with provisions of Registration Regulation of Basketball Association of Republic of Srpska, Decision on Transfer of a player from one club to another was passed on September 8th, 2014 and it was stated in decision that transfer can be executed only when club is paid compensation in amount of 500, 00 KM.

According to the delivered documentation, Regulation of BARS\textsuperscript{182} (Basketball Association of Republic of Srpska) was passed in 1999 and it was never harmonized with the Law on Sport. Stated Regulation serves as base for making other general acts and individual decisions on implementation of sportsman rights and it one of those regulations that Association is obliged to pass (Article 94.).

Besides from above stated another question arose; should children be prevented to play sports if their parents do not pay "compensation"(these children can not register in new club until they are unregistered from former club and this un-registration is conditioned with payment of "compensation").

Sport is an activity of general interests\textsuperscript{183} that is most commonly financed from the budget.\textsuperscript{184} If in question are children who are not the best sportsman or who do not have contract signed with the club, who regularly are paying their participation than conditioning children with "compensation" to change clubs jeopardizes child’s sports activities and implementation of child’s best interest in these activities.

Bearing on mind importance of sport on child’s psycho-physical development and the role sport has in prevention and protection of children from different forms of violence, addictions and protection of children’s health it is very important to make different sport activities available for children and to enable them to exercise their right to free time when they do different sport activities but also appropriate protection in all activities that are in accordance with the law.

Acting upon received complaint Ombudsman for Children has made Recommendation for Basketball Association of Republic of Srpska.\textsuperscript{185} Recommendation was accepted, boy was registered in another club without paying compensation and Basketball Association and parents of a boy have informed Institution about it. According to the information provided by Association, ongoing is procedure of passing new regulations that would eliminate any form of child conditioning.

In relation to the above stated and in order to protect rights and interests of each child that is involved in sports, Ombudsman for Children in accordance with its authorities defined by Article 9. of the Law on Ombudsman,

\textsuperscript{182} Regulations on registration, licensing, transfer of players from one to another club, engagement of players that have basketball citizenship of Republic of Srpska and who play abroad, engagement of players that do not have basketball citizenship of Republic of Srpska and they play for BARS, status of female and male basketball players in relation to signing contract with the club and right to perform that is under competence of BARS.

\textsuperscript{183} The Law on Sport, Article 8.

\textsuperscript{184} The Law on Sport, Article 135

\textsuperscript{185} Recommendation number: 1061-99-PZ/14, October 17th, 2014
has made proposal to the Ministry of Family, Youth and Sport\textsuperscript{186}, in frame of its authorities prescribed by the law, to take all necessary measures and activities for protection of rights and interests of children involved in sport in way that:

1. In accordance with Article 146. of the Law on Sport\textsuperscript{187} it will supervise implementation of regulations related to sport in such way that it will, in all registered associations, examine:

- if Associations have passed general acts that they have legal obligation to pass,
- if passed general acts are in accordance with the Law on Sport,
- are general acts available for children and parents,
- have they delivered to ministry those acts law obliges them on,
- have those passed general acts defined obligation of paying “compensation” and similar for children who are not top athletes and who did not sign contract with the club but they regularly pay their membership.

\section*{2. The right to rest and leisure}

Convention on the Rights of the Child, Article 31. defines the right of a child to rest, leisure time and play that are appropriate to child’s age, abilities and capabilities and at the same time it obliges State to provide implementation of children’s rights without discrimination on any basis as well as all other Convention rights.

The best interest of a child must be priority in implementing this right of a child and in all activities child has in its leisure time. It is highly important that the right of a child to express opinion and participate in all proceedings related to him/her must be fully ensured including child's right to leisure time.

Under current conditions the right of children to rest and leisure very often is neglected because it is not implemented in accordance with child’s needs. According to children, free time is not organized and used for rest and leisure and it is used as “blank” or it is organized in such way that they do not have free time.

Quality organization of free time should provide child with rest and entertainment and it should contribute not only to developing additional competencies but also it enhances child’s behavior and success in school and it contributes to development of child’s personality.

Child's activities during play and leisure time should be the ones close to child, which he/she desires and which satisfy him/her and not those that represent burden and obligation where child „spends' his/her time when there is noting else child should be doing.

Implementation of child’s right to rest and leisure, with numerous advantages that contribute to child’s growth and development, at the same time has preventive function in sense of minimizing risks children are exposed in period when they do not know what to do. Depriving child of exercising this right, as well as all other rights from Convention, is one form of neglecting of child and its interests.

\textsuperscript{186} Recommendation to the Ministry of Family, Youth and Sport number: 1730-21-PZS/14, dated December 17\textsuperscript{th}, 2014

\textsuperscript{187} The Law on Sport, Article 146.: Supervision of implementation of this Law and other regulations in sport and supervision of professionals in field of sport is done by Ministry competent for sport through Republic Sport Inspectorate and sport experts.
School kids emphasize that, unfortunately, they do not have enough free time because they are burdened with school curriculum, and even time they do have is not organized well. They expect from school to offer them various programs where they can at their leisure time develop their sports, cultural and artistic potentials. Most of schools do offer big number of sections and their works can be seen in school premises; children art works, but also plaques, trophies and praises, especially for gifted students.

Secondary School students warn that in their leisure time at their disposal are night clubs and premises where Games of Chance are played. Watching TV is one of the activities on which children spent several hours a day, spending time with friend in the local bars are basic activities children do in their leisure time. Children say that this is not because they want to spend their time in those activities but because there is nothing else offered in the community that they could do in their leisure time.

Disturbing is data collected through workshops that lots of children for activities in their leisure time have stated internet and the Facebook. Spending many hours in front of computer (sitting) is not only against the best interest of child but it also is not good for child’s health, not to mention all possibilities of violence and abuse they can be exposed in this way.

When asked about their free time and activities that than should be realized, children mostly mentioned sport. About importance of sport in child’s development today we have general opinion of professionals, parents, teachers and students but, however, discordance between children needs to play sports and possibilities to implement this need because their activity depends on financial abilities of their parents. Importance of sport and physical activities in child development is well known by all and parents should not be the only ones trying to provide it for their children; it is necessary to have system measures and activities that will make those activities available for each and every child regardless of their parents’ finances.

One of priority activities of Ministry of Family, Youth and Sport, which has been successfully ongoing for couple years, in involving as many students as possible in school sport activities is organizing Small Olympics of Republic of Srpska. Their goal must be creation of positive attitude towards physical activities, and every year number of primary and secondary school students participating at Small Olympics of Republic of Srpska is getting greater.

Parents, teachers and health science employees agree that children have the right to free time and play but the problem emerges in implementing this right. This problem is even more emphasized for children who are challenged in their development and who are often deprived in implementing this right. These children do not have access to all activities their peers have at their disposal, nor do they have possibility to choose.

It is very important that in selection of child’s leisure time activities parents recognize real affinity of their child, respecting their individual needs and capabilities of a child. Overloading child with activities and especially that child is not fond of in his/her leisure time can have negative effect on child’s development. Many primary school students in discussion related to their leisure time have stated that they do not have any free time since they are involved in many different activities from learning foreign languages, sports trainings, etc and all those activities they feel as obligation and not something they wish to do in their free time.

Local communities also have important role in organizing various activities for children and youth. Attitude of local community towards this right of child is different from one to another municipality.
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. In previous Reports Institution has indicated problems in functioning of children playhouses. Even though the question of operating of children playhouses is stipulated by the law, unfortunately, practice shows that continuous supervision of their work is missing.
X SOCIAL AND ECONOMIC RIGHTS

1. Social protection

The Law on Social Protection\textsuperscript{188} has significantly widened the list of persons – children beneficiaries of social protection (children without parental care, children challenged in their development, children whose development is challenged with family circumstances, children victims of violence and human trafficking, children with socially unacceptable behavior and children who, due to special circumstances, are in need for social protection). The Law clearly defines rights for social protection beneficiaries, however, in implementation of certain rights in field problems on different grounds are present, what was indicated in complaints Institution has acted upon in reporting period.

Highly important is timely recognition of adverse circumstances that child grows up in and those circumstances may be very different – alimony has not been paid for many years, child does not attend school, child is deprived of contact with parent it does not live with and similar. Also of same importance is taking all necessary measures for strengthening parents and making them fit for parenting so severe consequences on child and its development would be prevented.

Unfortunately, measures of family-legal protection\textsuperscript{189} – surveillance, increased surveillance by which Centers for Social Work, according to the Family Law, strengthen capacities of parents and their responsibility in providing care for children, in practice are not applied in the measure necessary for concrete situations.

This is confirmed by data of Ministry of Health and Social Protection\textsuperscript{190} according to which in 2013 number of imposed measure of increased surveillance was 60, and number of measures imposed by guardianship body is 69 even though, according to the same data, number of juveniles with asocial behavior that are recorded by Centers for Social Work is 829, number of submitted requests for maintaining personal contacts with children is 482.

In reporting period Institution has acted upon complaints that have indicated violations of individual social rights of child, but also of parental rights that are being implemented based on child’s status and are related to the one-time financial assistance, child support.

In a complaint submitted to the Institution it is stated: "I sincerely thank you for your engagement and assistance in solving problem of my family... It is encouraging that there are some improvements in solving financial condition for juvenile children as the second child has started to receive its child support. However, more complex problem stays unsolved, and that is non-payment of the alimony defined by court decision."\textsuperscript{191}

Social protection is activity of general interest that, in accordance with the law, provides measures and programs intended for persons that are in social need but also for those in risk of being dependant on social giving. These measures include not only providing assistance in satisfying basic needs, but they also have preventive role to decrease or remove dependence

\textsuperscript{188} The Law on Social Protection, "Official Gazette of Republic of Srpska", number 37/12
\textsuperscript{189} The Family Law, Article 96.: If justified interests of children require, guardianship body will make decision on continuous surveillance in implementing parental right for each individual child.
\textsuperscript{191} Case number: 931-88-PZ/14
of individuals and families from social services. Basic problem indicated by Centers for Social Work are insufficient number of professional workers that could meet those needs, primarily related to social protection service.

UN Committee for Children's Rights\(^{192}\) emphasizes insufficient professional support for children who are social category or are at risk to become a social category what is usually pointed out in complaints filed by parents of children who, in various forms, are challenged in their development.

The economic situation family finds itself nowadays and poverty that is multidimensional problem is directly reflected on children and implementation of children’s rights and it causes numerous problems and risks in relation to satisfying basic needs of child, their developmental needs and needs of child for social integration.

Convention on the Rights of Child defines that "State parties will provide in the most possible extend survival and development of a child\(^ {193}\)", and “ in accordance with its national conditions and within the frame of their possibilities, State parties will take all necessary measures in assisting parents and other persons who are responsible for child to implement this right, and if necessary, they will provide economic-financial assistance and programs related to child nutrition, clothing and accommodation.”\(^ {194}\)

Complaints submitted to the Institution indicate, among others, the inability of parents to buy school books and supplies for their children, what only confirms that there is no necessary cooperation of competent institutions which would decrease pressure on children and their parents who need assistance. Nothing can or should be a reason that child does not attend primary school or abandon it, just like poor economic-financial situation child grows up in within the family must not be a reason that child is taken away from its family.

In their complaints parents indicate the inability to exercise the right to day care for their children that, based on the Law on Social Protection, was established for those who due to their psycho-physical difficulties and other unfavorable life conditions are in need for this form of protection.

Also complaints indicate inadequate care for adults who based on their health issues represent threat to healthy growth and development of children.

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.

Complaints of citizens indicate that they are requested different testimonials and certificates and always something new, what, at the end, was never needed or services already had it because citizens already were recorded in Center as beneficiaries. Complaints also indicate that there was no response in legally prescribed timeframe, or response to citizen was made in form of inadequate written response or information and not with appropriate assistance.

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\(^{192}\) Un Committee for Rights of the Child, 2012 Concluding Observations and Recommendations, Point 52.b

\(^{193}\) UN Convention on the Rights of the Child, Article 6.

\(^{194}\) UN Convention on the Rights of the Child, Article 27.
administrative act. Citizens state that Centers do not address them to competent bodies in situations when Centers are not competent nor they forward their requests to the competent for further proceedings.

For implementation of rights of social protection State has adapted obligation to take all necessary measures, in accordance with the use of maximum of available means, by its own effort and with the international assistance and cooperation in order to gradually provide full implementation of these rights with only one condition; it must be available to all citizens and without discrimination on any grounds.

State parties respect the right of each child to use social protection, including social insurance, and they take all measures necessary for full implementation of this right in accordance with the national laws.195

2. Economic exploitation of children and performing harmful tasks

Right of a child to protection from economical exploitation is, at the same time, in function of protection of its right to education, health protection, protection from all forms of violence and abuse and right to leisure and play.

Convention on the Rights of the Child obliges states to take all necessary legislative, administrative, social and educational measures for the protection of the child from all forms of violence, abuse, neglecting and exploitation.

In relation to the child work, Convention on the Rights of the Child defines obligation of states parties to recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or it interferes with child's education, or it could be harmful to child's health or physical, mental, spiritual, moral or social development.

a) Children work engagement

The Law on Labor, family Law and Criminal Code of Republic of Srpska have recognized international standards in the protection of children from economic or any other form of exploitation, in the part of determining the age limit when a child may be employed, conditions under which it may be employed and special protection from performing tasks where there is an increased danger.

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

Today, there are no reliable data on whether and under what circumstances children are employed.

Even though Institution did not receive any complaints indicating violation of children rights on this basis, survey made on child beggary has shown that there is “work engagement” of children at shopping centers and other objects. Through conversation with children it was

196 UN Convention on the Rights of the Child, Article 32.
learned that certain number of them works without parents’ knowledge, others have parental consent and among those are the parents who force their children to such work.

Work engagement of children, needed or forced, may have different consequences primarily on child’s health, its education and safety and therefore it is necessary for each individual case to focus activities elimination of causes that lead to work engagement of child.

Since complaints on these grounds are usually not made to competent institutions, solution is in increased surveillance and regular inspection control in discovering each illegal work engagement of children and sanctioning of those who engage them contrary to the existing legal provisions and children’s interests.

**b) Child trafficking**

Child trafficking is the worst form of abuse and exploitation of children, it is violence against children and it considers complete control over child for the sake of its exploitation – gaining financial benefit and/or satisfying other needs and interests.

Human traffickers choose children because they are vulnerable and naïve and methods they use differ from abductions to agencies for finding jobs and good salaries and similar and all with goal of exploiting children – from sexual and work exploitation to begging and forced child marriages.

Children victims of trafficking live in continuous and intensive fear of perpetrators, they react impulsively and aggressively, have communication problem, insomnia, nightmares, and their sense of security and trust in other people is being violated as well as their control over their behavior.

Child begging is one of the most present forms of child exploitation that, contrary to the other forms of exploitation, is easiest to spot. Child begging is always exploitation, abuse and neglecting of children. Those children on daily basis are exposed to situations that endanger their lives; they are out of education system, without adequate health protection and at risk to become victims of child trafficking.

Any form of child exploitation for consequence has endangering of physical and mental health of a child, jeopardizing its right to education as well as child’s moral, social and emotional development. Any form of exploitation of a child is violence against child and therefore every suspicion that child might be a victim of trafficking and exploitation must be reported to competent bodies that, in accordance with the Protocol on Proceedings in case of violence, abuse and neglecting of a child, is obliged to take all necessary measures in order to provide support and assistance for a child and to initiate process of determining perpetrator’s responsibility.

Human trafficking according to the positive Criminal Code includes criminal acts of trafficking resulting in prostitution, exploiting children for pornographic contents, production and broadcasting of child pornography, alluring to prostitution.

According to 2012 published data for B&H identified were 39 victims of human trafficking and out of this number 19 were children and all grown up persons were females. Statistic indicators do not express actual situation because here, just like with other forms of crimes exist problem of unfound and unregistered cases, and therefore system of child protection and assistance for children victims of trafficking must include recognition of children victims of trafficking, mechanisms for providing care for them, appointing guardians, measures of assisting their reintegration and measures for protection of children witnesses and victims of
trafficking, but also criminal procedure and appropriate sanctioning for perpetrators and prevention programs.

UN Committee for Rights of the Child\textsuperscript{197} has expressed its concern for:
- existence of significant differences between number of cases reported to the Police and number of processed cases,
- the fact that imposed sanctions are not commensurate to the committed act,
- cases where witnessing of a child victim was considered inadequate in determining perpetrators guilt,
- reports on girls being victims of trafficking in relation to arranged marriage.

c) Child on the street – Child beggary

Even though Institution did not receive any complaints indicating violation of the rights of children living on the street, in reporting period, on request of media and ex officio, it has indicated problem of child beggary primarily for the need of pointing out numerous risks and problems that this extremely sensitive category of children may be exposed. Survey done by Ombudsman for Children on presence of child beggary in Republic of Srpska\textsuperscript{198} has indicated the need for adequate system solution for protection of this category of children.

Living conditions of children who “work” on the street do not only violate but seriously jeopardize their basic rights, primarily the right to health protection, proper parental care, right to education and right to protection from all forms of violence, abuse and neglecting.

Beggary is one of the most present forms of child exploitation that, contrary to the other forms of exploitation, is easiest to spot.

Beggary is usually consequence of violation of numerous rights of a child, primarily inadequate parental care and untimely reaction to such living conditions. These children are often totally untidy, frozen and hungry, in all seasons on the streets with their hands open begging for charity, without appropriate education and health protection, usually left on social margins for their entire life.

By living on the street children become a part of it, adapt to its conditions and demands and become an easy prey for those who in such engagement of children see possibility of profit. Because of the consequences that living and working on the street leaves on them, very often they are not able to continue normal life.

\textsuperscript{197} UN Committee for Rights of the Child, 2012 Concluding Observations and Recommendations, Point 72.

\textsuperscript{198} According to data collected from all Centers for Social Work, Police, NGO in 2010 there were 131 child registered for child beggary. Out of 58 municipalities that have submitted their data, 12 Centers for Social Work had records on children found in beggary. In comparison with other countries in the region, statistically, data is not alarming and only Slovenia did not have these children registered while the number of children found at beggary in Montenegro for example is 3 times larger. Same goes for Macedonia and Federation of Bosnia and Herzegovina where numbers are several times larger.

According to data of competent services, children found in beggary are of different age groups, most commonly they are 6 to 9 – 37%, than 15 to 18 – 19% and under 3 years of age – 4%. According to the gender structure, there were 52% girls and 48% boys found in beggary. In accordance with collected data, children returnees to beggary were not registered in Prijedor and Banja Luka what confirms that those children usually are transported to those municipalities while in Bijeljina recorded are multiple returnees; those are children that have continuous “engagement”.

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Public Security Centers are usually the first address where children found in beggary are reported. Even thought hey take all necessary measures for every reported case, Public Security Centers emphasize that solution for this problem they only see in prevention; actually, measures of family-legal protection should ensure proper parental care for a child and in more severe sanctions towards those that allure children to beggary and in strengthening cooperation and coordination of institutions that are involved in solving this issue (State Boarder Police, Municipal Police, Inspection Services).

Centers for Social Work emphasize the need for strengthening prevention programs and activities for the sake of protection of this category of children.

According to the Roma Association representatives statements, in last couple of years, significant shifts related to Roma population were made; before all birth registry of Roma children, enrollment in schools, providing health protection and personal documentation (ID) and enrolment in preschool education. In certain number of schools evident is the problem of abandoning school and then in matter of couple of months, request for returning to that same school (Roma families go to other municipalities and they come back after few months).

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 the 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.

It is, therefore, necessary to direct activities on eliminating the causes that bring children to the street. The causes may be various, but each child requires that in a proper procedure it is determined what the best interest is for him/her 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 situation in the family and relevantly any sentence imposed in this case would further threaten the family budget.

Signing of Protocol on Proceedings in Case of Violence, Abuse or Neglecting of a Child that, among others, should ensure necessary coordination of competent services and institutions in protection of rights and interests of children, should also contribute to protection of children from neglecting and violence they are exposed to.

Introducing programs of prevention from different forms of violence, abuse and neglecting in school curriculum should contribute to protection of this category of children because children found at baggery are always victims of some form of violence, abuse and neglecting and unfortunately, very often at the same time they are victims of more than one different form of violence and neglect.

Children who are begging do not need charity, they are just children and they need condition for proper growth and development, growing up in society that respects their dignity and where they are being prepared for world of adulthood. By giving them a coin on the street we are not helping them, we are only facilitating them in the “job” that takes them to the margin of society where they stay forever.
XI JUDICIAL – PROTECTIVE RIGHTS

1. Children in conflict with the law – juvenile delinquency

According to data of the Ministry of Internal Affairs\(^{199}\) on juveniles in conflict with the law it is indicated that number of criminal reports against juvenile perpetrator of criminal acts in comparison with 2010 when this number was 705 is that the number was significantly decreased for 50% and in 2014 there were 359 reported juveniles.

According to the same data in 2013 there were 533 reports against children in conflict with the law (2012 there were 556 and in 2011 this number was 488).

Decrease in number of reports of juvenile offenders is certainly encouraging but, however, regardless of their number these reports still witness the failure of society to provide necessary care and supervision in child’s growth and development. This especially relates to children younger than 14 and who are not criminally liable and there were 23 of them in this year (in 2013 this number was 36, in 2012 – 37, in 2011 – 38). There is no criminal procedure against them but this problem is treated within the frame of competencies of the Center for Social Work with measures of family-legal protection in strengthening parental responsibility.

Even though according to the same data number of reports against juveniles is significantly decreased, the structure of criminal acts is not changed;\(^{200}\) juveniles usually commit crimes against property. Out of total number of reported juveniles in 2014, 284 reports relate to criminal acts against property, 36 against life and body and 7 are related to drug abuse.

By age structure, out of the total number of reported juveniles 259 of them are 16 - 18 years of age, 77 are 14 - 16 years of age and 23 up to 14 years of age.

Out of total number of recorded juveniles 26 are girls and this number in comparison with year 2013 has almost doubled.

In the group of criminally responsible children most often are children of 16 and 17 years. 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 jointly with other juveniles or young adults. Children, perpetrators of criminal acts, are of all social statuses.

Convention on the Rights of the Child obliges states to pass and implement general policy of juvenile justice that must consist of: prevention of juvenile delinquency, solving an problem by mediation rather than by court proceeding, minimal legal age for criminal responsibility and upper age limit for juvenile justice, guarantees for fair trial and deprivation of freedom, including custody in investigative procedure and imposing of a prison sentence.\(^{201}\)

\(^{199}\) MIA data, D/P-052-62/15, dated February 5\(^{th}\), 2015

\(^{200}\) 387 reports in 2013 was related to criminal acts against property, 50 were reports of criminal acts against life and body, 8 related to drug abuse and 7 were related to the public safety.

\(^{201}\) UN Committee for Children’s Rights; General Comment, number 10. The rights of children in system of juvenile justice, Point 15
According to the international standards, the general approach, when children in conflict with the law are in question, must be assistance and support to children. Each reaction of society towards those children must be proportional to the circumstances related to juvenile and to committed act in each specific case, where in addition to the gravity of violation; in consideration must be taken personality and personal characteristics of juvenile. As one of basic principles of society reaction must be graduality, meaning that the most grievous measures are the last ones used.

The rights of the child in conflict with the Law defined by many international instruments, among others, call for respect of juvenile's right to privacy in all phases of procedure and information that could reveal identity of juvenile must not be published because those young persons are prone to stigmatization and harmful effect that labeling them as “delinquent” or “criminal” can have on his/her personality.

The basic goal of this approach to juveniles in conflict with the Law is that reaction of society on his/her unacceptable behavior must be focused, primarily, on a juvenile's personality and his/her rehabilitation and reintegration in society and that in all cases where children are in conflict with the Law, the appropriate alternative out of formal criminal procedure should be found.

This approach requires that criminal-legal protection of juvenile is focused on education and not on punishment of a juvenile. Practical application of correctional-educational measures and recommendations that are emphasized should provide assistance and support for a juvenile, supervision and education and proper development of juvenile's personality, all with the goal of developing juvenile's personal responsibility.

The Law on Protection and Treatment of Children and Juveniles in Criminal Proceeding\textsuperscript{202} puts in foreground educational measures and recommendations because they for a goal have 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, that minor considers the consequences of its act and takes responsibility for what he/she did and to prevent juvenile in repeating criminal acts.\textsuperscript{203}

It is highly important that juvenile, in this part of procedure, understands consequences of what he/she has committed and take responsibility for his/her acts. Also, it is important that juvenile accepts recommended measures and this acceptance is not irrevocable, because juvenile could give its consent out of pure desperation, and to diminish every possibility of extortion or intimidation of juvenile in all phases of procedure. Juvenile must not feel any pressure nor may he/she be pressured to accept suggested educational program.\textsuperscript{204}

If taken in account that, in the narrow sense, juvenile delinquency represents criminal acts committed by juveniles that are defined as criminal acts or offenses, while in broader sense it includes violation of moral norms as well as all kinds of anti-social behaviors of juveniles, for the sake of preventing juvenile delinquency most important is to recognize, at the very beginning, the anti-social behavior of children and to react immediately.

\textsuperscript{202} The Law on Protection and Treatment of Children and Juveniles in Criminal Proceeding, “ Official Gazette of Republic of Srpska”, number 13/10

\textsuperscript{203} Regulation on application of educational reccomendation on juveniles, “ Official Gazette of Republic of Srpska”, number 10/10, Article 4.

\textsuperscript{204} Standard Minimal Regulations of UN for Juvenile Justice from 1985- Beijing Rules
Significant advancements have been made in this field not only in normative part but also in reaching greater sensitivity in proceedings of competent institutions what is also confirmed with the fact that Institution did not receive not even one report indicating violation of rights and interests of children that are in conflict with the law.

2. The right of a child to protection from sexual abuse and exploitation

UN Convention on the Right of a Child obliges states to take all legal, administrative, educational and social measures in order to protect child from any form of violence, including sexual abuse, exploitation and misuse while under care of parents, legal guardians or any other person that provides care for a child.205

Council of Europe Convention206 obliges to a number of measures and activities that must be taken in different fields in order to decrease risks of different forms of sexual violence, abuse and exploitation of children while under care of parents, legal guardians or any other person providing care for a child.207

Signing Protocol on Proceedings in Cases of Violence, Abuse and Neglecting of Children, on initiative of Ombudsman for Children, for a goal has that all competent institutions are held responsible for taking all necessary measures from their competences in order to protect children and their interests, but also to implement continuous and realistic cooperation amongst themselves and therefore to provide multidisciplinary approach in child protection in part of prevention and intervention.

Introduction of programs of prevention from different forms of violence, abuse and neglecting on Initiative of Ombudsman for Children became an integral part of school curriculum from 2014/2015 and it should provide children with necessary information and knowledge about different forms of violence and abuse, how to recognize it, to whom to report it, what consequences it will have on their development, and to obligations of competent services to provide them with assistance and support.

Family as basic and irreplaceable environment for growth and development of each and every child, unfortunately, is also environment where children are commonly exposed to some form of sexual violence and abuse. The role of Center for Social Work, as the key institution in protecting rights and interests of all its members also has primacy in providing psycho-social support for a child. Unfortunately, such support for a child is missing what automatically jeopardizes implementation of right of a child to protection from sexual abuse and exploitation.

In its response to Institution and in relation to suspicion that sexual abuse of seven year old girl has been committed, Center for Social Work states: “When representatives of Center for Social Work paid visit to a family, they were informed that Center provides services of

205 UN Convention on the Rights of a Child, Article 19. and 34.
207 Among else, Convention obliges to: education of children about risks of sexual exploitation and sexual abuse (Article 6.), access to programs and measures of intervention (Article 7.), adoption of national measures of coordination and cooperation (Article 10.), implementation of measures of protection and support for victims (Article 11-14)...
counseling and psycho-social assistance as well as financial support if there is a need for it.  

In its response to the Institution, Center for Social Work, in regard to the case of sexual abuse of seventeen year old girl, states: "Family is providing support for a girl and as we have been informed entire family is involved in psychological treatment". In relation to the report on suspected sexual abuse of eight years old girl, Center for Social Work has been corresponding with institutions and making official records and yet, not even one concrete action was taken that according to the Law and Protocol it was obliged to.

Lack of defined measures of psycho-social support to children-victims of sexual abuse and exploitation has for a consequence that approach of Centers for Social Work in protecting children on this varies, some are maximally engaged and use all capacities of Center and local community while other lay responsibility on other services, usually they put responsibility on Centers for Mental Health. In order to provide appropriate assistance and support to a child in each individual case, it is necessary to define measures of psycho-social support that will be mandatory, including the type of measures, methods and deadlines for their implementation, having on mind that assessment made by experts team on necessity of a certain measure or more than one, depends exclusively on the need of a child and not on ability of Center.

The basic goal of psycho-social assistance and support to children-victims of violence and their families is to strengthen child, physically and mentally, as much as possible, and to lessen consequences of committed so child can continue with its regular activities.

Protocol on Proceedings in Case of Violence, Abuse and Child Neglecting has placed obligatory standards in work of services competent for protecting children from different forms of violence, abuse and neglecting – it prescribes procedures of competent institutions in providing protection of a child.

Center for Social Work as guardianship body has the key role as all competent institutions, services and organizations are obliged to report any suspicion that child has been exposed to any form of violence and Center, according to the law, is obliged to take all necessary measures for protection of rights and interests of children.

Any suspicion on sexual abuse of a child requires that Centers immediately take measures focused on protection of child and its best interest. Measures of protection that center is obliged to take must meet special demands that afore all relate to especially sensitive position of a child, they must ensure the greatest level of assistance and support for a child but also they must prevent further trauma and victimization of a child.

Center is obliged to take all necessary measures to protect child based on the investigation and assessment made by Expert’s Team without waiting for the results of ongoing procedures (if there are any) before other services and institutions. Even in situations when other competent services are inviting them to take necessary measures for protection of

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208 Case number: 1052-8-PZ/14
209 Case number: 1053-9-PZ/14
210 Case number: 1756-161-PZ/14
211 Recommendation made to Center for Social Work number 1756-161-PZ/14
212 Convention of Council of Europe on Protection of Children against Sexual Exploitation and Sexual Abuse, Article 11.: “Each side will implement efficient social programs and establish multidisciplinary structures in order to provide necessary support to victims, their close relatives and every other person that is provides care for such child.”

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child, the adequate reaction of Centers is missing. District Prosecutor’s Office in their open case invites Center for Social Work to "take all authorities you have stated in provisions of Protocol on Proceedings in Case of Violence, Abuse and Neglecting of a Child, or eventually, some other legal provision...”

Even though the right of a child to protection from different forms of sexual abuse and exploitation requires immediate reaction of Center for Social Work, unfortunately, based on the reports made to Institution, practice proves that:
- Center did not enable child to state all facts and circumstances of committed violence, without interruptions and fear,
- It did not determine all relevant facts and circumstances indicated in the report, interweaving competent person from child’s school, family doctor, and similar,
- Did not make social anamnesis on conditions child grows up in, did not make psychological examination and in relation to that did not make plan of psycho-social treatment of a child,
- Did not implement or initiated procedure for implementation of rights of a child-victim of violence in accordance with the law on Social Protection, or by applying appropriate measures of family-legal protection that is in accordance with Family Law, and it did not provide support for a child,
- It did not enable child to express its opinion about activities that are ongoing and based on which decision on child’s rights will be made.

Absence of adequate reaction puts in jeopardy not only the right of a child to protection from different forms of sexual abuse and exploitation but also all other rights of a child. Absence of measures for adequate placement of a child jeopardizes child’s right to education because for all the time “procedure is lasting” the child does not attend school.

Work in field confirms that there are several ways the secret child was living with gets revealed: either child by accident and without intention tells it or child confides this secret with intention that violence is being stopped (she said it to her friend who than shared this secret with her parents who have reported the case) or doctors, when admitting child to hospital for certain health issues, express suspicion that child is a victim of violence and abuse.

Every form of violence against children is trauma for entire life, especially when in question are different forms of sexual abuse and exploitation of children and on top of it when violence lasts for years at child’s earliest age and when it comes from closest family members.

When talking about protection of children from all forms of violence, one primarily thinks of the role of judiciary institutions and criminal processing of perpetrators of such offenses. It is extremely important that Criminal Code recognizes all forms of aforementioned violence against children and acts against perpetrator but also it should have preventive role.

However, protection of children from various forms of violence, including sexual abuse and exploitation, requires much more. Sector of family-legal protection, social protection and education, all in their field of expertise and within the frame of their competencies and authorities, should respond with adequate measures and defined programs to the needs of children and they should provide appropriate protection of children’s rights.

Ombudsman for Children, on few occasions has addressed competent Ministries, gave proposals and made initiatives for necessary system measures in order to provide for every
individual case appropriate reaction of competent services and institutions, bearing in mind that among all subjects of protection cooperation must be continuous and coordinated.

Having protection of children and their interests as a ultimate goal, Ombudsman for Children has submitted Recommendations that relate to changes and amendments of the Criminal Code, indicating following:

- gravity and consequences that of all forms of sexual violence, abuse and exploitation have on child’s growth and development,
- obligations based on UN Convention on the Rights of the Child that require taking all necessary legal, administrative, social and educational measures for the sake of protecting child from all forms of physical or mental violations, injuries and abuses, neglecting or negligent treatment, maltreatment or exploitation, including sexual abuse,
- obligations based on Council of Europe Convention on protection of Children from Sexual Exploitation and Sexual Abuse that requires a whole range of different measures in order to protect children from any form of sexual violence, abuse, and maltreatment including the provision defining “age limit of child under which any sexual activity with the child is prohibited”
- Resolution 1099 (1996) of Council of Europe Parliamentary Assembly on sexual exploitation of children that, among everything else, proposes that national legislative is upgraded with the principle that juvenile under 15 years of age can not have its consent to sexual activities with an adult.

Proposals and initiatives for strengthening system of child protection from various forms of sexual abuse, maltreatment and exploitation, besides stated, were also relevant to following subjects of protection in regard to:

- providing certain measures of psycho-social assistance and support to children-victims of sexual abuse and their families including measures, methods and timeline for their implementation executed by competent service in order to alleviate the consequences of committed and to enable rehabilitation and reintegration of a child. Problems that child-victim faces on daily basis do not diminish in time and therefore, it is very important that child and its family are provided with appropriate psycho-social assistance and support of experts,
- providing adequate programs of informing and educating children about violence in general with the emphasis on sexual violence and abuse, on the right of a child to assistance and support from their earliest age, adjusted to child’s age and its needs,
- providing adequate programs of informing and educating of professionals who work with children, especially of those who work in education system on methods of recognizing various forms of sexual violence against children, its consequences on child’s development, measures that must be taken and ways to assist and support child so they could, in the frame of their competencies, react appropriately in prevention but also in intervention in all cases where there is suspicion that a child is a victim of violence.

The Law on Changes and Amendments of the Criminal Code does not accept Recommendation of Ombudsman for Children related to ban of performing work with

\[213\] Recommendations of Ombudsman for Children that have been accepted are: 1) statute of limitation of criminal acts against sexual integrity, marriage and family committed against persons younger than 18 is calculated from the moment child becomes of legal age, 2) mandatory psycho-social treatment of perpetrator, along with imprisonment, 3) introducing register – database of all
children, restraining order to be close to facilities and object where children are and increased age limit for consensual sexual intercourse.

The Law prescribes security measure of banning to fully or partially perform any work or obligation related to children only for perpetrator who abused its position. This legal definition decreases the number of persons to whom measure of banning work with children can be imposed to only those who have been proven to abuse their position and for perpetrators who have not abused their position such measure can not be imposed. This legal provision narrows circle of persons who can be imposed with the ban of work to only those who have abused their position. This means that perpetrators of this criminal act, who have not abused their position while making this criminal act can not be imposed with measure of work ban and they can work with children. Recommendation to increase existing age limit (14 years) for consensual sexual intercourse was not adopted in the Changes of the Law, so if the child few days older than 14 states that intercourse was voluntary it practically „frees” perpetrator of any responsibility. Experts warn that children of that age are in specific phase of their development and are not capable to fully understand seriousness and all risks and consequences their decisions may have. On the other hand, children are under continuous pressure to change their decision even when they were brave and spoke about it. What will society say, who will carry the burden of humiliation and similar practically places responsibility of committed crime on a child.

By changes and amendments of the Law, sanctions against perpetrators of sexual abuse of children also were not increased and explanation for this is that new changes of the law will deal with sanctions for confirmed criminal acts including sanctions for this form of violence. However, sanctioning policy, in last three years, shows increased sensitivity in protection of children in this segment and in certain number of cases maximal punishment for perpetrators was imposed.

A recommendation of Ombudsman for Children on the need to introduce registry-database of perpetrators of these criminal acts is accepted but, unfortunately, it still has not been implemented. Registry is one of the measures that might contribute to better protection of children from persons who already have committed those criminal acts, actually, protection of children and their safety through decreasing of number of returnees among this criminal act perpetrator. The goal of having registry is that those persons are under continuous supervision of competent institutions in order to evade all possibilities for those persons, after they serve their sentence and as the time passes, to be in situation to work with children on any basis.

Recommendations of Ombudsman for Children to competent Ministries have not only resulted from work on individual cases based on complaints indicating violation of children’s rights but also they are based on research that Institution has completed and it includes collection of relevant data on presence of occurrence, identification and analysis of legal frame, focus-group interviews with representatives of institutions and NGOs, individual

perpetrators of criminal acts against children, 4) banning those individuals who have misused their position to perform tasks, jobs and activities that bring them close to children.

214 Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, Article 5. – Each side will take all necessary legal and other measures, in accordance with its positive laws, in order to provide that persons whose profession is related to children and who on regular basis have contact with children have never been convicted of criminal acts of sexual exploitation or sexual abuse of children.

interview with children-victims of abuse, identification of measures of prevention and protection, quantity and quality of process of re-socialization of children, relation between social factors and risk from sexual exploitation of children.

Every segment of completed survey is confirmation of importance of system measures in each sector, how important it is that measures and activities are coordinated, their implementation monitored and analysis of its effects continuously analyzed so based on all this additional measures and activities could be taken in parts of system that have not been efficient enough.

Qualitative analysis of collected data indisputably indicates that certain factors related to family status, social-economic status and health condition of a child-victim and its family may have affect and cause increased risk of sexual exploitation.

When speaking of family status of children-victims of sexual exploitation, analysis shows that most of children-victims come from dysfunctional or incomplete families. Also, analysis shows that sexual abuse is usually accompanied with domestic violence; children whose parents abuse alcohol and who are neglected are at higher risk of becoming victims of sexual exploitation.

Social-economic status of family of a child-victim is at very low level. Most of children-victims come from families where neither parent has full-time employment; they usually perform temporary and occasional physical tasks.

Analysis of data related to health condition of a child-victim unfortunately indicates that even children challenged in their development are victims of sexual exploitation.

Analysis of report on focus group interviews of professionals that work with children has shown that they all agree in one thing – it is usually a child who does not get enough love and attention within its family what perpetrators of violence easily recognize and they without difficulty influence such child to satisfy their needs.

High consciousness on problem of sexual violence and abuse of children for the consequence has increased number of reports of these criminal acts. However, statistic indicators of sexual abuse and exploitation do not show realistic situation in the field. Firstly because children do not speak about it, they stay silent because they are scared that no one will trust them, that daddy will go to the jail, family will brake, peers will rumor about it or they will avoid them, they will end up in Children Home, they blame themselves for not speaking of it right after it happened, for being silent for too long, did not stop the abuser, were threatened and perpetrator told them that there is no evidence, everybody will laugh at them,... Moreover, the problem also is that those who know do not speak about it, these criminal acts are never isolated cases, on the contrary, they are planned and when or if such crime is revealed it happens couple years after initial crime took place and throughout this period child was continuously abused.

According to data of Ministry of Internal Affairs in 2014 out of 27 criminal acts 15 were criminal act of child abuse, 3 were forced intercourse with disabled person, 1 rape, 1 production and broadcasting of child pornography, 2 acts of child exploitation for pornography, 1 child trafficking and 4 other criminal acts against sexual integrity.

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Danger of sexual abuse is present for every child. Perpetrators of these acts can deceive, and they do, even adults who think they know everything about this problem. Perpetrators are persons that no one and never would suspect of doing such things, they are kind, have skills in communicating with children, they easily gain their trust, deceive and manipulate them and at the end blackmail them. Keeping them in state of fear and by blackmailing them, perpetrators give children no opportunity to speak of it. In more than 90% of cases children know perpetrator and they trust him and therefore teaching children not to open door for strangers, not to make contact with strangers and similar will not protect children from sexual harassment.

Consequences for a child are very severe and long termed. Since for years they are captured in their fear, they grow up all alone, humiliated and hurt. In their development they can have different symptoms that adults should be able to recognize: continuous presence of fear, mood changes, isolation, withdrawal or hyperactivity, problems in communication with peers and family, sleeping, eating and learning disorder, nightmares, running away from school and home, self-inflicted wounding. Symptoms may be numerous and very different, and some children have more than one of these symptoms. However, none of symptoms is indicator that child is victim of sexual abuse but it is indicator that child has a problem, cause must be found and child must be provided with assistance.

Children, victims of abuse, should be encouraged to speak of their problems. As important as having children not suffer abuse and speak about their problem is that reaction of competent institutions and services is prompt, appropriate and focused on protection of a child and providing appropriate care for such child but also in processing and appropriate sanctioning of the perpetrator.

Lack of reaction of competent institutions or their inappropriate reaction in providing support for a child or in processing perpetrator could have additional consequences on a child. At the same time, for children who have not spoken about their problem, inappropriate reaction of competent services only strengthens their belief that they should not speak of their problem.

Perpetrators of sexual abuse and exploitation of children, according to the received complaints usually are persons close to children and to whom children unconditionally trust: father, stepfather, neighbor and victims are usually girls age 7 to 17.

There is no reason that child should be enduring violence and abuse and there is no justification for competent services for not taking appropriate measures in supporting and protecting children.

3. Children in traffic

The issue of protecting children in traffic, and many other children rights, requires engagement of many subjects of protection. Convention for Protection of Rights and Interests of Children oblige states to take all necessary measures in different areas relevant to implementation of rights recognized by Convention.

Parents, before all, have obligation and responsibility to provide healthy growth and development of their children, what, among other, includes taking necessary measures for protection of child in traffic. They should teach their children from their earliest age basic rules of traffic and their obligation to respect those rules as well as additional responsibility of parents and other persons participating together with their children in traffic that they should not sit at front seat in car, without safety belt, without children car seats, and
especially when driving under influence of alcohol or in car that did not pass technical examination.

Every year, unfortunately, statistics warn that on the roads in traffic accidents children also get injured and according to data of Ministry of Internal Affairs for 2014 in traffic accidents 7 juveniles were killed in traffic accidents.\textsuperscript{217}

Each year, according to data of Ministry of Internal Affairs, certain number of juveniles is taken off the road because they were driving without driver’s license.

In number of cases that were reported to the Institution, it is stated that children’s safety was jeopardized due to the lack of appropriate signalization nearby school. Same problem is found on some locations that children must pass on their way to school and they are not properly secured. Based on administrative division of responsibility different institutions have competence on certain location and therefore relevant activities are not ongoing in accordance with needs of children and others participating in traffic.

Ministry of Internal Affairs, Ministry of Traffic and Communications, AMS and Agency for Safety on the Roads, in order to provide prevention and protection for children in traffic, each year at the beginning of school year in entire Republic of Srpska are implementing activity “Let’s protect children in traffic” that besides increased presence of police patrols close to school also appeals to all drivers to take additional caution in traffic and they organize schools workshops for children on traffic safety.

Data of Ministry of Internal Affairs on number of vehicles taken off the road because driver was under alcohol intoxication\textsuperscript{218} and every year it is emphasized that existing fines that are prescribed by the law are not appropriate for the committed crime and are not in service of prevention.

Experts warn that children in traffic are just children and they can not make estimate of speed and distance of vehicle, they perceive danger differently, can not swiftly determine direction of sound, they mimic adults behavior in traffic and it is extremely important to properly prepare child to participate in traffic. Bearing in mind the need for permanent and preventive activities for protection of child safety in traffic, children invite “world leaders to also include in new global developmental goals activities on preventing existence of road victims. Wherever we live, we want and expect safe traffic for our friends, families and ourselves.”\textsuperscript{219}

\textsuperscript{217} Ministry of Internal Affairs, Report for 2014 number D/P-052-62/15 dated February 5\textsuperscript{th}, 2015
\textsuperscript{218} According to Ministry of Internal Affairs data in 2013 24073 drivers were taken off the road and out of this number 79,8% were under alcohol intoxication, www.mup.vladars.net
\textsuperscript{219} Children’s Declaration for Safe Traffic – Save lives of children by creating safe traffic. In March 2010, UN General Assembly with resolution has announced Decade of activities for road safety 2011 -2020 (A/64/255) with the goal of stabilization and than decrease in number of deaths in road traffic throughout the world by implementing different activities on national, regional and global level.
**XII WORK EX OFFICIO**

1. **Special reports**

In accordance with the Law,\(^{220}\) Ombudsman for Children is authorized to submit special report when it assesses it necessary in relation to taking measures for protecting children rights and interests.

Special reports should contribute to systemic solving of a problem of protection of children whose rights are violated or could be violated on the same basis as is the subject of the report.

In previous period Special reports of the Institution have indicated faults that can be very different and which may lead to violation of the rights of a child. These faults may be related to positive legal solutions that are no guarantee for implementation and protection of the rights of a child in accordance with the requirements and principles of UN Convention and other international documents related to children rights, or competent bodies with inappropriate application of positive laws violate the rights of a child or procedure related to the implementation of children rights is not in accordance with the law.

In reporting period, Ombudsman for Children has made following special reports:

1. Special Report on current condition after flood in premises of Primary School “Sveti Sava”, “Vuk Karadzic” and “Dositej Obradovic” in Doboj and on organizing of beginning of school year
3. About Your Rights in Tour School – The right to protection from violence

2. **Recommendations**

In the frame of its competencies, Ombudsman for Children is authorized to propose to bodies of state administration, local community services, and other legal and physical persons who, through their work, have direct contact with children, to take measures for preventing harmful activities that endanger children rights and interests, to warn on irregularities and to request reports on taken measures.\(^{221}\)

Recommendations made in reporting period are also related to the individual cases and competent bodies were recommended to take certain measures in concrete situations but also to the competent ministries to take necessary measures in different segments so by appropriate systemic solutions removed would be all situations that have led to violation of children rights and interests.

Recommendations made to competent bodies for protection of rights and interests of children in individual cases are the measure that Ombudsman for Children uses in situations when in process of mediation with responsible side compromise was not found.

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\(^{220}\) The Law on Ombudsman for Children, Article 17.

\(^{221}\) The Law on Ombudsman for Children, Article 9.
1. Recommendation to the Public Institution Kindergarten “Majke Jugovic” Doboj – Admittance and enrollment of children in preschool institution
2. Recommendation to Center for Social Work Doboj – Protecting child from neglect
3. Recommendation to Center for Social Work Banja Luka – Acting upon reported violence against child
4. Recommendation to Center for Social Work Zvornik – Arranging personal contacts between father and child
5. Recommendation to Center for Social Work Banja Luka - Not acting upon request in legal timeframe
7. Recommendation to Center for Social Work Pelagicevo - Taking measures for protection of rights and interests of a child
8. Recommendation to Center for Social Work Zvornik - Acting upon order of Second Instance body
9. Recommendation to Center for Social Work Prijedor - Acting upon order of Second Instance body
10. Recommendation to Ministry of Justice – Child adoption
11. Recommendation to Ministry of Education and Culture - children magazines in schools
12. Recommendation to Center for Social Work Banja Luka - Deciding upon request of parents for regulating personal contacts with juvenile child
13. Recommendation to Secondary Schools Center “Nikola Tesla”, Kotor Varos – Imposing educational-disciplinary measure
14. Recommendation to Ministry of Health and Social Protection – Regulation on Foster Care
15. Recommendation to Center for Social Work Pale – Acting of Center for Social Work in case of arranging contacts between child and parent with whom child does not live
16. Recommendation to Center for Social Work Banja Luka – Acting of Center in case of reported violence against children
18. Recommendation to Basketball Association of Republic of Srpska - Protection of rights and interests of children playing sports
20. Recommendation to Education Inspectorate- Supervision of implementation of provisions in sports
22. Recommendation to the City of Banja Luka - Protection of children rights before Center for Social Work Banja Luka
23. Recommendation to Center for Social Work Prijedor - Regulation of personal contacts of parents and juvenile children
24. Recommendation to Primary School “Mladen Stojanovic”- Transfer of student to another homeroom
25. Recommendation to Education Inspectorate - Repeated inspection
26. Recommendation to Ministry of Family, Youth and Sport – Protection of rights and interests of children involved in sports
27. Recommendation to the Ministry of Education and Culture – Selection of student of the generation
28. Recommendation to the Ministry of Education and Culture – Student insurance against accidents in schools
29. Recommendation to the Ministry of Education and Culture - Strengthening system of protection of children against different forms of violence

3. Opinions

The Law on Ombudsman for Children (Article 7.) authorizes Institution, in process of preparing regulations, to give opinion on proposals of laws and other provisions if they are of significance to protection of children rights. In accordance with legally established authorities, Institution has submitted to the Ministry of Education and Culture;

1. Opinion on Draft Law on Changes and Amendments of the law on Primary Education

Acting in accordance with the Article 7. of the Law is very important for Institution and yet it is very limited because usually Institution is given very short period of time to make its opinion. In stated cases only Ministry of family, Youth and Sport has delivered to the Institution the proposed legal solution in the form of Pre–draft, so even in this early phase Institution’s opinions and stands were taken in consideration for certain parts of proposed legal solution.
XIII COOPERATION WITH CHILDREN

The Law on Ombudsman for Children\textsuperscript{222} states that the Ombudsman for Children introduces children with the methods of implementation and protection of their rights and interests and it advises children how to implement and protect their rights and interests. Ombudsman for Children continuously cooperates with children and encourages them to state their opinions, initiates and participates in public activities focused on improvement of child’s position and it proposes measures that improve child’s influence on society.

In this way Institution contributes to the implementation of one of recommendations of UN Committee for the Rights of the Child "to make additional effort in the field of informing public about Convention and to raise the consciousness on its principles and provisions, especially among children and parents."\textsuperscript{223}

UN Committee in its Recommendations in 2012 recommends Party States to work on "raising consciousness on Convention in child-friendly way, especially by using printed media, radio, television, internet and other media and also by active role of children in public field activities."\textsuperscript{224} In reporting period, Ombudsman for Children has continued its cooperation with children not only in regular activities Institution implements, but also by involving and encouraging other institutions and organizations and especially by encouraging children to work on education of children about their rights. In 2014 children have shown great interest for Institution competencies and they have addressed Ombudsman for Children asking different information about many subjects that are part of their growth and development. This certainly is indicator of good job that Institution does on field and in its direct cooperation with children where children have opportunity to actively participate in initiating topics important for them and also they participate in finding solutions for all issues relevant to their growth and development.

1. Workshops for Children

\textit{Ombudsman for Children Regular Workshops}

For five years now Ombudsman for Children implements workshops for children based on premeditated plan under the name "About your rights in your school" and so far representatives of Institution have implemented 133 workshops in primary and secondary schools across Republic of Srpska. Every year representatives of Ombudsman for Children and Young Advisors of Ombudsman for Children have organized and implemented additional workshops upon invitation of schools, institutions and interested groups of children.

Workshops’ topics were different and their goal was to introduce children with rights, obligations and responsibilities, with UN Convention and its principles, forms of violence and its prevention, gender equality, participation and they all were adapted to children and their needs.

Since Protocol on Proceedings in Cases of Violence, Abuse and Neglect was signed in 2012 which obliges to implementation of education and violence prevention, workshops “About your rights in your school” this year were dedicated to the topic of violence.

\textsuperscript{222} The Law on Ombudsman for Children, „Official Gazette of Republic of Srpska”, Article 6.
\textsuperscript{223} UN Committee for the Rights of the Child, Recommendations, Point 23.
\textsuperscript{224} UN Committee for the Rights of the Child, 2012 Conclusions and Recommendations, Point 22.
Workshops “About your rights in your school” that Institution has implemented in period from September to November 2014, titled “Do we know what violence is?” for goal had introducing children with forms of violence, how to recognize it, consequences it leaves on child’s development and forms of protection.

Workshops were implemented in 27 schools of Republic of Srpska, in 22 municipalities, and in 18 primary and 9 secondary schools.

1. Primary School “Petar Kocic” Kola
2. Primary School “Sveti Sava” Bileca
3. Primary School “Sveti Sava” Brod
4. Primary School “Vuk Karadzic” Jezero
5. Primary School “Risto Prorokovic” Nevesinje
6. “Secondary School of Economics” Bijeljina
7. Secondary School “Knezevo” Knezevo
8. Primary School “Ljutica Bogdan” Kalinovik
9. Primary School “Sveti Sava” Modrica
10. Primary School “Dragan Vujanovic” Svodna
11. Technical School Trebinje
12. Secondary School Center “Nikola Tesla” Vukosavlje
14. Secondary School Center “Pero Slijepcevic” Gacko
15. Primary School “Vuk Karadzic” Vitkovci
16. Secondary School of Agriculture Banja Luka
17. Primary School “Bosko buha” Rudo
18. Primary School “Lijesce” Brod
19. Primary School “Holandija” Slatina
20. Primary School “Sokolac” Sokolac
21. Primary School “Dositej Obradovic” Doboj
22. Secondary School “Apeiron” Banja Luka
23. Primary School “Veselin Maslesa” Brod na Drini
24. Secondary School Center “Jovan Cvijic” Modrica
25. Primary School “Desanka Maksimovic” Dragocaj, Banja Luka
26. Primary School “Sveti Sava” Miljevina, Foca
27. Primary School “Sveti Sava” Doboj

School visits were prearranged and during these visits, representatives of the Institution had discussion with school management (director/pedagogue/psychologist/social worker) and workshops with Student Council or with class that school has proposed.

Topic of workshops was the right of children to protection against violence and their goal was to educate children about forms of violence, how to recognize violence and how to act in cases when children are victims of violence or are the witnesses of violence.

One of the goals of workshops was to get opinion of children on:
- knowledge and implementation of the right to protection against violence, abuse and neglecting,
- presence of violence in the school and at home,
- obligation of adults to provide children with protection against domestic violence, violence in school and local community,
- school work on prevention and educating students about the identification, prevention, and protection from violence.
Discussions with school management

Topics related to protection of children from different forms of violence are very present in schools as almost all schools have covered topics related to peer violence. Only schools that have good management and have established rules have executed all necessary activities and introduced teachers and student with Protocol on Proceedings in Cases of Violence, Abuse and Neglecting of Children and they, through different activities, have educated children about different forms of violence. School managements put great effort to show their readiness to confront with occurrence of child abuse and in concrete cases they apply rules prescribed by Protocol.

In schools were workshop - education on implementation of Protocol on Proceedings in Cases of Violence, Abuse and Neglecting of Children were held, pedagogues and directors had no dilemma related to necessity of reacting in case of violence against children regardless of where it has happened, they have appointed coordinators, delivered all relevant data to the competent Ministry for year 2013 and they already have introduced their stuff, parents and students with the Protocol.

Knowledge of Protocol and its application in schools whose employees were not educated about it varies and it depends on interest of school management and engagement of professional services.

Opinion of children about violence

During workshops children primarily have defined violence and than they shared their understanding of violence and eventual experiences they had with any form of violence.

Primary school students more often have noticed physical violence while secondary school students were more aware of psychological violence.

Psychological violence is term known by children; primary school students explain it as intention to insult, mock and humiliate victim. Secondary school students also define psychological violence as intention to insult, mock and humiliate and fewer students have recognized threats that cause fear in victim as form of psychological violence. According to children psychological violence often becomes physical and vice versa.

At each workshop student have stated examples of verbal violence that they believe is present in family, on the street, in school, in peer communication and some secondary school students have emphasized that it has became form of “current culture” and that such behavior, swearing and insulting is absolutely acceptable form of communication and swear words are use in everyday speech but are not recognized as violence. Violence on the Internet is well known to primary and secondary school students but still some forms of behavior on internet they do not consider as violence.

Generally, children believe that some 'less harsh” forms of violence can be dealt with in the schools and that for solving cases of violence it is the best to inform police, and sometimes Centers for Social Work.

Opinions of children about violence are usually only declarative and they show that children know theory but most of children state that they would not report violence because they are afraid that it would provoke perpetrator of violence and they are not certain that anyone
would provide them with actual protection. Because of fear, insecurity and distrust children usually stay silent or are unwilling to speak of violence they have experienced and even when they decide to speak about violence it is to a person they do trust or they just ask for advice how to solve their problem and to remain anonymous.

The conversations with school managements and also workshops for children have justified signing of Protocol but also it confirmed the necessity of continuous education of children and employees of educational institutions, as well as strengthening cooperation of all institutions and services that provide protection of children from various forms of violence, abuse and neglecting.

**Workshops upon invitation**

Every year Institution receives invitations from schools, institutions or non-government organizations to organize workshops for children in order to educate them about children rights in general, or about implementing one concrete right of the child.

In certain number of schools workshops were attended by pedagogues, psychologists or teachers and after workshops were held, Institution was invited to hold additional workshops on this topic because schools have estimated that it is interesting for students and that they lack information relevant to the topic.

In 2014, after regular workshop was held in General Catholic School Center in Banja Luka, Institution was invited to implement workshops in 4 second grade classes: "*In regard to the importance of the topic and bearing in mind prevention of violence, we believe that it would be of great importance to implement this workshop in all second grade classes in our school.*"225

Non-government organization World Vision in the frame of Project of Protection of Children and Their Participation in Passing Decisions in Celinac has created group of children age 12 to 18 who should contribute to informal system of child protection in their municipality. Through World Vision children have sent letter to Institution: "*We are a group of students from Celinac that together with World Vision and Youth Center MODI are trying to inform children about their rights... We need your assistance in sense of lecturing about this and all other children rights.*” Representatives of the Institution have prepared and implemented workshop for 12 children about children rights and they shared examples from their surroundings related to certain rights.

Children’s Home “Rada Vranjesevic” for couple of years now is cooperating with Institution in a way that workshops are organized that for a goal has their education about children rights. This year, administration of Children’s Home has invited Institution to implement workshop on benefits and risks of Internet during “Children’s Week”. Representative of Institution and Young Advisors of Ombudsman for Children have presented video clips produced by Young Advisor to older primary school students and secondary school students about this topic.

**Peer education**

Peer education enables young people to get information important to them from other young persons that have been especially trained to share what they have learned. In order for system to be functional, peer educators have primary and key role. The right information,

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225 Case number: 96-1-EP/14, extract from the letter send by Catholic School Center in Banja Luka
taught in right way, enables its easier adoption and implementation in behavior and the end goal is modification of behavior. Therefore, peer educator must undergo special training in order to be efficient in its work. In accordance with this Ombudsman for Children have organized Training Seminars for Young Advisors where they have gained knowledge about children rights including right to education, right to express opinion and participation, right to protection against violence, 4 principles of UN Convention, gender equality and others and they have learned skills necessary for implementing workshops based on the model of peer education.

Since Young Advisors learn about children’s rights and acquire skills needed for holding workshops through Training Seminars they attend, they are actively involved in education of their peers in schools.

The greatest number of workshops based on model of peer education was implemented in 2013 when Young Advisors in 16 schools of 6 municipalities (Doboj, Modrica, Foca, Gradiska and Banja Luka) have implemented 43 workshops on “Do we know what violence is?” and “Gender Equality” where about 1000 primary and secondary school students across Republic of Srpska have been interactively involved.

During 2014 peer educations in schools lost their intensity except in Secondary School in Prnjavor where for four years now Young Advisors work on education first grade students about topics of children rights and gender equality. Workshops in schools this year were implemented in Technical School in Gradiska, Catholic Secondary School Center and Medical School in Banja Luka. In Technical School in Gradiska with support of school Director Young Advisor has implemented workshop for Student’s Council on topic “Do we know what violence is?”

Young Advisors from Medical School Foca have held workshops on topic of violence prevention in their homeroom classes.

In reporting period Young Advisors from Doboj have worked under specific conditions due to the flood and its consequences. In order to overcome existing situation, World Vision and UNICEF in cooperation with Association for helping children with special needs Doboj have organized „Children’s Corner“that provides them with support and assistance for recovering from trauma they have experienced. Ombudsman for Children and Young Advisors have given their support to planned activities and they have implemented 5 workshops in „Children’s Corner“ on following topics: UN Convention on the Rights of a Child, Competencies of Ombudsman for Children, Network of Young Advisors, Violence against Children, Information and Communication Technologies and the rights of a child, Right to Express Opinion. These workshops are especially important because their goal was not only education of peers about their rights but also equal involvement of children with difficulties in this form of education, their socialization and development of social empathy.

At American Corner Young Advisor have held workshop for children with topic „Violence against Children“ for what children have shown great interest not only for recognition of different forms of violence but also for implementation of different programs of prevention.

In cooperation with IN Foundation and NGO “Lara” Bijeljina for students of four primary schools in Bijeljina that are involved in project “Protection of children from violence” workshop “Peer Violence” was held by Young Advisor from Modrica with support of Ombudsman for Children Field Office Doboj.
During Fair for Children and Family Young Advisors have made contribution in educating their peers where 7 of them for two days have been promoting video clips that were produced in cooperation with Gender Center during Training Seminar held in April 2014. For preschool kids and students of lower primary school classes Young Advisor have organized a questionnaire about children rights and for older primary school kids who visited Fair they have organized brief education on recognition of different forms of violence. It is estimated that information about rights of a child in this informal and immediate way was shared with more than 200 children during this Fair.

2. Children socialization program

The project “Socialization of children of Republic of Srpska” is being successfully implemented since 2002 at the camp in Kumbor, Montenegro and its goal is socialization, integration and affirmation of children potentials and development of empathy in children.

At camp children through different activities created by them, supporting stuff and professional team of Institute for Children spend their time in socializing, learning to swim, creative workshops, preparation of evening programs and all this is done in order to provide complete and valuable socialization.

All project participants including children without parental care, children challenged in their development, children is social need, children at risk, children victims of abuse, and especially talented children age 6 to 15, together with teachers, parents and professional stuff agree that time spent in Kumbor is something they will never forget and they had no complaints whatsoever on accommodation, food, stuff and stuff’s attitude towards them.

Responsible for such great rating of camp in Kumbor are professional teams that are making sure that children stay is safe and filled with activities. Health team provides medical care for children, for sport activities responsible are sport experts, and teachers and volunteers make a great effort to organize creative workshops where children can give their best. The entire team, including Director of Institute for Children Mr. Momir Popic and his Associate Jovanka Vukovic, deserves credit for implementing program in full and for keeping great atmosphere in the camp on satisfaction of all participants.

Ombudsman for Children of Republic Srpska for six years now pays a visit to children in Kumbor and talks with them about many different topics that are relevant to their growth and development. This year, Ombudsman for Children Ms. Nada Grahovac visited eleventh group of children that have stayed in Kumbor from August 18th to August 27th, 2014. There were 131 children from Bileca, Osmaci, Kotor Varos, Celinac, Prijedor, Bijeljina, Drinica and Pale.

This form of cooperation with children is very important for the Institution because at one place found are children from different communities, schools, of different age and social status, children challenged in their development and talented children. At workshop on children rights they have stated that they know very little about this topic and that they do not learn about it in their schools. They mostly gave answers to questions related to
education and after workshop they have asked questions and shown the need to share their experiences with Ombudsman for Children.

Satisfaction of all participants with the Projects, regardless of current economic situation, additionally obliges all competent institutions to maintain same level of quality and to work on its improvement in sense of increasing capacities and including all interested institutions and organizations in this project.

Emphasized should be the fact that since 2002, about 22 000 persons were involved in the Project and out of this number 18 000 were children of the most sensitive category from all municipalities of Republic of Srpska.

3. Children’s week

Children's week is traditionally marked in whole Republic of Srpska and its aim is initiation and organizing various cultural-educational, sport and other happenings devoted to children and taking all other measures for improvement of social care for children. Program that is being passed by Minister of Health and Social Protection is jointly implemented by great number of institutions that provide care for children.

In 2014 “Children’s Week” was marked from September 29th to October 5th under common name “I have the right to speak and to be heard”. The right of a child to express opinion and to participate in every procedure that involves him/her is one of basic rights and at the same time it is one of four basic principles of Convention what obliges that this basic principle is included in implementation of every right in a way that it enables child to express its opinion.

During Children’s Week Ombudsman for Children for fifth year in a row start its activities with the youngest. This year preschoolers from Banja Luka Kindergarten “Pcelica” have paid Institution a visit and they were introduced with children rights and they have shown their knowledge through quiz on children rights. Ombudsman for Children, Field Office Foca, along with Young Advisors has visited Kindergarten “Cika Jova Zmaj” in Foca where children have learned that they have right to be loved by their moms and dads, the right to laugh and play, to sing, eat healthy food but they liked the best their right to be heard. After this visit to Kindergarten, upon invitation of Primary School “Sveti Sava” representative of Ombudsman for Children attended puppet play "It is time for fairytale”.

During Children’s Week workshops on children rights on topic “Do we know what violence is?” were held in Primary School “Vuk Karadzic” in Jezero, Primary School “Risto Prorokovic” in Nevesinje and in Secondary School of Economics in Bijeljina.

Young Advisors of Ombudsman for Children have joined program of education in regard to the Children’s Week who have held workshop in “Children’s Corner” in Doboj about “The rights of a child” where present were children challenged in their development. Young Advisors from Banja Luka have held workshop on advantages and risks of using internet for their peers in Children's Home “Rada Vranjesevic” Banja Luka.

In order to give their contribution to the topic "I have the right to speak and to be heard,” Young Advisors of Ombudsman for Children have made presentation “Our voice must be heard” where they presented all activities from the moment the Network of Young Advisors was created by which they contributed to different questions that are related to children. Presentation is available on the website of the Institution.
Every year during Children’s Week ongoing are activities by which Institution wants to draw attention of public to certain questions that are of great importance for children’s growth and development.

Pedagogic service of Museum of Republic of Srpska for ninth year in a row marks “Children’s Week” under the motto “Show what you know” where primary school students in creative workshop sculpture, paint, dance, sing, act and in that way express their opinion on certain topic. Children challenged in their development have also participated in this manifestation.

Central manifestation was organized by Ministry of Family, Youth and Sports in cooperation with all other competent ministries and Council of Children where special attention was drawn to children of “Larisa Sugic” Kindergarten from Kotor Varos. Traditionally, children were awarded for their literary works on topic “I have right to speak and to be heard” and they wrote about how they perceive and implement this right that, unfortunately, is least known of and often is not paid due attention.

4. International Day of Children’s Rights

November 20th is International Day of Children’s Rights, it is a day when 25 years ago UN Convention on the Rights of a Child was passed as universal international act dedicated to children.

Each year, in Republic of Srpska, number of institutions and organizations marking this day is increasing. On initiative of Ombudsman for Children, Central Manifestation regarding International day of children’s rights is being implemented in the school that, according to data of Ministry of Education and Culture and Republic Pedagogic Institute has the best results in studying and behaving. In regard to the to International Day of Children’s Rights and on invitation of Institution, Ministry of Education and Culture has written letter stating: “This year it is 25th anniversary of UN Convention on the Rights of a Child and Ministry of Education and Culture together with Republic Pedagogic Institute will, as it was done in previous years, join in implementation of this manifestation... We propose that this year manifestation is held in Center “Protect Me” in Banja Luka in order to draw attention to children challenged in their development and their rights.”

Students and management of the school with the pleasure had accepted this selection and they prepared program enjoyed by many guests from entire Republic of Srpska. Program prepared by Center users has shown that with lots of love and dedicated work in each child talent can be awaken; guests enjoyed their program, choir and reciter performance. Once again children were awarded for the best art works in regard to the Children’s Rights Day and award for the first place was provided by Public Fund for Child Protection, Ministry of Education and Culture provided second award and Ministry of Family, Youth and Sport provided award for third place.

On the occasion of 25 years of UN Convention on Children Rights, Ombudsman for Children in cooperation with Insurance Agency have organized Round Table “Insuring children from consequences of accidents in educational system” and Round Table “Protection of Children from different forms of violence has the key role in improvement of children rights in general”.

226 Extract from Ministry of Education and Culture letter number: 07.04/052-7198/14 dated October 21st, 2014
Ombudsman for Children, Field Office Doboj in cooperation with Association for helping children with difficulties in development from Doboj and with support of World Vision and UNICEF have organized, within Children Corners, Info Desks in Primary School “Dositej Obradovic” Doboj, OKI Center in Doboj and in Primary Branch School “Sveti Sava” Sevarlje. In cooperation with Students’ Council, Info Desk was organized also in Primary School “Vuk Karadzic: Doboj. Info Desk provided children with information on UN Convention on the Rights of a Child, their rights and obligations in the school, provided answers for their questions and shared promotional material.

After official program prepared by Students’ Council of Primary School “Sveti Sava” in Doboj was completed, for students of this primary school representative of Ombudsman for Children Field Office Doboj has held workshop “Do we know what violence is?”

Museum of Republic of Srpska traditionally marks International day of Children’s Rights and this year they have organized gathering of primary school students from Primary Schools “Dositej Obradovic”, “Vuk S. Karadzic” and “Sveti Sava” from Doboj and Primary Schools “Dositej Obradovic”, “Jovan Cvijic” and “Ivo Andric” from Banja Luka. Objective of this gathering was to point out to children their right to have access to cultural heritage.

In regard to the International Day of the Rights of a Child, UNICEF traditionally awards journalists for their contribution in improvement of social care for children.

5. International Day of Human Rights

UN Convention on the Rights of the Child introducing a child as subject of international law and protection, places foundation for new approach to children and especially insists on four basic principles, the right to life, survival and development, the right to its best interest, the right to express opinion and to participate in every procedure related to it and the right to protection from all forms of discrimination. Therefore, each International Day of Human Rights is opportunity to point out that rights of children are also human rights.

In regard to International Day of Human Rights, on December 3rd, 2014 Ombudsman for Children has organized Round Table on topic “Who and how is student of generation is selected,” where representatives of Ministry of Education and Culture, Republic Pedagogic Institute, Educational Inspectorate, Gender Center, primary and secondary schools and representatives of network of Young Advisors of Ombudsman for Children and Network of Republic of Srpska Secondary Schools Student Councils have stated their opinions.

By promoting idea that children have their human rights UN Convention on the Rights of a Child has placed foundation for new approach to children. By investing in children today, society is investing in its future where children of present will take over responsibility in measure and in a way we have taught them today.

6. International Day of Safe Internet

International Day of Safe Internet is being marked since 2004 and each year it covers different topic in order to draw attention of children and adults to the importance of new technologies in children’s life. Ombudsman for Children and Agency for Information Society International Day of Safe Internet for the fourth year now are organizing marking of International Day of Safe Internet and topic for this year is “Let’s create a better internet together.”
Central manifestation was held at Governments Administrative Center and, in spirit of the topic, all present were addressed by Nada Tesanovic Minister of Family, Youth and Sports, Nada Grahovac Ombudsman for Children and Srdjan Rajcevic Director of Agency for Information Society and they all have emphasized that it is their responsibility to provide conditions for creation of better internet. Assistant to the Minister of Family, Youth and Sports has announced creation of Committee of Republic of Srpska for fight against speech of hatred on the internet and representative of Ministry of Internal Affairs has presented activities of this Ministry on prevention, education and protection of children on the Internet.

In program have participated students of Primary Schools "Ivo Andric", "Georgi Stojkov Rakovski", "Sveti Sava", High School and Music School "Vlado Milosevic" who have shown how they use Internet and which rights and obligations they can implement on the Internet. Special contribution was made by Prof. Dr. Tatjana Tapavicki-Duronjic who has held child-friendly presentation where internet was presented as space for development but also as the space for risks.

There were more than 200 students of Banja Luka primary schools who are Internet users and who could learn from adults and their peers how to separate real and virtual worlds and how to contribute to creation of better and safer internet.

7. Ombudsman at the manifestations of children knowledge and creativity

Priority of each society is to recognize talents in children and to provide them with appropriate support in developing of their creativity and talent in field of art, culture, sport, research and innovation. Therefore, Ombudsman for Children with special attention follows and supports manifestations of children’s knowledge and creativity with the goal of expressing due attention for children’s successes.

Traditionally, for the most successful student of primary and secondary schools in competitions organized by Republic Pedagogic Institute, in Small Olympics of Republic Srpska and in competitions of Music Schools Government of Republic of Srpska organizes reception. This manifestation has gathered 396 primary and secondary school students and message sent to them was that their work and achievements must be recognized and awarded because they are future scientists, athletes and academics.

Republic Pedagogic Institute organizes every year manifestation where students of primary and secondary schools with their art and literary works celebrate birthday of their Republic. Every year closing ceremony, traditionally, is held in different town/municipality. This year host was City of Mrkonjic Grad. On this occasion in the Center for Culture facilitated was exhibition of the best students’ works and entire cultural program was performed by students of primary and secondary schools.

Young artist and writers in Republic of Srpska have opportunity to participate in couple competitions that are being organized by the Republic Pedagogic Institute in cooperation or on initiative of other institutions where their work and talent are being promoted in right way.

International Festival of Children Poetry “Mikrofin Children's Kingdom” is significant cultural manifestation for children because it promotes their cultural creativity and it contributes to children development. This year, Eight „Mikrofin Children's Kingdom” has brought to Banja Luka children poets from Federation of Bosnia and Herzegovina, Serbia, Montenegro, Croatia, Slovenia and Macedonia and it was traditionally opened by representative of Ombudsman for Children. „Children's Kingdom” should contribute to nurturing literal creativity of children and
young persons, promotion of young authors and talents and to pay respect to those authors who dedicate their literary work to the children.

Festival of one-minute movie "You have a minute" is part of campaign "Take us seriously – we speak of possibilities" is being implemented by European Union, UNICEF and USAID. Team “Genesis Project” has implemented number of workshops with children, including children with difficulties in their development, during which more than 100 author works have been created and 24 of those one minute movies were broadcasted in Banja Luka. Children have sent strong message in those movies about their needs, wishes and ambitions.

Socialization of children with difficulties in their development and their participation in different activities was especially prominent in Doboj where through activities implemented by “Association for Helping Children with Special needs” and those activities have included all those who can contribute to improvement of social care for this category of children.

Citizen’s Associations from Banja Luka that work with children challenged in their development have organized manifestations that provided opportunity for sensitization of wider public for the needs of these children, for creating new approach to children whose needs, imagination and talents are no different than in their peers. Institution gladly accepted invitation of Citizen’s Association Center for education “Your word” who has organized couple of manifestations in regard to International Day of Autism Awareness. Manifestation in regard to International Day of Persons with Down’s syndrome was organized by Children Education Center “Svjetlice” where present were representatives of numerous institutions and organizations. Children beneficiaries of day center prepared and implemented manifestation “Friends of children” and New generation have handed thank you notes to their associates.

For the first time, in Banja Luka was held “Kids-Fest Banja Luka 2014” under name “From children to children” that was of humanitarian character and it gathered great number of children who participated in animation programs, workshops and presentation of sport disciplines. This massive gathering of children, institutions, clubs that work with children and for children was organized by City of Banja Luka and Association “Via kult” from Sarajevo and with support of Ministry of Family, Youth and Sports and under RTRS media sponsorship.

Manifestations objective is to motivate and award children for achieved results and to enhance teachers in their future engagement in providing direction and support for children in need of special professional assistance in developing their talents.

8. The Ombudsman for Children in a visit

Ombudsman for Children in 2014 has accepted invitation to be guest to many institutions that during different celebrations and holidays open their door to numerous associates and guests and show how children in those institutions children are being educated during classes, in extracurricular activities, how they participate in activities of local community, institutions and non-government organizations.

Gatherings under those conditions are always special because they represent celebration of children’s successes. For years now, representatives of Institution are visiting Banja Luka High School on January 27th, known as St. Sava’s Day, Children’s Home “Rada Vranjesevic” and in the Institute for Physical medicine and Rehabilitation “Miroslav Zotovic” on December 19th (St. Nicholas’ Day).
Primary School “Sveti Sava” Foca has organized manifestation “The Day of Students Achievement” that traditionally represents the end of school year. On initiative of Students’ Council manifestation was of humanitarian character and collected funds were planned for procurement of textbooks for students of Primary School “Sveti Sava” in Doboj. Center for Mental Health from Foca in regard to March 8th and activity “Smile for Mother” has organized exhibition of children’s works and crafts and simultaneously attention was focused on children’s creativity and their equal participation in society.

“Creative August” is manifestation that NGO “Zdravo da ste” realizes for last couple of years on the riverbank of Vrbas for all children who spend summer in the city and the goal of this manifestation is to provide children with quality contents in their leisure time. This manifestation offers art, dance, music and acting workshops and it also offers workshops for the youngest ones. All workshops are executed by young people who pay equal attention to all children and there are quite a few children who for years now are growing and developing their interests and talents in those creative workshops.

Meetings with children for representatives of Ombudsman are always not only a source of information on how children of different age understand and exercise their rights but it is also a confirmation that nothing can substitute this form of communication with children.

9. Network of Young Advisors of the Ombudsman for Children

Since it was founded, and in accordance with the Law on Ombudsman for Children227, Institution has established active cooperation with children and it involved them in numerous activities Institution has organized.

First contacts of Institution employees with children have shown great interest of children to cooperate with the Institution and to take part in solving problems related to them. Respecting needs and suggestions of children, Ombudsman for Children in 2011 had established Network of Young Advisors of Ombudsman for Children with the goal to implement:
- participation of children/youth in all issues relevant to them,
- free expressing of their opinion,
- access to information,

In order to implement given goals, Institution encourages children to express their opinion about different questions related to the rights guaranteed by Convention in a way that they participate in organization and work of Round Tables, researches, peer education and selection and preparation of topics they are interested in. Young Advisors soon enough are recognized as good and reliable associates for number of topics and activities. Other institutions, Youth organizations and NGO have recognized qualities of Young Advisors and they often invite them to participate in different activities.

Through their membership in Network of Young Advisors, children/youth get opportunity to join European network of Young Advisors of Ombudsman for Children (ENYA) and participate in activities outside borders of Republic of Srpska.

Since its constituting and until the end of 2014 in activities of the Network of Young Advisors more than 100 Young Advisors have participated. Out of this number 92 had undergone

227 The Law on Ombudsman for Children, Article 6.
training on children rights and gained knowledge and skills necessary for peer educators. Young Advisors are secondary school students from 20 secondary schools of 17 municipalities of Republic of Srpska.

**Education**

Specificity of education of Young Advisors is its goal to introduce them with their rights and basic principles of Convention and at the same time to train them skills of passing on their knowledge. In this way raised is consciousness of children about their rights, encourages self-consciousness and active contribution in solving all issues related to family, school and local community.

With the same goal for 2014, Ombudsman for Children has continued cooperation with Gender Center of Government of Republic of Srpska and implemented two training seminars for Young Advisors.

**Training Seminar “UN Convention on the Rights of the Child and Information-Communication Technologies”** was held from April 3rd to April 5th on Borja and children have learned about rights related to the use of information-communication technologies.

Children have learned about gender equality and need of additional education about all that has influence on implementation of their rights under the same conditions and without any discrimination.

During training seminar Young Advisors have made 5 video clips on advantages and risk of using Internet. They created scenario, acted, choose video clip locations, filmed, edited and processed materials with the aim to send clear messages and express their opinion about Internet use. Video clips:

1. The Right to Healthy Environment, Play and Leisure Time
2. But, it all could be different
3. Advantages of Internet
4. The True Story
5. Advantages and Dangers on Internet

have become part of material that Young Advisor and Institution use in child education because Young Advisors have nicely stated: "It is concrete result of our work and we are proud of and therefore we want to present it to our peers."

**Training Seminar “The Right to express opinion – power of media”, November 6th to November 8th, 2014** Banja Luka - Borja, was taking place on two locations and it was completely different in concept and content than all already held training seminars. The goal of this approach was to give Young Advisors as much information as possible about the right on expressing opinion and media that currently have significant role in children development from their earliest age.

After they visited Institution, Young Advisors also have visited Museum of Republic of Srpska and Radio Television Home where their hosts were marketing service and youth program editorial stuff. At multimedia hall of Radio Television of Republic of Srpska (RTRS) children were informed about history of RTRS and contents of Children and Youth programs and with Editor Tijana Velic they spoke about different topics, among others, about their participation in network of Young Advisors and cooperation with Institution of Ombudsman for Children.
In order to actually implement their right to express opinion through media, Young Advisors have made statements for TV show “For a friend” that was broadcasted in November 2014. Young Advisors spoke about prevention of violence, children challenged in their development, their activities in school and local community and about youth’s needs.

Young Advisors were delighted to meet persons they regularly see on TV; they visited studio and they learned how TV program is created and broadcasted.

What influence these training seminars had on children their opinions and statements witness the best:
- Training seminars were especially interesting this year because we had opportunity to express our creativity.
- We hope that our video clips will help in education of our peers about Internet.
- Everything was great and we can not wait to do workshops.
- I hope that my school will allow me to do workshop about gender equality because so far we did not have anything like that in our school.
- Now I know that I have so many rights but also I know that I still have to work on myself.
- I have no objections, everything was great and I hope that we will meet again soon.

In 2014 educated were 30 Young Advisors from 12 secondary schools of 7 municipalities of Republic of Srpska. Everything learned about children rights, gender equality, violence and the right to express opinion Young Advisors – peer educators have passed to students of primary and secondary schools in Republic of Srpska.

Network of Young Advisors of Ombudsman for Children during last couple of years has became recognizable for its active participation in work of Institution, but since all have been trained about children rights and gender equality and they all are great collocutors for various topic they were very active in many government institutions and NGOs.

Young Advisors where promoters of campaign “No to the speech of hate on Internet” that was implemented by Committee of Republic of Srpska for fight against speech of hate on the Internet.

18th Meetings of Young People in Trebinje that was organized by Ministry of Family, Youth and Sport and Youth Council were opportunity for 10 Young Advisors to socialize with their peers from entire Republic of Srpska and to broaden their knowledge in different areas through numerous workshops.

Young Advisors, especially in municipalities that were affected by floods, were involved in all activities of their local communities; they were in teams for collecting aid for flooded in their schools, Red Cross and Youth Council. Special importance have activities of Young Advisors from Doboj, Modrica and Bijeljina who were helping in terrain cleaning and than, in Children’s Corner, in implementing peer workshops and made their contribution in improving quality of leisure time of their peers, especially of children challenged in their development.

ENOC/ENYA

On the initiative of ENOC and in order to enable children and young persons to state their opinion on current topic relevant to them on the European level, the European Network of Young Advisors - ENYA was established.

Involvement of children from Republic of Srpska in activities ongoing in the frame of European network of Young Advisors enables their cooperation with peers and exchange of
experiences in knowing, protection, implementation and promotion of children’s rights on European level.

Young Advisors of Ombudsman for Children have been involved in ENYA activities since 2010 when our Young Advisor has participated on the first meeting of young advisors in Strasbourg. Young Advisor representatives participated on second and third ENOC/ENYA meeting that were held in 2011 in Belfast, Northern Ireland and Warsaw, Poland.

Young Advisors from Republic of Srpska during 2012 have actively participated on topics of juvenile delinquency and children at institutional care on ENYA Forum.

In 2013 topic of European network of Young Advisors was “Children on the move” and topic for 2014 was “Children affected by austerity measures”. Young Advisors were invited to participate in filming short movies about those two topics but, unfortunately, Institution was not able to provide support for children in this form of engagement.
XIV COOPERATION WITH NON-GOVERNMENT ORGANIZATIONS

Non-government sector has very important role in promotion and protection of children rights and its activities are directed, foremost, to raising citizen's consciousness about human rights in general and especial about children rights, their implementation and protection.

Non-government sector achieves its goals in different ways, among others, by collecting data in the filed on different areas of implementation of children rights especially related to different forms of violence among and against children, prepares reports on condition of human rights in different areas, educates children and adults that work with children and for them, lobbying for passing different laws, or changes and amendments of the laws in order to provide better quality implementation of the rights of children in different areas conducts researches in different areas where indicated is presence of problems and causes that lead to violation of children's rights.

With their daily activities in the field, these organizations indicate problems not only in individual cases but also for certain category of children. Most of non-government organizations whose activities are related to the protection of children rights are focusing their activities to protection of children from different forms of violence, abuse and neglecting and on implementation of rights of children challenged in their development.

In the reporting period Institution received from non-government organizations reports on individual cases of violation of children's rights and partnership that Institution from its very beginning has made with non-government organizations Institution has used in all cases of changes and amendments of existing legal solutions or initiatives for passing new laws and also in instigating initiatives for passing new programs and measures in protection of children and their interests.

In the reporting period Institution received initiatives of many non-government organizations and cooperation was established with those whose activities were in accordance with Institution's planned activities and where experiences of both sides can contribute to better protection of children and their rights.

Some of activities implemented in cooperation with non-governent organizations in 2014 are:

1. UNICEF
UNICEF in Republic of Srpska cooperates with numerous institutions and non-government organizations and it implements activities related to improvement of children rights on different basis. In some of those activities active part was taken by Institution in direct cooperation or through cooperation with NGOs that were implementing projects under favor of UNICEF. Therefore, representatives of Institution have gave their contribution to many different topics: application of inclusion in primary schools, abandoning secondary education, research related to children access to justice, peer violence, participation of children challenged in their development and similar.

Emphasized should be cooperation that Institution has established with NGOs that after flood and with support of UNICEF have worked with children with the goal of improving the quality of their leisure time and also in overcoming traumas they have been through.
On occasion of International Day of Children Rights, November 20th, UNICEF traditionally awards journalists for their contribution in promotion and protection of children rights.

2. UNDP – United Nations Development Program
Ombudsman for Children, Field Office Doboj has established cooperation with UNDP representative with the goal of providing support for activities of recovery of school and kindergarten premises after disastrous flood in Doboj region.

Institution had organized meeting of representatives of schools, kindergartens, local community and UNDP when, for the first time, exchanged were information between certain parties about situation in the field and activities related to the recovery were agreed upon.

3. WORLD VISION
World Vision is humanitarian organization that in B&H is active since 1994 and their work is dedicated to children, family and community. In reporting period Institution has established cooperation with this organization in activities related to work of “Children’s Corners” in Doboj and Celinac. In Doboj “Children’s Corner” representatives of Ombudsman for Children and Young Advisors have held workshops on children’s rights, advantages and risks of Internet and violence prevention and in these workshops included were children challenged in their development.

Cooperation in Banja Luka was established through education of members of Coalition for Protection of Children in Celinac and participation of World Vision representatives in education about application of Protocol on Proceedings in Case of Violence, abuse and Child Neglecting.

4. GENESIS Project, Banja Luka
In relation to their set goals, representatives of Genesis Project have recognized Ombudsman for Children of Republic of Srpska as the institution whose authorities can contribute to the better implementation of their activities and they have initiated the cooperation. Cooperation started with active participation of Ombudsman for Children on has started educational project “Support Mechanisms for Violence Prevention and Weapon Risk Prevention”. In order to provide appropriate approach to the problem of violence against children proposed and conducted were researches on violence, survey of legislations and education of children and teachers and all these activities were monitored by experts team whose member was representative of Ombudsman for Children.

In 2014 cooperation on this project was continued and with participation of Ministry of Education and Culture and Ministry of family, Youth and Sports implemented was education of representatives of school management, Centers for Social Work, Police and NGOs about implementation of Protocol on Proceedings in Case of Violence, Abuse and Child neglecting. More than 400 various representatives has attended Seminar and at this occasion future joint activities have been agreed upon.

5. IN Foundation
Ombudsman for Children for couple of years now is cooperating with IN Foundation on different questions related to implementation and protection of children rights. In reporting period Institution has cooperated with In Foundation on topic “Zero tolerance to violence in children lives in B&H” that was implemented through activity “Community for Changes” in Doboj and Banja Luka.
6. Perpetuum Mobile – Institute for Development of Young People and Communities

For seven years now Perpetuum Mobile gathers young people who, through continued education about different topics acquire new, valuable knowledge and skills. Upon invitation of Institution Perpetuum Mobile has participated in organization of Round Table "Protection of Children from Various Forms of Violence has the Key Role in Improvement of All Rights of Children" and therefore gave its contribution to protection of children from violence. This NGO on regional level works on prevention and protection of children from violence and therefore it contributes to better overview of this problem. Result of regional cooperation was Conference "Prevention of Violence among Young Persons" that was implemented in cooperation with Gender Center.

7. "Zdravo da ste" Banja Luka

Non-government organization “Zdravo da ste” has focused most of its activities on protection of children from different forms of violence, abuse and neglecting in form of educating children and those who work with children and also by organizing creative activities for quality leisure time of children. Therefore, in reporting period Ombudsman for Children has continued its cooperation with this NGO.

Besides this, mutual goal also was Changes of Criminal Code especially in part of statute of limitation of criminal acts against children, raising age limit for voluntary sexual intercourse and banning persons convicted of any form of sexual violence and abuse against children to work with them.

8. Association of Privately Owned Preschool Institutions

Starting from the point that its success in work depends on support of all relevant institutions and organizations, Association of Privately Owned Preschool Institutions that operates on territory of City of Banja Luka has addressed Institution and requested its cooperation. Institution has accepted to establish cooperation and it actively participated in work of Round Table "Current problems in preschool institutions" where experiences were exchanged between representatives of privately owned and public kindergartens and state institutions. Association works on improvement of quality of children’s lives and it creates climate for development of their creativity and at the same time provides parents with support in raising children.

9. Youth Communication Center

Through cooperation of Ombudsman for Children and secondary school students that was implemented from the very beginning, secondary school children with great respect have emphasized the role of Youth Communication Center in forming Student Councils in schools and than in creating Network of Republic of Srpska Secondary School Student Councils. Ombudsman for Children has established cooperation with Youth Communication Center and some of the first Young Advisors of Ombudsman for Children were the children recognized by this Center as active, capable and interested young persons. As Institution was developing its work with children, many of them became even more active in Student Council and in the Network of Secondary Schools Student Councils. This year cooperation was implemented through involvement of Network of Secondary Schools Student Councils in survey about selection of student of generation and here secondary school students have implemented true participation in solving issues that directly affect them.

Members of the Network of Young Advisors of Ombudsman for Children, as members of mResurs participate on annual conference of mResurs and exchange their ideas, opinions
and experiences with secondary school students from entire Republic of Srpska and at the closing ceremony children get opportunity to ask Ombudsman for Children, Ms. Nada Grahovac. During these conferences, Ombudsman for Children has emphasized the importance of children participation in schools and local community what, among all the rest, is the aimed activity of Youth Communication Center.

10. Implementation of rights of children that have been challenged in their development:

- Association for Assisting Children Challenged in their Development, Doboj,  
- Association of Children and Youth Challenged in their Development “Tracak Nadе” Foca  
- Citizens Association for Education “ Tvoja rijec” Banja Luka  
- Children Education Center “ Svjetlice” Banja Luka  
- Association” Djeca svjetlosti” Banja Luka

Activities of Associations on raising awareness on the need for sensitizing society for needs of children challenged in their development are numerous and their goals are protection and implementation of rights of all children. Institution has cooperated with those associations in workshops for children, public discussions, round tables and manifestations that drew attention of public to problems children with autism, Down’s Syndrome, physical invalidity and other difficulties face on daily basis.

11. Protection of Children and Women from all forms of Violence—priority in all activities:

- "United women” Banja Luka  
- Citizen’s Association “Buducnost” Modrica  
- Woman Organization “Lara” Bijeljina  
- Association for assisting children and women victims of domestic violence “Woman’s Center” Trebinje

These associations’ activities for years now have been focused on protection of women and children from different forms of violence and abuse. Years of experience that these associations have, primarily in work with victims of violence, indicated the need for adopting the Protocol on Proceedings in Cases of Violence, Abuse and Neglecting of Children. Representatives of Association actively participated and made great contribution in drafting of this protocol.

After Protocol has been signed in 2012, all activities in 2013 were focused on its promotion, publishing and distribution in order to have its full application by different subjects of protection and consequently to have children protected from various forms of violence, abuse and neglecting. Institution also had cooperation with stated associations in certain number of individual cases. Those are usually cases of violence against children when they are exempted from their families and placed to a safe house.

In the premises of “Lara” Bijeljina and with its support and understanding, Ombudsman for Children, once a month, has its representatives available for citizens of greater Bijeljina region.
XV COOPERATION WITH INSTITUTIONS

Cooperation of Ombudsman for Children with competent institutions, organizations and services that in the frame of their authorities make decisions related to children, is estimated primarily through their reaction on the Institution requests - submitting response on request of the Institution, taking measures based on the recommendation of Ombudsman for Children, respecting legal deadline for reaction, making necessary documentation available for examination, and similar. This attitude of competent institutions towards Ombudsman for Children speaks of their attitude towards those issues and problems which indicate violation of children rights. At the same time, this cooperation is the key for Ombudsman to be able to respond in the frame of law to all requests related to the protection of rights and interests of each child.

Acting in accordance with its legal authorities stipulated by the Law on Ombudsman for Children, on a daily basis is addressing competent institutions.

As it was case in previous Reports, during this reporting period Institution also had great cooperation with the Ministry of Internal Affairs in different areas of protecting children’s rights. Ministry of Internal Affairs has shown high level of initiative in part of preventive work with children. In many local communities of Republic of Srpska, usually in primary schools, Ministry of Internal Affairs has organized workshops on peer bullying, violence against children, violence on the Internet, use of pyrotechnic devices, and participation in traffic.

In reporting period, Institution has continued cooperation with Ministry of Family, Youth and Sports. Cooperation during reporting period was mostly focused on protection of children from different forms of violence, abuse and neglecting through promotion of Protocol on Proceedings in Cases of Violence, Abuse and Neglecting of Children, its appropriate application by all subjects of protection, and education of employees of educational system on protection of children in this field. Cooperation with Ministry of Family, Youth and Sports was also established in drafting of First Annual Report on Violence against Children in Republic of Srpska especially in part of recognizing those services and institutions that have not adequately responded to its obligation defined by Protocol. Besides stated, cooperation was implemented in marking of Children’s Week, International Day of Children Rights and International Day of Safe Internet.

Participating in activities of Committee of Republic of Srpska for fight against speech of hate on Internet, Institution has established cooperation with all members of Committee – representatives of institutions, media and individuals that have promoted campaign “Say no to speech of hate on Internet.”

Ministry of Health and Social Protection is one of those ministries that Institution most frequently has addressed, what was expected based on the Centers for Social Work competencies in procedures of implementing and protecting children rights. Ministry as the second instance body in all these cases, in timeframe prescribed by the law has made second instance decision and in certain number of cases it also supervised proceedings of Centers for Social Work. In number of cases that required urgent reaction, Ministry in legal time frame and even earlier had decided upon complaints (in order to avoid or to decrease severity of consequences of implementation of children rights during procedure of divorce, arranging personal time with parent with whom child does not live with), and in certain number of cases supervision of center’s for Social Work proceedings was implemented.

Increased number of complaints that indicate violation of children rights in education system led to increased number of Institution’s addressing to Ministry of Education and Culture.
Number of cases Institution has acted ex officio is related to education and the need of passing certain number of normative acts so concrete questions in interest of children and employees in the education system would be regulated in unified way and in accordance with the law, and for the need to change and amend regulations as they did not have anticipated results in the field. In 2013 Ministry has delivered its Activity Plan that included deadline for implementation to the Institution but, unfortunately this plan in reporting period was not implemented in full.

In reporting period cooperation with Republic Pedagogic Institute was continued and who based on its experience contributed to better understanding of the situation in the field and consequently it contributed to better solution fro numerous topics that Institution has initiated: selection of student of generation, prevention program in school Curriculum, student insurance, weight of school bags etc. Every year, in cooperation with Ombudsman for Children, Republic Pedagogic Institute for the need of marking International Day of Children Rights organizes literary or art competition and professional commission of this Institute makes selection of the best works.

Since it was established Institution had cooperation with Public Found for Children's Protection that according to the Ombudsman for Children has up-to-date records about questions of implementation of children rights on different basis and is more than willing to cooperate. Cooperation, among others, was established on implementation of project of children socialization that on satisfaction of children and their parents is ongoing thanks to efforts of Found and competent Ministry.

Inspection service in the frame of its lawful authority has very important role in protection of children rights and interests. Institution in reporting period, on quite a few occasions, has addressed competent inspection services, most frequently addressed was Education Inspectorate. In 2013 Special Report that Institution has delivered to Inspectorate indicated were failures in proceedings of Education Inspectorate in individual cases and it was requested that Inspectorate takes measures for more efficient actions in domain of protecting children’s rights and interests. In reporting period significantly changed was approach of Education Inspectorate in protection of right and interest of children in regard to supervision, especially in part where they have taken initiative that certain questions require new normative solutions.

In reporting period Gender Center has provided support to Institution in implementation of Network of Young Advisors activities that are being financed from FIGAP program funds, but also Gender Center has provide support for other activities of Institution on educating children about their rights, especially on implementation of right to express opinion and participate in proceedings related to them. Employees of Gender Center gave their contribution in understanding gender equality at Workshops on children rights, manifestation regarding the Day of Girls in Information –Communication technologies and at Conference "Prevention of Violence among Children". Certain number of complaints indicating violation of children rights Institution has received from Gender Center. These complaints usually are related to the implementation of children rights in cases of divorce, their rights to contact and personal time with parent they do not live with and also complaints related to domestic violence where children are always direct or indirect victims.

For a fifth year now, Ombudsman for Children and Agency for Information Society of Republic of Srpska jointly are organizing marking of the International Safe Internet Day in order to emphasize all advantages and risks of internet that children can be exposed to, to emphasize the need for keeping this topic continuously actual and to indicate obligations and responsibilities of other subject that provide protection of children and their interests.
This year Institution has initiated cooperation with Insurance Agency in order to find answers to numerous questions related to insuring children from consequences of accidents in schools.

In reporting period continued was cooperation with Faculty of Philosophy and Faculty of Political Science in Banja Luka by organizing debates on certain questions where they always gave professional contribution. With their professional and argumentative approach, professionals contributed to better understanding of children rights and to more appropriate protection of children in different fields. Experts gave their contribution to all questions related to protection of children from different forms of violence, abuse and neglecting and they provided support for Institution (in drafting Protocol on Proceedings in Case of Violence, Abuse and Neglecting, Recommendation – Program of Prevention of child abuse as integral part of school curriculum, Initiative for Changes and Amendments of Criminal Code).

Institution has cooperated on different basis with employees of health institutions. For many questions that require special professional knowledge employees of health institutions with great knowledge, experience and full understanding have been huge support for the Institution. Suspicion on sexual violence and abuse of a child, children challenged in their development, health problems of a child and children rights during divorce are just some of questions that have required professional knowledge and experience for ensuring best interest of children in these concrete situations. Special cooperation has been established with Institute “Dr. Miroslav Zotovic” that, in certain number of cases Institution has acted upon, has put great effort in providing support for children challenged in their development, but also with the Institute for Protection of Mental Health in Banja Luka in individual cases of protection of rights of children that are accommodated in the premises of the Institute. Certain number of complaints received by Institution was submitted by employees of health institutions indicating improper measures of other services that work on protection of children rights and interests.

In reporting period Institution continued cooperated with Free Legal Aid Center. On initiative of Ombudsman for Children by changes and amendments of the Family Law established is the right of children to free legal aid in all cases of providing financial support. Since recognized is the need for additional engagement of Center in these cases, it is very important that this legal solution is recognized by those in need for such help who will seek it in order to have children implement their right to support.

Cooperation is established with certain number of Primary and Secondary Schools in solving individual cases and in workshops that Ombudsman for Children based on its planned activities regularly or upon invitation organizes in schools every year. Cooperation with schools is also established on topics Ombudsman for Children had initiated ex officio, in order to reach best normative solutions in given conditions and this based on professional knowledge and years of experience that school employees have. Cooperation with schools is very important for the Institution because it contributes to the better understanding of the Convention on the Rights of a Child and obligations that based on Convention different departments have, to better communication of Institution with children and schools, recognizing good practices that schools have – in solving problems of peer bullying, students’ school duty hours, work with children challenged in their development, extracurricular activities in schools, etc.

Cooperation is established with number of Kindergartens, Centers for Social Work, Museum of Republic of Srpska and Youth Council and therefore there is a continuum in increasing of number of organizations and institutions that recognize the role and significance of Ombudsman for Children and the need for joint work in order to improve position and protection of children in different areas.
There is an increase in number of institutions that before taking any measures in concrete situations, first address Ombudsman for Children and ask for opinion and suggestions on how to act in certain cases. Even though, based on the Law on Ombudsman for Children, Institution has no authority for giving opinion in concrete cases, each and every request was responded to.

It is indisputable that with each year attitude of competent institutions and services towards Institution is being improved but, still, there are differences in substantial approach and understanding of concept of protection of rights and interests of children established by UN Convention on the Rights of a Child.
Strengthening the system of child protection, among others, requires reporting on all issues of child growth and development and on indicating all situations and circumstances that lead to jeopardizing of children rights, naturally, in a way that will not further harm children. Reporting about all issues related to child’s growth and development requires better cooperation between media and other institutions and services that work with children. Media often emphasize that it is hard to find person willing to speak of implementation of children’s rights and who works in child-related institution and who has authority to speak of child related issues.

In functioning of Ombudsman for Children public has extremely important role for number of reasons: informs of individual violation of rights of a child, indicates weaknesses of certain parts of the system and the need for system measures and activities in protection of children rights and interests, it makes Institution visible and more prone to the citizen’s needs. Based on the importance that public has in functioning of Institution in promotion of children rights and in informing public of violation of the right of a child in certain case, Institution has used different measures to make its work available for public.

Informing public about violation of the rights of a child at the same time has preventive and educational role - prevention of future similar occurrences and introducing not only children but also those who provide care for children with the methods and possibilities for implementing and protecting the rights of a child.

The goal of informing public is not only to contribute to solving of individual cases but also to indicate system vagueness in recognizing basic requirements and principles of Convention in implementation of rights and interests of children and their protection, in indicating failures in work of institutions and services but also to invite children and their parents and all those who provide care for children to react and report all cases of child endangering.

Huge interest of media for Institution’s activities has made significant contribution to the „visibility” of Institution of Ombudsman in public and also on informing public on implementation of children’s rights in general, especially in areas where their rights often are violated. With its active media contributes to raising consciousness on importance of recognizing children rights and necessity of appropriate reaction in given situations. By indicating violations of children rights it simultaneously indicates the weaknesses of certain parts of system that did not adequately respond to children’s needs.

Each media reporting about children causes reaction in sense that there are more addressing to the Institution; either there is a bigger number of complaints related to children rights or requested are additional information for certain situations children have found themselves in. In last year certain number of citizens has contacted Institution and expressed their support to the topic and way it is being spoken of or simply to state their opinions and share their experiences in protection of children rights.

In reporting period, almost all segments of child growth and development and all rights of the child were subject of interest of media. Most frequently, interest was focused on problem of violence against children, child begging, non-payment of alimony and problems single parents and parents of large families face on daily basis, protection of children from different forms of violence on the Internet, child neglecting.
According to the record, in 2014, number of journalist’s request for Institution’s opinion about different questions related to child’s growth and development has stayed at the same level as in 2013.

During reporting period Institution has established cooperation with almost all media, written and electronic, of local or state character. But, for significant number of media reports, Institution reports, recommendations and publication that are published on website were the source for media reporting on implementation of children rights in different areas.

In reporting period Institution received certain number of complaints from media on violation of children’s rights. Those complaints in most cases were reports of different forms of violence against children and child abuse.

Media reports about violation of children rights, in reporting period, were the base for Institution’s activities and requests for responsible party to take all necessary measures and activities in protection of children and their interests. These reports usually were about different forms of violence and also about inappropriate conditions for child’s growth and development.

Besides cooperation with the Media, the Institution has used other ways in order to inform public about its activities. One of these ways is cooperation with NGOs that have years of experience in protection of children rights.

Besides stated, printing of the Annual Report, its publishing on the Institution’s web page and delivering to many addresses for the goal has informing the widest public about activities of the Institution in regard to implementation and protection of the rights of the child in different fields, and with those issues and questions that usually indicate the violation of children’s rights.

In addition to the Annual, Special Reports of the Ombudsman for Children, and all Recommendations, Opinions and Initiatives are as well available to the public. Practically, all daily activities of Institution are available to the public.

To inform public, the Institution has also used personal contacts with different target groups (student’s councils, kindergarten visits, school visits, parental meetings, cooperation with governmental institutions, cooperation with NGO…), which was of great importance for the Institution.

Web page of the Institution is recognizable by its content and is not only of informative character, but also it is in educational function for all its users. The contents on the web page www.djeca.rs.ba are updated daily and are intended primarily for children and those who provide 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. Constant increase in the number of visitors on the web page obliges Institution to additional contents.

Institution will, in the forthcoming period, continue cooperation with the Media and also it will encourage subjects of protection to make their work with children more transparent and to make their activities, programs, measures and general acts available to whom they are intended for.
XVII OTHER ACTIVITIES

Ombudsman for Children has established cooperation with almost all institutions of Ombudsman for Children and in the frame of this cooperation all information and experiences of these institutions are mutually being exchanged. Many questions and problems that Institutions of Ombudsman for Children and other organizations and institutions indicate are almost identical in neighboring countries.

Exchange of experience of Ombudsman for Children institutions is related to normative framework, system solutions in implementation of children rights in different areas, good practice, but also in weaknesses of certain parts of system, and for each institution this is very important experience.

Upon invitation, Institution was present at following international conferences:

**International Conferences**

Danilovgrad | January 21st – 22nd, 2014
Regional Meeting of parliament bodies for human rights and the rights of a child with institutions of Ombudsman for Children from countries of the Region on topic “The right of a Child – improvement of child’s position in regard to all forms of exploitation”

Dubrovnik | March 26th – 28th, 2014
International Conference on Implementation of 2012 – 2015 Strategy of Council of Europe on Children Rights

Beograd | September 17th – 19th, 2014
Annual Conference of Network of Ombudsman for Children of South-East Europe on topic “Economic crisis: Children services have (not) survived. What are we doing?”

Beograd | December 5th, 2014
Thematic Meeting of network of Ombudsman for Children of South-East Europe on topic “Internet, challenges and possible risks”.

Upon invitation of organizer, Institution attended:

**Banja Luka** | January 27th, 2014
City of Banja Luka – Awarding the best students of primary and secondary schools

**Sarajevo** | February 12th, 2014
UNICEF Workshop “Assessment of child beggary and other forms of work on streets in BIH”

**Banja Luka** | February 19th, 2014
Round Table: “Implementation of inclusion in primary schools”

**Bijeljina** | March 1st, 2014
Seminar “Protection of children from violence”
Foca
March 4th, 2014
Exhibition of children works “Smile for mother”- Center for Mental Health

Banja Luka
March 5th, 2014
Professional discussion “Problems in system actions in proceedings of regulating personal contacts of parents and children”

Banja Luka
March 12th – 14th, 2014
Workshop “Domestic Violence”

Banja Luka
March 13th, 2014
Round Table “Health and education – success and equality for all”- marking of International Day of Persons with Down’s syndrome

Banja Luka
March 29th, 2014
Working meeting “Inclusion within education system”

Banja Luka
April 2nd, 2014
Marking of International Day of Autism Awareness

Banja Luka
April 7th, 2014
The Initial Meeting of Committee of Republic of Srpska for fight against speech of hatred on the Internet

Banja Luka
April 9th, 2014 Seminar in regard to International Day of Children Exposed to Exploitation on the Street

Banja Luka
April 24th, 2014
Conference “Girls and Information-Communication Technologies”in regard of “International day of Girls in Information-Communication Technologies”

Banja Luka
April 25th, 2014
International Festival of Children Poetry “Children’s Kingdom Mikrofin”

Foca
April 28th, 2014
Round Table “Communication with persons with disabilities”

Banja Luka
May 12th, 2014
Round Table “Family facing addictions challenges”

Banja Luka
June 4th, 2014
Conference “No one should tolerate violence against children” in regard to International Day of children victims of violence

Banja Luka
June 7th, 2014
Round Table “Current situation in kindergartens”

Banja Luka
June 11th – 12th, 2014
Seminar – Education of professionals on application of Protocol on Proceedings in case of Violence, Abuse and Child Neglecting

Banja Luka
June 13th, 2014
Kids Fest Banja Luka 2014 – “Children to children”

Banja Luka
14th – 15th, 2014
Fair for Children and families

Banja Luka
16th – 17th, 2014
Symposium “Multisectoral response to addiction diseases”

Banja Luka
June 19th, 2014
Regional Conference “Prevention of violence amongst youngsters”
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<tr>
<th>Location</th>
<th>Date</th>
<th>Event Description</th>
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<tr>
<td>Banja Luka</td>
<td>July 2&lt;sup&gt;nd&lt;/sup&gt;, 2014</td>
<td>Report on Project: “Monitoring of System of Justice in relation to implementation of sexual and gender equality”</td>
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<tr>
<td>Celinac</td>
<td>July 9&lt;sup&gt;th&lt;/sup&gt;, 2014</td>
<td>Opening of “Children’s Corner”</td>
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<tr>
<td>Banja Luka</td>
<td>August 22&lt;sup&gt;nd&lt;/sup&gt;, 2014</td>
<td>Presentation of Republic of Srpska Campaign on Fight against Speech of Hatred</td>
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<td>Doboj</td>
<td>September 1&lt;sup&gt;st&lt;/sup&gt;, 2014</td>
<td>Opening of “Children’s Corner”</td>
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<td>Banja Luka</td>
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<td>Banja Luka</td>
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<td>Central manifestation of Children’s Week “I have the right to speak and to be heard”</td>
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<td>Banja Luka</td>
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<td>Round Table “Participation of Young Persons with invalidity in Youth Policy for period 2016 – 2020”</td>
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<td>Sarajevo</td>
<td>October 23&lt;sup&gt;rd&lt;/sup&gt;, 2014</td>
<td>Presentation of results of survey “Assessment of child beggary and other forms of work on the street in B&amp;H”</td>
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<td>Banja Luka</td>
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<td>Banja Luka</td>
<td>October 27–29&lt;sup&gt;th&lt;/sup&gt;, 2014</td>
<td>Seminar “Planning based on the best interest of a child”</td>
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<td>Banja Luka</td>
<td>October 31&lt;sup&gt;st&lt;/sup&gt;, 2014</td>
<td>Meeting of coordinators for monitoring of implementation of Protocol for Proceedings in Cases of Violence, Abuse and Child Neglecting</td>
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<td>Banja Luka</td>
<td>November 19&lt;sup&gt;th&lt;/sup&gt; – 20&lt;sup&gt;th&lt;/sup&gt;, 2014</td>
<td>Workshop “Prevention and fight against sexual abuse and child pornography on the Internet”</td>
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<td>Banja Luka</td>
<td>November 20&lt;sup&gt;th&lt;/sup&gt;, 2014</td>
<td>Marking of International Day of Children Rights in Museum of republic of Srpska</td>
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<td>Banja Luka</td>
<td>November 25&lt;sup&gt;th&lt;/sup&gt;, 2014</td>
<td>Festival of one minute film „Got a minute?” as part of campaign “take us seriously – we speak of possibilities”</td>
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<td>Sarajevo</td>
<td>November 27&lt;sup&gt;th&lt;/sup&gt;, 2014</td>
<td>Initial meeting on advanced education and scientific researches about rights of a child in Bosnia and Herzegovina, UNICEF</td>
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<td>Banja Luka</td>
<td>December 2&lt;sup&gt;nd&lt;/sup&gt;, 2014</td>
<td>Conference “Social response to gender-based violence”</td>
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<td>Banja Luka</td>
<td>December 4&lt;sup&gt;th&lt;/sup&gt;, 2014</td>
<td>Symposium “Demographic policy in Republic of Srpska – reality and needs”</td>
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Banja Luka  December 5th, 2014
Central manifestation in regard to International Day of Volunteers

Sarajevo  December 4th – 5th, 2014
Seminar “Media and citizens in service of preventing hatred and in promotion of reconciliation and stability”

**Institution has organized:**

**Banja Luka  February 11th, 2014**
Marking of the International Day of Safe Internet “Let’s create better internet together” in cooperation with Information Society Agency of Republic of Srpska and Ministry of family, Youth and Sports

**Borja  April 3rd – 5th, 2014**
Training Seminar for Young Advisors of Ombudsman for Children “UN Convention on Children Rights and Information-Communication Technologies” in cooperation with Gender Center of Republic of Srpska Government

**Borja  November 6th – 8th, 2014**
Training Seminar for Young Advisors of Ombudsman for Children “The Right to Express Opinion – power of media” in cooperation with Gender Center of Republic of Srpska Government

**Banja Luka  November 12th, 2014**
Round table “Insuring children from consequences of accidents in schools” in cooperation with Insurance Agency of Republic of Srpska

**Banja Luka  November 19th, 2014**
Round Table “Protection of children from different forms of violence has the key role in improvement of all children rights”

**Banja Luka  November 20th, 2014**
Central manifestation in regard to International Day of Children Rights, Center “Zastiti me” in cooperation with Ministry of Education and Culture and Republic Pedagogic Institute

**Banja Luka  December 3rd, 2014**
Round Table “Who and how selects student of generation?” in cooperation with Republic Pedagogic Institute

**PUBLICATIONS**

In 2014 Institution has published following publications:

2. Children on the Internet
3. Network of Young Advisors - Pamphlet
4. Protocol on Proceedings in cases of violence, abuse and neglecting of children
## THE BUDGET

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<tr>
<th>No.</th>
<th>Analytical account</th>
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<td>Expenditures for pension and disability insurance</td>
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<td>Expenditures for unemployment insurance</td>
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<td>Expenditures for central heating</td>
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<td>Expenditures paid by employer on basis of contribution for solidarity</td>
<td>3.895,59</td>
</tr>
<tr>
<td>9</td>
<td>4129-92</td>
<td>Expenditures for memberships</td>
<td>421,16</td>
</tr>
<tr>
<td>10</td>
<td>4129-99</td>
<td>Other non-mentioned expenditures</td>
<td>1.678,69</td>
</tr>
<tr>
<td>510000</td>
<td>Expenditures for non-material property</td>
<td>844,04</td>
<td></td>
</tr>
<tr>
<td>--------</td>
<td>------------------------------------------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>516100</td>
<td>Expenditures for materials in reserve, packagings, etc.</td>
<td>844,04</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>APPROVED BUDGET FOR 2014</td>
<td><strong>725.600,00</strong></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>REALIZED IN 2014 IN TOTAL</td>
<td>725.387,75</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>UNUSED APPROVED BUDGET FUNDS</td>
<td><strong>212,25</strong></td>
<td></td>
</tr>
</tbody>
</table>

**FUNDS RECEIVED FROM DONATORS IN 2014**

<table>
<thead>
<tr>
<th>Transfer for current grants in the country (FIGAP program)</th>
<th>10,057,87</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL FUNDS FROM DONATIONS-GRANTS</td>
<td><strong>10,057,87</strong></td>
</tr>
</tbody>
</table>
XIX PLANNED ACTIVITIES FOR YEAR 2015

In accordance to the authority prescribed by the Law to monitor harmonization of the laws and other regulations of Republic of Srpska with Constitution of Republic of Srpska and demands and principles of UN Convention on the Rights of a Child and other international documents that relate to protection of rights and interests of a child, in 2014 Ombudsman for Children will:

- as in previous period, Institution will supervise 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 of the same;
- it will continue its activities in monitoring implementation of Protocol on Proceedings in Cases of Violence, Abuse and Neglecting of Children,
- it will implement program of prevention of violence, abuse and neglecting of children that is integral part of school curriculum for year 2014/2015
- Institution will launch initiative that programs of prevention of students health protection (alcohol, tobacco, reproductive health, weight of school bags, healthy nutrition and healthy life styles) are part of obligatory school curriculum,
- In order to protect right to education of children challenged in their development Institution will collect data from all relevant competent services and institutions on number of children challenged in their development who, according to the assessment of the First Instance Professional Commission, were suggested for having assistant in school in order to provide support with appropriate system solutions to children who are in need of such assistant according to the assessment of the above stated commission,
- Continue research on organization and functioning of Student Homes, their capacities and conditions for implementation of children rights,
- In order to prevent proceedings that lead to violation of children and that relate to disciplinary responsibility of students in educational system, un existing normative frame and in role of inspection Institution will insist that the issue of disciplinary responsibility is defined in unique way,
- Institution will continuously work on citizens’ complaints that indicate violation of children’s rights and interests expecting that with each year, in the total number of complaints the interest of children as complainants will be recognized,
- Institution will, on its own initiative, just like in previous period, work on improvement of the child position in certain areas,
- The Ombudsman for Children will continue to cooperate with children and it will, according to its agenda, but also by invitation, organize workshops in schools in order to familiarize children with their rights and possibilities of protection of those rights and about obligations and responsibilities children do have,
- Institution will continue its cooperation with primary school Student Councils and with the Network of secondary schools Student Councils by actualizing topics and problems that students think should be additional defined or about which they should know more and by mutual work they would be implemented in proper way,
- Institution will enable Network of Young Advisors and all children and young persons who are primarily interested to work on those issues and problems that they encounter on a daily basis, to contribute by giving their opinions in finding solutions for many topics and problems which they will initiate on their own or in cooperation with the Institution,
- As in previous period, 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 Institution will pay due respect to marking of Children's Week and Children 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.
- Institution will, with the goal of public informing about condition of the rights of the child and activities of the Institution, in fore-coming period continue cooperation with Media and also it will encourage subjects of protection to cooperate with media, to make their work with children more transparent and to make all their activities, programs and measures available for those for whom they are intended.
- Cooperation with Non-government organizations will be continued on all issues where with common engagement we can accomplish a better result, especially related to application of the Protocol on Proceedings in case of violence, abuse and child neglecting.
- As a full member of ENOC and CRONSEE, Institution will continue cooperation with institutions of Ombudsman from surrounding countries, and it will actively contribute to the improvement of these associations work.